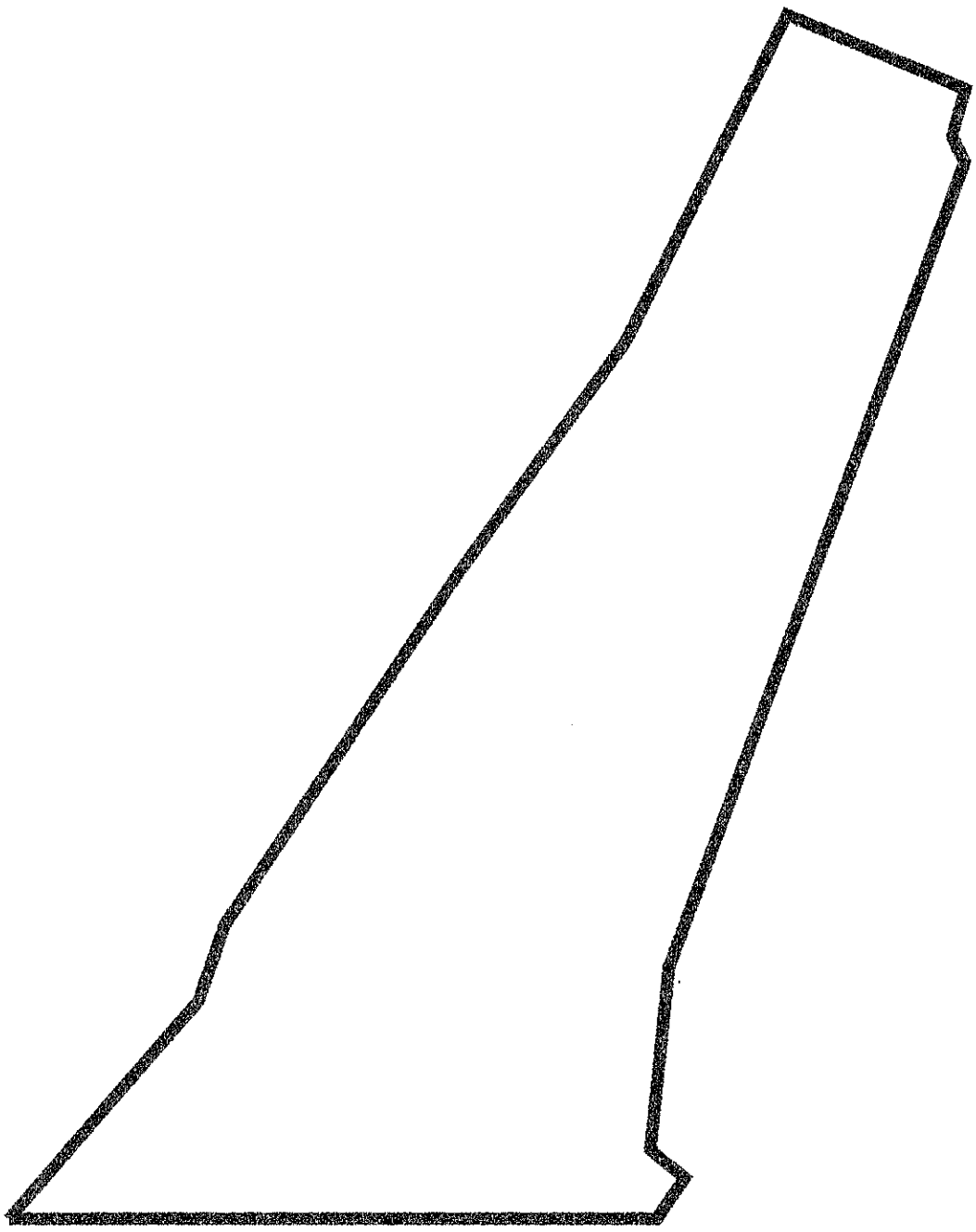
WARREN TOWNSHIP



SUBDIVISION & LAND DEVELOPMENT ORDINANCE

Adopted: _____, 2004

THE WARREN TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT

ORDINANCE OF 2004

AN ORDINANCE REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN WARREN TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA: REQUIRING THE SUBMITTAL OF SUBDIVISION AND LAND DEVELOPMENT PLANS FOR TOWNSHIP REVIEW: PRESCRIBING STANDARDS OF DESIGN, PLAN REQUIREMENTS, PLAN PROCESSING, IMPROVEMENT AND CONSTRUCTION REQUIREMENTS, AND CONDITIONS OF ACCEPTANCE OF PUBLIC IMPROVEMENTS.

The Board of Supervisors of Warren Township, Franklin County, Pennsylvania, does herein and hereby ordain that an ordinance regulating the subdivision and development of land within Warren Township, Franklin County, Pennsylvania; requiring the submittal of subdivision and land development plans for Township review; prescribing standards of design, plan requirements, plan processing procedures, improvements and construction requirements, and conditions of acceptance of public improvements, is hereby imposed pursuant to Article V of the Pennsylvania Municipalities Planning Code, Act 267 of January 1, 1969, as amended.

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ARTICLE I

PURPOSES, INTERPRETATION, SHORT TITLE, AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

SECTION 100 PURPOSES

This Ordinance is enacted for the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of Warren Township; for the coordination of existing streets with proposed streets; for adequate open space for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of Warren Township.

SECTION 101 INTERPRETATION

The provisions of this Ordinance should be held to be minimum requirements to meet the above stated purposes, where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance should prevail. Where the provisions of any statute, other ordinance, or regulations impose greater restrictions than those of this Ordinance, the provisions of such statute, other ordinance, or regulation should prevail.

SECTION 102 SHORT TITLE

This Ordinance may be cited as "The Warren Township Subdivision and Land Development Ordinance of 2004".

SECTION 103 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

In addition to the foregoing, this Ordinance is adopted in the interest of protecting and promoting the public health, safety, morals, and general welfare, and should be deemed to include, among others, the goals of the 1999 Franklin County Comprehensive Plan, the contents of which are hereby ratified, approved, adopted, and incorporated herein by reference as fully as those set forth at length herein, by the Warren Township Board of Supervisors.

1. The important natural and agricultural resources of Warren Township should be preserved; they include air, land, and water. Therefore the Township should act to:

    A. Encourage the preservation of large contiguous parcels of farmland and woodland;

B. Ensure that development respects the natural features of the land, especially creek valleys, wetlands and very steeply sloped lands; and

C. Protect the quality of air, groundwater and surface waters.

2. The single-family house will remain the predominant dwelling type. The preservation and rehabilitation of historically significant architecture should be encouraged.

3. The Township should provide for land uses that are compatible. Development should be directed to locations that minimize the amount of land consumed. Conflicts between agriculture and other uses should be minimized.

4. A safe and efficient road system should be provided. The Township will work aggressively to obtain funding and to complete needed road improvements. Vehicle access onto major roads will be managed and coordinated to avoid conflicts with through-traffic.

5. In summary, the Comprehensive Plan should contribute to the healthy economy of the Township and the efficient provision of public services. Cooperation and coordination should be promoted across municipal borders and between agencies. Recommendations should be made for the best methods of land development to developers and property owners. Plans should be made for needed public improvements in coordination with development.

SECTION 104 DRAFTING GUIDELINES

This Ordinance has been drafted and enacted after consideration and incorporation of the guidelines set forth in the Pennsylvania Municipalities Planning Code, as well as the procedural safeguards required by the common law of the Commonwealth of Pennsylvania [See, e.g., Board of Supervisors of Franklin Township, Adams County, Pennsylvania vs. Meals, 57 Pa. Commonwealth Ct. 129, 426 A.2d 1200 (1981); Board of Supervisors of Upper Frederick Township vs. Moland Development Company, 19 Pa. Commonwealth Ct. 207, 339 A.2d 141 (1975)].

ARTICLE II

DEFINITIONS

SECTION 200 DEFINITIONS

As used in this Ordinance words in the singular include the plural, and those in the plural include the singular. The word "person" includes corporation, unincorporated association and partnership, as well as an individual. The word "building" includes the meaning of "structure" and shall be construed as if followed by the phrase "or part thereof". The following terms as used in this Ordinance shall have the meanings indicated below unless the context clearly indicates otherwise:

ACCELERATED EROSION - The removal of surface materials by the action of natural elements caused by man's manipulation of the landscape.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALLEY (or SERVICE DRIVE) - A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, personal representatives, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

APPOINTING AUTHORITY - The Board of Supervisors of Warren Township, Franklin County, Pennsylvania.

AS-BUILT DRAWING – A plan prepared and certified by a registered engineer or surveyor illustrating the physical location, dimensions and topographic features of improvements in relation to property boundaries, other features and improvements and the specifications of any approved development plan. As-built drawings shall be prepared at a scale of not less than one inch equals fifty feet.

BEST MANAGEMENT PRACTICE (BMP) – Stormwater structures, facilities and techniques designed to maintain or improve the water quality of surface runoff.

BLOCK - An area bounded by streets.

BOARD - The Warren Township Board of Supervisors.

BUILDING LINE - A line parallel to the front, side or rear lot line set so as to provide the required yard.

BUILDING SETBACK LINE (setback) - The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

CARTWAY - The portion of a street intended for vehicular use.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

COMMISSION - The Warren Township Planning Commission, or, in its absence, the Warren Township Board of Supervisors.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

CONDOMINIUM - Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

CONSISTENCY – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

COOPERATIVE - Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale, or exchange of a unit is subject to the agreement of the group of persons having common ownership. The term "cooperative" includes, but is not limited to, agricultural cooperatives.

CROSSWALK - A right-of-way for pedestrian travel across or within a block.

CUL-DE-SAC - A residential street with access closed at one end and with a vehicular turn-around at the closed end.

CUT - A excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

DECISION - A final adjudication of any board or other body granted jurisdiction under This Ordinance or the Pennsylvania Municipalities Planning Code, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations; all decisions shall be appealable to the Court of Common Pleas of the County and Judicial District wherein the Township lies.

DETENTION BASIN – An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETERMINATION - The final action by an officer, body or agency charged with the administration of the present ordinance or applications thereunder, except the Warren Township Board of Supervisors; all determinations shall be appealable only to the Board having jurisdiction for such appeals.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN - The provisions for development, including a Planned Residential Development, a plat of subdivision, all covenants relating to use, location and bulk or buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the development plan" when used in This Ordinance shall mean the written and graphic materials referred to in this definition.

DRAINAGE - The flow of water or liquid waste and the methods of directing such flow.

DRIVEWAY - A minor vehicular cartway providing access between a street and a parking area or garage within a lot or property.

DWELLING - A building designed for residential purposes and used as living quarters for one or more persons.

DWELLING UNIT - One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family or a single person.

DWELLING, SINGLE FAMILY DETACHED - A building used by one (1) family, having one (1) dwelling unit, and having two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED - A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with the other buildings.

DWELLING, SINGLE FAMILY, ATTACHED (ROW/TOWNHOUSE) - A building used by one (1) family, and having two (2) party walls in common with the other buildings.

DWELLING, TWO FAMILY, DETACHED - A building used by two (2) families, with one dwelling unit arranged over the other having two (2) sides.

DWELLING, TWO FAMILY, SEMI-DETACHED - A building used by two (2) families, with one dwelling unit arranged over the other, having one (1) side yard, and having one (I) party wall in common with another building.

DWELLING, MULTI-FAMILY - A building used by three (3) or more families, living independently of each other and having their own cooking facilities, including apartment houses.

DWELLING, GARDEN APARTMENT - A two story multi-family dwelling containing one (1) story dwelling unit, under one ownership.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock, or earth.

EASEMENT - A right granted for the use of private land for certain public, quasi-public or private purposes; also the land to which such right pertains.

ENERGY DISSIPATOR - A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Warren Township Board of Supervisors or the Warren Township Planning Commission.

ENGINEER, REGISTERED - A person registered as a Professional Engineer by the State of Pennsylvania.

ENGINEERING SPECIFICATIONS - The Engineering Specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FINISHED FLOOR – Any part of a dwelling except a totally below ground basement. Buildings which have exposed basements shall include the basement as a finished floor.

FLOODPLAINS AND FLOODING - Defined by the United States Water Resources Council as areas adjoining rivers, streams, or watercourses, which in the past have been covered by floodwaters, or can be reasonably expected to be covered in the future. Both time frames are important. Identified floodplains are depicted in the latest edition of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Mapping for Warren Township.

A floodplain can be divided into two parts:

1. The floodway is the area closest to the water, and most likely to be flooded frequently. It is usually considered high hazard area.

2. A flood prone area lies beyond the floodway. Flood prone areas are designated by their probability of being flooded; a one hundred year floodplain includes the floodway, and flood prone land adjacent to it, which has a one percent probability of being flooded each year, and a one hundred percent probability of being flooded within one hundred years. (Of course, these are only probabilities; one hundred year floods could occur in successive years.)

FREEBOARD - The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

FRONTAGE – The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway.

FUTURE RIGHT-OF-WAY –

1. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.

2. A right-of-way established to provide future access to or through undeveloped land.

GENERAL CONSISTENCY, GENERALLY CONSISTENT – That which exhibits consistency.

GOVERNING BODY - The Warren Township Board of Supervisors.

GRASSED WATERWAY - A natural or man-made drainageway of parabolic, triangular or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff (also known as a swale).

IMPROVED PUBLIC STREET - Any street for which the Township has maintenance responsibility and which is paved with an approved hardtop surface.

IMPROVEMENTS –

1. Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, driveways, culverts, and street shade trees.

2. Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

INTERIOR WALK - A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LAND DEVELOPMENT –

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose, including large-scale agricultural operations and earthmoving activities in excess of one (1) acre, involving:

   A. A group of two (2) or more residential buildings, whether proposed initially or cumulatively, or one or more nonresidential buildings on a lot or lots regardless of the number of occupants or tenure; or

   B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, cooperatives, building groups or other features.

2. A subdivision of land;

3. The addition of an accessory building, including farm buildings, less than 8,000 square feet in size, on a lot or lots subordinate to an existing principal building, shall not constitute a "land development", as defined herein.

LANDMARK - A prominent feature of landscape, such as a tree, waterway, scenic point, etc.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance; provided however, that no person shall be entitled to act in the capacity of a landowner absent without the prior written consent of the legal owner so to act.

LOT - A tract or parcel of land intended for separate development, use or transfer of ownership.

LOT AREA - The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street rights-of-way but including the area of any easement.

LOT GRADIENT - No lot shall have a slope measured from the building setback line to the rear property line in excess of thirty (30%) percent unless the proposed structure is architecturally justified to the Commission and Township Supervisors.

LOT, REVERSE FRONTAGE - A lot extending between, and having frontage on, an arterial street and minor street, and with vehicular access solely from the latter.

LOT, THROUGH OR DOUBLE FRONTAGE - A lot with front and rear street frontage.

LOT WIDTH - The width of a lot measured at the street right-of-way line. Unless otherwise noted, the minimum required lot width shall be measured beginning at the street right-of-way line and shall be achieved throughout the lot to the required rear yard building setback line.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has/have been so designed and improved that it/they contain(s) two (2) or more mobile home lots for the placement thereon of mobile homes.

MUNICIPALITY - Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, or any similar general purpose unit of government which shall hereafter be created by the Pennsylvania General Assembly; more specifically, Warren Township, Franklin County, Pennsylvania.

PERSON - Any individual or group of individuals, partnership or corporation.

PLAN, OFFICIAL - The Comprehensive Plan and/or Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map or other such Plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the municipality in which the subdivision is located.

PLAN, SKETCH - An informal plan, not necessarily to exact scale indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

PLANNING AGENCY - A planning commission, planning department, or a planning committee of the governing body or the County, specifically, the Warren Township Planning Commission and/or the Franklin County Planning Commission.

PLANNING COMMISSION – The Warren Township Planning Commission, or, in its absence, the Warren Township Board of Supervisors.

PLANTING STRIP - The unpaved portion of a street right-of-way between the sidewalk-pavement and the property line.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final; used occasionally herein synonymously with "plan".

PLAT, FINAL - A complete and exact subdivision plan prepared for official recording as required by statute.

PLAT, PRELIMINARY - A tentative subdivision plan, in less detail than the final plat, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plat.

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PUBLIC GROUNDS - includes:

1. parks, playgrounds, trails, paths, and other recreational areas and other public areas,

2. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

3. publicly owned or operated scenic and historic areas.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter or the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC INFRASTRUCTURE SERVICES – Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

PUBLIC NOTICE - A notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Township; such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing; the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

RECORD DRAWINGS - Set of prints of the original facilities showing those changes made during the construction process.

RECREATIONAL VEHICLE - A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle (including Camping Trailer, Motor Home, Travel Trailer and Camper).

RECREATIONAL VEHICLE PARK OR CAMPGROUND - A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational camping or travel use, on recreational vehicle or campground lots rented for such use, thereby constituting a "land development".

RECREATIONAL VEHICLE PARK OR CAMPGROUND LOT - A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment and rented for temporary living quarters, for recreational, camping, or travel use, together with such open space as is required under the provisions of This ordinance having not less than the minimum area and width required by This ordinance for a recreational vehicle park or campground lot.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESUBDIVISION - Any subdivision or transfer of land, laid out on a plan which has been previously approved by the Township Supervisors, which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan.

RETENTION BASIN – An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

RIGHT-OF-WAY - Land set aside for public use as a street, crosswalk, or other common means of communication and travel.

RUNOFF - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARY SEWER FACILITY - A public sanitary sewer system or a comparable common or package sanitary sewer facility approved by the appropriate governmental agency.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity, once this matter is deposited (or remains suspended in water), it is usually referred to as "Sediment".

SEDIMENT BASIN - A temporary dam or other barrier constructed across a waterway or at other suitable locations to intercept the runoff and trap and retain the sediment.

SEPTIC TANK - A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SEWAGE DISPOSAL SYSTEM (ON-SITE) - Any structure designed to eliminate sanitary sewage within the boundaries of the lot.

SEWAGE DISPOSAL SYSTEM (PUBLIC) - A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SEWAGE ENFORCEMENT OFFICER - Person appointed by the Township Supervisors and Certified by the Department of Environmental Protection who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act.

SHOULDER (street) - The portion of the street, contiguous to cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

SIGHT DISTANCE - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is obstructed by traffic.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL SITE INVESTIGATION - A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

SOIL STABILIZATION - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STORAGE STRUCTURE - A retention or detention structure.

STORM WATER MANAGEMENT - The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site remained undeveloped.

STORM WATER MANAGEMENT PLAN - A plan showing all present and proposed grades and facilities for the conveyance of storm water runoff.

STORM WATER FACILITY - Any ditch, gutter, culvert, storm sewer, swale, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

STREET - A strip of land which is intended primarily as a means of vehicular and pedestrian travel, whether public or private, and which may also be used as a space for sewers, public utilities, shade trees and sidewalks.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER - A person, partnership, corporation or unincorporated association owning land in the municipality or the agent of said person, partnership, corporation, or unincorporated association, for which owner or agent a land subdivision application is filed and processed under the provisions of this Ordinance.

SUBDIVISION -The subdivision or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devises, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - Where, in the judgement of the engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the provisions of this Ordinance or other applicable laws) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR – A professional surveyor licensed as such in the Commonwealth of Pennsylvania.

SWALE - A low-lying stretch of land which gathers or carries surface water runoff.

TOPSOIL - Surface soils and subsurface soils that presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the "A" Horizon.

TOWNSHIP - The Township of Warren, Franklin County, Pennsylvania.

TOWNSHIP SUPERVISORS (Supervisors) - The Supervisors of the Township of Warren, Franklin County.

TRANSFERABLE DEVELOPMENT RIGHTS - The attaching of development rights to specific lands which are desired by the Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on the other lands within the Township where more intensive development is deemed by the Warren Township Board of Supervisors to be appropriate.

UNDEVELOPED LAND - Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

UNIT - Means a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

WATERCOURSE - A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether natural or man-made.

WATER FACILITY - Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SURVEY - An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

WETLANDS - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

ARTICLE III

CONTROL OF SUBDIVISION, RECORDING OF PLANS, DEDICATIONS OF PROPERTY AND IMPROVEMENTS

SECTION 300 CONTROL OF SUBDIVISION AND LAND DEVELOPMENT

From and after the effective date of this Ordinance, no subdivision or land development of any lot, tract, or parcel of land, within the Township shall be made, and no street, sanitary sewer, storm sewer, water main or other facility in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, nor shall any land development be effected, except in strict accordance with the provisions of this Ordinance. No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development unless and until a plan for the subdivision or land development has been approved by the Warren Township Board of Supervisors and recorded, and until the improvements required by the Warren Township Board of Supervisors in connection therewith have either been constructed in strict accordance with the standards and specifications of the Township or guaranteed as provided in Section 700 of this Ordinance, are declared to be a minimum guarantee that all streets shown on any proposed plan are of sufficient width and proper grade and so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access for firefighting equipment to buildings and provide a coordinated system of streets conforming to the Township's official plan of streets; and further, that the land whereon buildings are to be constructed is of such character that it can be used for building purposes without danger to health, or peril from fire, flood, or other hazards. Where, owing to special conditions, the literal enforcement of the provisions of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question, the Board may grant a modification or modifications of the requirements of this Ordinance, provided that such modification or modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed; provided, however, that the Board shall have the authority to grant modifications of the requirements of one (1) or more provisions of this Ordinance. All requests for a modification or modifications of the requirements of one (1) or more of the provisions of this Ordinance shall be in writing and shall accompany and be a part of the initial application for development. The request shall state in full the grounds and facts of reasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved, and the minimum modification necessary. All requests for modification shall be referred to the Planning Commission for advisory comments. The Board shall keep a written record of all action on all requests for modifications and may schedule a public hearing for additional input at its discretion.

SECTION 301 RECORDING OF FINAL PLANS AND DEDICATION OF PROPERTY AND IMPROVEMENTS

Upon approval of a final plan, the plan shall within ninety (90) days of such final approval or the date of delivery of an approved plat signed by the Board of Supervisors following completion of conditions imposed for such approval, whichever is later, be recorded in the Office of the Recorder of Deeds of Franklin County; and the streets, parks, and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township. Offers of dedication of such public improvements to the Township may be made on the plans by formal notification thereof, or the applicant may note on the plans that such improvements have not been offered for dedication to the Township. Every street, park, or other improvement shown on a recorded subdivision plan shall be deemed to be a private street, park, or improvement until such time as the same has been offered for dedication to the Township and accepted by ordinance or resolution duly adopted by the Township and, if required by law, recorded in the Office of the Recorder of Deeds of Franklin County, Pennsylvania, or until it has been condemned for use as a public street, park, or other improvement. The responsibility of recording the final plan is that of the developer. Following the recording, the developer shall provide proof of the recording in the form of a copy of the County receipt to the Township Secretary for the Township records. Failure to do so may result in reapplication procedures and additional fees.

ARTICLE IV

GENERAL PROCEDURE AND JURISDICTION

SECTION 400 PLAT APPROVING AUTHORITY

All plats shall be subject to approval, modification or rejection by the Board of Township Supervisors; in the event such a plat is disapproved, the reasons therefore shall be set forth in writing and given to the applicant, in accordance with the provisions of Section 508 (53 P.S. 10508) of the "Pennsylvania Municipalities Planning Code", as amended. Prior to action by the Board of Township Supervisors, all plats shall be referred to the Township Planning Commission for its review and recommendations.

SECTION 401 SUBMITTAL OF PLATS

The applicant shall submit preliminary and final copies of plats to the Township Secretary, together with the minimum Township fees required in Section 405 of this Article, plus any and all fees required by the Franklin County Planning Commission for review of and report on the application. Upon receipt of any application, the Township Secretary shall distribute the required number of copies to the Township agencies concerned as provided for in Articles V, VI and VII of this Ordinance, and shall also forward a copy of any application to the Franklin County Planning Commission for review and report together with the required County review and report fees. The Township shall not approve any application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County. All plats when first submitted shall be considered preliminary plats. If the applicant makes substantial revisions in the plat after it has been approved in preliminary form, such revised plat shall be treated as a preliminary plat when submitted.

SECTION 402 REVIEW OF PLATS

Plats shall be reviewed by the Township Planning Commission at its first regular meeting following the date of submittal, providing that such plats are submitted no later than 12:00 noon at least four (4) weeks prior to the meeting. Meetings of the Planning Commission at which plats are reviewed shall be open to the public. Applicants may be given reasonable notice of the time and place at which their plats are to be reviewed.

SECTION 403 APPROVAL OF PLATS; HEARING

Approval of preliminary plats by the Board of Township Supervisors shall be considered approval of the arrangement and dimensions of streets, lots, and other features shown on the plats and may be conditioned upon specific changes to be incorporated in the final plats. The Board's approval of the final plats shall be given only after the requirements and conditions indicated on or in connection with the preliminary plats have been met; and said approval shall constitute final Township approval for the purpose of recording the plats in the Office of the Recorder of Deeds of Franklin County, Pennsylvania. Before acting on any plat, the Board of Township Supervisors may arrange for a public hearing thereon after giving such notice as it may deem necessary and desirable in each case.

SECTION 404 PRELIMINARY/FINAL PLATS

When a tract of land is divided and no public improvements are proposed, or when a subdivision involves the division of land for adjoining lot addition purposes only, the Planning Commission may recommend and the Supervisors may approve, upon written application of the applicant, that approval be granted on the basis of the plat submitted and identified as Preliminary/Final. Land development plans shall be reviewed for such consideration on an individual basis and shall only be considered in instances where no public improvements are required and when the proposed development is deemed negligible by the Township. Said plats shall be prepared and reviewed in accordance with all of the Preliminary and Final Plat requirements of Articles VI and VII of this Ordinance.

SECTION 405 FEES

1. Township filing fees shall be paid by the applicant to the Township Secretary at the time of filing of any application. Such fees shall be as established most recently by the Board of Supervisors by resolution.

2. Subject to the provisions of this Section 405, concerning the applicant's payment of review and report fees, no final approval of any application will be granted by the Township unless and until the applicant reimburses the Township for the cost and expense of the following professional services incurred by the Township, or any agency, Commission or Board thereof, in connection with the review and approval of any plat or application, or the inspection of public improvements.

   A. Engineering Services

   B. Legal Services

   C. Stenographer's Fees

   D. Sewage Enforcement Officer Fees

   All of the above fees for which the Township seeks reimbursement shall be certified by the Township Secretary to the applicant at the time when the Township is in a position to finally approve any application or plat. Such review fees may include reasonable and necessary charges by the Township's professional consultants, engineer or attorney, for review and report thereon to the Township. Such review fees shall be based upon the following schedule: Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township's professional consultants, engineer or attorney for similar service in the community, but in no event shall such review fees exceed the rate or cost charged by the Township's professional consultants, engineer or attorney to the Township when fees are not reimbursed or otherwise imposed on applicants. In the event the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) days of the applicant's receipt of the bill, notify the Township Secretary that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Township and applicant shall jointly, by mutual agreement, appoint another professional to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary. Said professional shall be of the same profession or discipline as the consultant whose fee is being disputed. The professional so appointed shall hear such evidence and review such documentation as the professional in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision

immediately. In the event that the Township and applicant can not agree upon the professional to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Franklin County shall appoint such professional, who, in that case shall be neither the municipal professional nor any professional who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years. The fee of the appointed professional for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of Payment required in the decision is less than the original bill by One Thousand ($1,000.00) Dollars or more, the Township shall pay the fee of the professional, but otherwise the Township and the applicant shall each pay one-half (1/2) of the fee of the appointed professional.

3. All of the above fees, requirements, and arrangements shall be subject to revision, modification and amendment, from time to time, by the Warren Township Board of Supervisors, by Fee Resolution, duly adopted by a majority vote of the said Board of Supervisors at a public meeting duly convened in accordance with law.

4. Other Fees - Fees for all other permits required for and by Warren Township for opening roads, building construction, etc., shall be payable to Warren Township and deposited with the Township Secretary.

5. In the case of a street dedication, an easement dedication, or other such dedications, the applicant at the time of application shall agree to cover the cost of advertising the Ordinance, preparing any necessary exhibits and/or legal descriptions, accepting the deed of dedication and its recording and registration costs.

ARTICLE V

PRE-APPLICATION CONSULTATION

SECTION 500 CONSULTATION WITH PLANNING COMMISSION

Before proceeding with an application, or with steps to acquire land, subdivide or effect a land development, all applicants should be familiar with the provisions of this Ordinance, and are encouraged to consult with the Warren Township Planning Commission concerning the following factors:

1. The suitability of the site for development.

2. The demand for a development of the type proposed in the particular location proposed.

3. The accessibility of the site.

4. The availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.)

5. The effect of the subdivision or land development or any contemplated improvements on the proposals of any comprehensive plan and the provisions of this Chapter.

6. The potential impact of the subdivision or development on identified environmental features, natural areas, wetlands, prime agricultural land, and cultural resources.

7. Sewage facilities requirements of the Pennsylvania Department of Environmental Protection.

8. Erosion and Sedimentation Control plans and permits, as required by the Pennsylvania Department of Environmental Protection and administered by the Franklin County Conservation District.

SECTION 501 SKETCH PLAN SUBMISSION

It is suggested that prior to the aforementioned consultation with the Warren Township Planning Commission, the applicant prepare a sketch plan of his proposed subdivision or land development. The submission of a Sketch Plan shall not, under any circumstances, be construed as a Preliminary Plat application; thus, the legal time limits for action on the application by the Township shall not be applicable unless and until an actual Preliminary Plat application which conforms to the requirements of this Ordinance is submitted.

SECTION 502 OVERALL MASTER PLAN SUBMISSION

When the total of all lots subdivided from a parcel or tract of land exceeds five (5) lots within the last five (5) years, it shall be incumbent upon the subdivider to submit to the Township an Overall Master Plan of the subject property before any further subdivision or land development plan shall be approved by the Township. The Overall Master Plan will be used by the Township for evaluation of subsequent subdivision submittals by the applicant. When on the recommendation of the Planning Commission and action by the Board of Supervisors it is deemed that further subdivision or development departs substantially from the concepts presented in the Overall Master Plan, a revised plan shall be required prior to the approval of any future subdivision or development plan for the subject property. Such Overall Master Plan shall illustrate the following features in general terms without the necessity of detailed engineering design.

1. The property boundaries of the host parcel and of all lots previously subdivided therefrom.

2. Lot layout with intended considerations for sewer, water, access and circulation, and stormwater management.

3. Location of significant topographic features such as watercourses, swales, rock outcroppings, floodplain, wetlands, sinkholes, tree masses, existing buildings and other major improvements.

4. Indication of the proposed use or uses of the property.

5. The Overall Master Plan shall be drafted at a scale not smaller than one inch equals two hundred (200) feet.

ARTICLE VI

PRELIMINARY PLATS

SECTION 600 PLAT REQUIREMENTS

The following materials shall be submitted with an application for review and approval of a preliminary plat:

1. Seven (7) copies of the plat in the form of a map or series of maps drawn to a scale not smaller than one hundred (100) feet to the inch and showing the following:

   A. The limits and dimensions of the tract(s) to be subdivided or developed and the proposed name or identifying title of the subdivision or land development. The date, scale, and north point. The tract's(s') present deed referenced(s) by Book(s) and Page(s).

   B. Existing and proposed streets, both public and private, including the name, widths of the right-of-way and cartway.

   C. The location and dimensions, where applicable, of existing property lines, buildings, railroads, easements, rights-of-way and land reserved for public purposes; streams, trees, masses and wetlands; and the location, courses and dimensions of existing sanitary and storm sewer and water facilities.

   D. The location and dimensions of proposed easements, buildings, property lines, building setbacks, rights-of-way and land reserved for public purposes; and the location, courses and dimensions of proposed sanitary and storm sewer and water facilities.

   E. Existing topographic contours at not more than five (5) foot intervals or at such intervals that the contours shall have a maximum horizontal spacing of 100 feet. The Planning Commission may also require supplemental plans showing proposed final contour.

   F. The name, address and telephone number of the owner and developer. The name, seal and signature, address and telephone number of the engineer, architect or surveyor who prepared the plat. The name(s) and address(es) of the owner(s) of the tract(s) and the names of the owners of adjoining tracts along with their respective deed references.

   G. A location map taken from the applicable USGS quadrangle at a scale of not less than 1:24,000 showing the proposed subdivision or land development in relation to adjacent properties and existing streets in that vicinity of the Township.

H. Approximate dimensions, lot numbers, and the approximate area and proposed use of each lot. Areas shall be indicated as both gross and net area.

I. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking, common open space or other public, quasi-public or community purposes.

J. Location of all proposed driveways, clear sight triangles, and sight distance provided at each proposed street and/or driveway intersection.

K. Details of any requested modifications of requirements from This Ordinance.

L. Existing and proposed uses of the subject property.

M. Signed certification statement by a registered surveyor or registered engineer certifying to the accuracy of the survey and plat.

N. Signed and notarized statement certifying that the undersigned applicant has legal or equitable title in the land shown on the respective plat, and a dedicatory statement to the Township for proposed Township streets, public utility easements and/or lines, or other proposed Township improvements.

O. In any instance where a subdivision plan proposes no building, construction or earthmoving activity, the following note shall be required: "No building, construction, or earthmoving activity is proposed by this plan at this time. At such time as any building, construction, or earthmoving activity is proposed on any lot created by this subdivision, the Developer shall be subject to all prevailing Township, State and Federal permits and approvals. This may include, but not necessarily be limited to, land development plan approval by the Township Board of Supervisors."

2. Cross-section drawings for all proposed streets showing rights-of-way, cartway widths, location of sidewalks and planting strips. Profile drawings of all proposed streets showing existing and proposed grades.

3. Plans and profiles of proposed sanitary and storm sewer systems, water distribution systems and any other pertinent utilities. Such plans shall include grades, pipe sizes and the location of valves and fire hydrants.

4. Four (4) copies of the appropriate sewage planning documentation pursuant to the rules and regulations of the Pennsylvania Department of Environmental Protection. Such documentation shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. When necessary, sewage facilities planning modules shall include, but shall not be limited to, the following information:

   A. A plot plan indicating within the site the location of existing and proposed buildings, lot lines, sewage or sewerage systems, all sources of water supply such as wells, springs, ponds, streams, and other bodies of water, rights-of-way, streets, roadways, highways, and access routes.

   B. Information relating to the type of water supply and sewage supply provided or to be provided, including soil conditions and limitations for on-lot sewage disposal if applicable.

   C. Information relating to adjacent properties, buildings, sources of water supply, ponds, streams, sewage, or sewerage systems, rights-of-way and streets that may have a significant effect on the environmental and sanitary aspects of the proposed subdivision or development.

   D. Direction to north, direction of slopes and degree of slope.

   E. Direction and distance to the nearest sewage treatment plant and information as to its present or future accessibility in terms of time, finances and load capacity, as well as the sources of this information.

   F. Location and results of preliminary soil percolation tests, which shall be conducted by a Pennsylvania Department of Environmental Protection certified Sewage Enforcement Officer approved by the Township, in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. Such soil percolation tests shall be required in conjunction with all preliminary plat applications, unless waived in advance in writing by the Township and the Department of Environmental Protection.

   G. Signatures of the applicant, Township Sewage Enforcement Officer, and the County Planning Commission.

5. All plats shall contain a note regarding the status of wetlands on-site based upon a minimum of three factors: (1) the presence or absence of hydric soils or soils with inclusions of hydric components as classified by the Franklin County Conservation District, (2) National Wetlands Inventory mapping, and (3) an inspection of the property by the responsible surveyor or engineer. Where deemed necessary by the Board of Supervisors and upon recommendation by the Planning Commission, an analysis of wetland conditions on the subject property shall be performed. Such analysis shall be prepared by a recognized

professional wetlands consultant and shall clearly state the existence or nonexistence of any wetlands and shall delineate the field determined boundaries of those areas should they exist. A note shall also be added which states that Warren Township assumes no responsibility with regard to wetlands analyses and delineations. This note shall also state that the accuracy of each delineation presented to the Township shall be the responsibility of the applicant and his consultant. A final determination of each delineation's accuracy may be made by the Pennsylvania Department of Environmental Protection, the United States Army Corps of Engineers, or any subsequently empowered governmental regulatory agency. Plats shall also include the location and boundaries of any 100-year floodplain and/or floodway within the subject property as identified on the latest edition of FEMA's Flood Insurance Rate Maps for the Township.

6. Whenever a subdivision or land development, proposes earthmoving, construction or development of any type, the applicant shall prepare, for the use and review of the Township, two (2) copies of an Erosion and Sedimentation Control Plan, pursuant to the Rules and Regulations of the Pennsylvania Department of Environmental Protection relative to Erosion Control (Chapter 102). The design standards and specifications for said Plan are contained in said Chapter 102. Said plan shall also be submitted to the Franklin County Conservation District for review and approval.

7. Whenever a subdivision or land development is subject to the requirements of Section 808 of This Ordinance, the applicant shall submit three (3) copies of a Traffic Impact Study for the Township's review and approval. The Traffic Impact Study shall be prepared in accordance with the criteria set forth in Section 808 and the recommendations of the Township Engineer.

SECTION 601 REVIEW PROCEDURE

1. Upon receipt of the required plat and application materials, the Township Secretary shall forward one (1) copy to the Township Engineer, four (4) copies to the Franklin County Planning Commission for review and report (in accordance with Section 401 of This Ordinance), and one (1) copy to the Franklin County Conservation District, when applicable under Section 600.6 of this Ordinance.

2. The Engineer shall review the plat in the context of the standards and requirements of This Ordinance, from the standpoint of planning and engineering requirements and considerations, and shall prepare and transmit a written report thereon to the Planning Commission in such a fashion as not to delay the Planning Commission's action on the application in accordance with the provisions of this part.

3. The Planning Commission shall receive and review the report of the Township Engineer, the Franklin County Planning Commission, and, when applicable, the Franklin County Conservation District. The Planning Commission shall not take action upon any application until the County review and report is received, or until the expiration of thirty (30) days from the date the application was received by the County agency.

4. The Warren Township Planning Commission shall take action on a preliminary plat within sixty-two (62) days of the Township Planning Commission's first meeting at which consideration of the application is given. The Commission shall note its action on four (4) copies of the plat. The four (4) copies of the plat shall then be forwarded to the Warren Township Board of Supervisors, along with the Planning Commission's recommendation concerning the Supervisors' approval or disapproval of the preliminary plat. In the event that the Planning Commission recommends disapproval by the Board of Supervisors of the application, it shall furnish along with such recommendation a written statement of the defects in the application, citing the specific provisions and section numbers of this ordinance with which the application does not comply. Upon its approval of the preliminary plat, the Planning Commission shall also recommend to the Warren Township Board of Supervisors that the appropriate sewage planning documentation be formally adopted and submitted to the Pennsylvania Department of Environmental Protection for its review. In the event that the Planning Commission determines to recommend approval of the application subject, however, to certain conditions, the Planning Commission shall procure the applicant's written acceptance or rejection of any and all conditions proposed for imposition relative to the application, prior to submitting the application to the Warren Township Board of Supervisors. In the event of the applicant's failure to accept such conditions in writing within sixty-two (62) days of the first meeting at which the application was considered, the Planning Commission's recommended approval of the application shall be rescinded automatically.

5. The Warren Township Board of Supervisors shall, upon receipt of the Planning commission's recommendation, take official action on a preliminary plat application by either approving or denying the same. Such official action by the Warren Township Board of Supervisors shall be taken within ninety (90) days of the Township's first Planning Commission meeting at which consideration of the application is given. The Warren Township Board of Supervisors shall note its action on all four (4) copies of the preliminary plat. One (1) copy shall be retained for Township use. In the event that the Warren Township Board of Supervisors denies a preliminary plat application, written notice of such denial shall be furnished to the applicant, by first class mail, postage prepaid, by the Township Secretary, which notice shall inform the applicant of the defects in the application, citing the specific provisions and section numbers of this ordinance, or other applicable laws or regulations, with which the application does not comply. Such written notice of denial shall be mailed within the aforesaid ninety (90) day time limit. The applicant shall be likewise informed of the approval of his preliminary plat application. The Board may also conditionally approve a preliminary plat by so notifying the applicant in writing, which notification shall include a specific statement of any and all conditions proposed for imposition. In the event of the applicant's failure to accept such conditions in writing within thirty-one (31) days of the conditional approval, the proposed approval of the plat shall be rescinded automatically, provided, however, that, in such event, the Board shall comply with the requirements of this Section relating to written notice of preliminary plat denial.

6. Failure of the Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

7. Approval of the Preliminary Plat shall not constitute approval of the Final Subdivision Plat by the Township Supervisors.

ARTICLE VII

FINAL PLATS

SECTION 700 FINAL PLAT APPROVAL

The following materials shall be submitted with an application for approval of a final plat. Final plats shall be filed within five (5) years of the date of preliminary plat approval and shall conform in all aspects with preliminary plats as previously approved, and any conditions specified in the approval of preliminary plats shall be incorporated in the final plats.

1. Seven (7) copies of the final plat in the form of a map or series of maps, drawn to a scale not smaller than 100 feet to the inch on sheets no larger than 24 x 36 inches. Where more than one (1) sheet is required, an index map of the entire plat at a smaller scale shall be shown on a sheet of the same size. The Planning Commission may require final plats at a scale of 50 feet to the inch as a condition of preliminary plat approval to assure legibility in cases warranted by the complexity of the proposal. The error of closure shall not be more than one part in 10,000. Such final plats shall show:

   A. The items required to be shown on the Preliminary Plat, as specified in Section 600 of This Ordinance.

   B. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots or parcels in unit, cooperative or condominium subdivisions and other sites with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.

   C. Name and right-of-way width of each street or other right-of-way.

   D. Location, dimensions, and purpose of easement.

   E. Number to identify each lot or parcel in unit, cooperative or condominium subdivision and/or site, and the area of each lot expressed in both square feet and acres and in both gross area and net area.

   F. Purpose for which sites other than residential lots or parcels in unit, cooperative or condominium subdivisions are dedicated or reserved.

   G. Building setback lines on all lots or parcels in unit, cooperative or condominium subdivisions and other sites.

   H. Locations and description of survey monuments. All permanent reference monuments shown by a symbol and labeled as monuments on the plat.

I. Locations and description of all traffic control devices including signs and pavement markings.

J. Finished first floor elevations of all proposed structures.

K. Names of recorded owners of adjoining unplatted land.

L. Reference to recorded subdivision plats or adjoining platted land by recorded name, date, and number.

M. Proposed Protective Covenants running with the land, if any.

N. Final topographic contours at not more than two (2) foot intervals.

O. County review and such other certificates, affidavits, endorsements, or dedications as may be required by the Township Supervisors in the enforcement of these regulations.

P. A note stating that the owner/developer is responsible for keeping all stormwater management facilities free of debris.

Q. Details, conditions, and applicable approval dates of any modifications of requirements of This Ordinance.

R. A note stating that the construction of any building and/or driveway below the road centerline elevation is not advisable and may result in the introduction of stormwater onto the property. The note shall also indicate that Warren Township accepts no responsibility or liability for any damages resulting from such practices.

2. A Utility map or maps showing tract boundaries, existing and proposed streets, lot lines, sanitary and storm water sewer facilities, water pipes, curbs, sidewalks, fire hydrants, and manholes.

3. Profile and cross-section maps or diagrams of streets showing proposed grades of curbs, sidewalks, planting strips, sanitary and storm water sewers, water pipes and other underground utilities. Final plans for surface water management and erosion and sedimentation control shall be submitted in accordance with the approved preliminary plan conditions and shall, where deemed practical and desirable by the Board, include provisions for detaining or retaining the runoff created by the proposed project in accordance with the applicable guidelines of the DEP Erosion and Sediment Pollution Control Program Manual and all other aspects of DEP Chapter 102 regulations. Approval by the County Conservation District is required prior to Final Plan approval, when applicable under Section 600.6 of this Ordinance.

4. A statement of the type or types of structures to be erected and a summary table of the number of structures and dwelling units proposed.

5. Evidence that the plat is in conformity with all applicable Township ordinances and regulations governing the extension of utility services into the Township. In any instance where the plat does not conform, evidence shall be presented that an exception has been officially authorized and approved in writing.

6. No plat shall be finally approved unless the streets, walkways, curbs, gutters, street lights, traffic control signage and markings, fire hydrants, shade trees, water mains, sanitary sewer facilities, storm drains, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings, and other on-site improvements as are required by this ordinance have been installed and paid for in full by the applicant in accordance with the requirements of this ordinance. In lieu of the completion of any such improvements required as a condition for the final approval of a plat, the applicant shall deposit with the Township financial security acceptable to the Township in an amount sufficient to cover the costs of any and all such required improvements for common amenities. All matters and procedures concerning such financial security shall comport in all respects with the provisions of Sections 509, 510, and all of the "Pennsylvania Municipalities Planning Code", as amended (53 P.S. Sections 10509, 10510 and 10511), the contents of which are hereby incorporated herein by reference as fully as those set forth at length herein. All documentation concerning such financial security shall be subject to the review and approval of the Township Solicitor. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of required on-site improvements. Such reimbursement shall be based upon the same schedule, and shall be subject to the same procedures, as are set forth in Section 405 of this ordinance.

7. Failure to complete any construction or development of the proposed subdivision or land development within five (5) years following the approval of a Preliminary Plat by the Township shall automatically render the approval of the plat null and void, unless an extension of time has been requested in writing by the applicant and a written approval granted by the Warren Township Board of Supervisors. Further, failure of the applicant to comply with the requirements of Section 508 (4) of the "Pennsylvania Municipalities Planning Code", as amended [53 P.S. Section 10508 (4)], the contents of which are also hereby incorporated herein by reference, shall subject the subdivision or land development to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.

8. No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains the following notice: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, P.L., 1242, No. 428, known as the "State Highway Law", before driveway access to a State Highway is permitted. Access to the State Highway shall be only

as authorized by a Highway occupancy Permit". (See: 53 P.S. Section 10508 (6), as amended.)

9. In any case where public improvements are required as detailed in Section 700.6, two copies of as-built drawings of all streets, stormwater management facilities, and any other required improvements shall be provided to the Township. Said as-built drawings shall be prepared, signed and sealed by a licensed engineer or surveyor. Prior to the release of any security guaranteeing said improvements, the Township shall approve the construction of the improvements following a review of the as-built drawings relative to the approved subdivision or land development plan and the findings of a site inspection. In the case of construction following Preliminary Plan approval and without guarantee for the completion of improvements, the Township shall withhold Final Plan approval until such as-built drawings are provided and the Township has approved the construction of the subject improvements based upon the approved Preliminary Plan design. When applicable, the cost of preparing said as-built drawings shall be included in the financial security provided by the applicant as a guarantee for the completion of public improvements.

10. In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the Final Plan, a covenant assuring the implementation by the lot owners of the Erosion and Sedimentation Control Plan.

SECTION 701 REVIEW PROCEDURE

1. One (1) copy of each final plat and one (1) copy of utility maps and street profiles received by the Township Secretary shall be transmitted to the Township Planning Commission for its review. In the event the Planning Commission finds that the applicant has made substantial changes in the plat since the preliminary plat was approved, the Commission shall so notify the Township Secretary and shall review the plat according to the procedure for preliminary plat application.

2. The Township secretary shall forward one (1) copy of the Final plat and any other supporting documentation to the Township Engineer for his review as to the plat's adequacy and the estimated cost of construction of required public improvements, if any.

3. Upon receipt of the Township Engineer's Report, the Township Secretary shall notify the applicant to provide the proper form of security to guarantee the completion of any proposed public improvements in the recommended amount as detailed in Section 700(6) of This Ordinance, if appropriate.

4. The Warren Township Planning Commission shall take action on a final plat within sixty-two (62) days of the first Township Planning Commission meeting at which the application is considered. The Commission shall note its action on four (4) copies of the plat. The four (4) copies of the plat shall then be forwarded to the Warren Township Board of

Supervisors, along with the Planning Commission's recommendation concerning the Supervisors' approval or disapproval of the final plat. In the event that the Planning Commission recommends disapproval by the Board of Supervisors of the application, it shall furnish along with such recommendation a written statement of the defects in the application, citing the specific provisions and section numbers of this Ordinance with which the application does not comply. In the event that the Planning Commission determines to recommend approval of the application subject, however, to certain conditions, the Planning Commission shall procure the applicant's written acceptance or rejection of any and all conditions proposed for imposition relative to the application, prior to submitting the application to the Warren Township Board of Supervisors. In the event of the applicant's failure to accept such conditions in writing within sixty-two (62) days of the first Township meeting at which the application is considered, the Planning Commission's recommended approval of the application shall be rescinded automatically.

5. The Warren Township Board of Supervisors shall, upon receipt of the Planning Commission's recommendation, take official action on a final plat application by either approving or denying the same. Such official action by the Warren Township Board of Supervisors shall be taken within ninety (90) days of the first Township Planning Commission meeting at which the application is considered. The Warren Township Board of Supervisors shall note its action on all four (4) copies of the final plat application. One (1) copy shall be retained for Township use. In the event that the Warren Township Board of Supervisors denies a final plat application, written notice of such denial shall be furnished to the applicant, by first class mail, postage prepaid, by the Township Secretary, which notice shall inform the applicant of the defects in the application, citing the specific provisions and section numbers of this Ordinance, or other applicable laws or regulations, with which the application does not comply. Such written notice of denial shall be mailed within the aforesaid ninety (90) day time limit. The applicant shall be likewise informed of the approval of his final plat application. The Board may also conditionally approve a final plat by so notifying the applicant in writing, which notification shall include a specific statement of any and all conditions proposed for imposition. In the event of the applicant's failure to accept such conditions in writing within thirty-one (31) days of the conditional approval, the proposed approval of the plat shall be rescinded automatically, provided, however, that, in such event, the Board shall comply with the requirements of this Section relating to written notice of final plat denial.

6. Within ninety (90) days following approval of the Final Plat by the Warren Township Board of Supervisors, the Final Plat shall be recorded in the Office of the Recorder of Deeds of Franklin County, Pennsylvania, in accordance with the provisions of Section 301 of this Chapter. The Recorder of Deeds shall not accept any plat for recording unless the same has been officially approved and signed by the Warren Township Board of Supervisors and stamped by the County Planning Commission. It shall be the responsibility of the applicant to record the approved Final Plan. A copy of the receipt for recording shall be provided to the Township Secretary for the Township records. Failure by the applicant to record the plan within the prescribed time limit shall result in an automatic rescinding of the approval.

7. The Warren Township Board of Supervisors shall not approve a final plat prior to receipt of approval from the Pennsylvania Department of Environmental Protection of the appropriate sewage planning documentation. In the event that said documentation is disapproved by the Pennsylvania Department of Environmental Protection, the final plat application shall be denied for such reason. In the event that the Pennsylvania Department of Environmental Protection does not respond in writing to the Planning Module application in a timely fashion, so far as to permit the Township to comply with the time limitations within this Ordinance and Section 508 of the Pennsylvania Municipalities Planning Code, as amended (53 P.S. Section 10508), the applicant shall be requested to consent, in writing, to an extension of time for action on the application by the Township; in the event that such written extension of time is not executed by the applicant, the application shall be denied.

ARTICLE VIII

DESIGN STANDARDS

SECTION 800 APPLICATION

The standards of design in this Article VIII shall be used to judge the adequacy of subdivision and land development proposals; provided, however, that flexibility, economy and ingenuity in the layout and design of subdivisions and land developments shall be encouraged and promoted, and alterations in site requirements and other practices which are in accordance with modern and evolving principles of site planning and development shall be authorized and encouraged; furthermore, the use of renewable energy systems and energy conservation building design shall be encouraged. The Planning Commission and Warren Township Board of Supervisors are hereby authorized to solicit reviews and reports from adjacent municipalities and other governmental agencies affected by any application.

SECTION 801 CONSTRUCTION OF IMPROVEMENTS

The applicant shall grade and pave the streets and install all other necessary improvements at no expense to the Township, including, where required, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, traffic control signage and pavement markings, fire hydrants, street name signs and other facilities and utilities required by the Township, in strict accordance with the requirements of this Article and the standards and specifications of the Township. Construction of all such facilities and utilities shall be subject to inspection by appropriate Township officials during the progress of the work. The applicant shall not begin work on structures in any part of the subdivision or land development until the streets in that part have been improved with a base course of pavement.

SECTION 802 GENERAL STANDARDS

1. Land. No land shall be subdivided or developed unless all hazards to life, health, or property shall have been eliminated or unless the plans for the subdivision or land development shall provide adequate safeguard against such hazards.

2. Development. Proposed subdivision and land development shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously; furthermore, the layout or arrangement of the subdivision or land

development shall conform to the Township's and the County's Comprehensive Plan and to any regulations or maps adopted in furtherance thereof.

3. Water Supply. All new developments shall incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within any subdivision or development, applicants shall present evidence to the Warren Township Board of Supervisors and the Planning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

SECTION 803 BLOCKS AND LOTS

1. Block Length. Residential and commercial blocks shall be not less than five hundred (500) feet long, nor more than one thousand six hundred (1,600) feet long. Crosswalks up to twelve (12) feet wide with a paved walk of six (6) feet in width, may be required for blocks more than one thousand (1,000) feet long.

2. Block Width. Blocks shall be wide enough for two (2) tiers of lots and shall not be less than three hundred (300) feet wide between right-of-way lines.

3. Through Lots. Double frontage lots are to be avoided and generally will not be permitted. Along limited access and major arterial highways, double frontage lots, served entirely by a separate residential street, may be required in order to protect the character of the major street.

4. Grading. Blocks and lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools. Roof drainage shall be provided for according to recommendations of the Township Engineer or such other official as may be designated by the Warren Township Board of Supervisors. Topsoil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

5. Lot Size. The minimum lot size and lot width requirements shall be as follows:

   A. All single family dwelling units shall have a minimum lot area of two (2) acres excluding the right-of-way required herein, and a minimum lot width of two hundred fifty (250) continuous feet along a public road. Also excluded from the calculation of lot area shall be any areas of wetlands, floodplain and major underground transmission line rights-of-way.

   B. For single family semi-detached dwellings and two family detached dwellings, the minimum lot size shall be two hundred (200) percent of the minimum lot size and minimum lot width for single dwelling units as set forth in the subparagraph above.

   C. No apartments, townhouses, or row houses shall be permitted except where there is, or will be, both public water and public sewer systems or approved private central water and sewer systems. The minimum lot area for each such dwelling unit shall be three thousand (3,000) square feet exclusive of the right-of-way. For interior units of townhouse groups or rowhouses, the minimum lot width shall be twenty four (24) feet. For the end units of townhouse groups and rowhouses, the minimum lot width shall be fifty (50) feet measured at the street right-of-way line. Building setback lines shall be at least forty (40) feet from the street right-of-way. Provided the apartment, townhouse and/or rowhouse development remains under single ownership and control, the total required lot size area may be arranged in a manner to permit flexibility in the site design and layout of recreation areas, useable open space and parking. Such flexibility shall be granted only upon recommendation of the Planning Commission and specific approval by the Board of Supervisors.

   D. Lot sizes for non-residential development purposes shall be determined on the basis of absorption area, parking requirements, and yard setback standards. In no event shall a non-residential lot be less than two (2) acres in area or less than a required minimum lot width of two hundred fifty (250) continuous feet along a public road.

6. Residential Parking. At least two (2) off-street parking spaces with access to a public street shall be provided for each proposed dwelling unit. Where such access is to other than a minor residential street, adequate turn-around space shall be provided on the lot.

7. Exception. Blocks in commercial and industrial developments may vary from the elements of design contained in this Section if the nature of the use requires special treatment. .

8. Building Setback Line.

   A. Whether or not public water and/or sewage is in place, available or planned for construction, no structure or part thereof shall be erected nearer than fifty (50) feet to any street, road, or highway right-of-way line, except that no structures need have a setback greater than the average of the two (2) existing buildings with the greatest

setbacks located within 200 feet on each side of the said proposed structure on the same side of the street.

B. On a corner lot, the setback from each adjacent street shall be applicable and at least one rear yard shall be provided.

C. In a mobilehome park, recreational vehicle park or campground, setback lines must conform to the above standards and setback lines on private streets shall be not less than twenty (20) feet from the private right-of-way.

D. All structures shall be set back from wetlands, bodies of water and watercourses a minimum of fifty (50) feet from edge or top of bank, or otherwise in accordance with applicable State and Federal regulations.

9. Required Side Yards and Rear Yards.

A. Whether or not public water and/or sewage is in place, available or planned for construction, no structure for which a building permit is required, or part thereof, shall be erected nearer than twenty-five (25) feet to any side yard line, nor nearer than twenty-five (25) feet to any rear yard line. This requirement may be waived by the Township Board of Supervisors in the case of utility sheds less than two hundred (200) square feet in size.

B. In a mobilehome park, recreational vehicle park or campground, side and rear building lines shall be not less than ten (10) feet from the lot line on each side and from the rear lot line of each mobilehome, recreational vehicle or campground lot and not less than twenty-five (25) feet from the mobilehome park, recreational vehicle park or campground property line on the sides and rear not adjacent to a dedicated public street right-of-way.

10. Lot Lines. Lot lines shall be approximately at right angles or radial to street lines so long as reasonably shaped lots result.

11. House Numbers. House numbers may be assigned to each lot by the Township or the County of Franklin.

12. Percolation Tests and Soils Analysis. When centralized sewer service is not available or proposed, percolation tests and soil analysis shall be required by the Township on each proposed lot in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. From the results of these tests, the lot size shall be established large enough to provide for the specific minimum area required for the absorption field as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as set forth in Section 803.5.

13. Exception. The general principles of design and the minimum requirements for the laying out of subdivisions and land developments stipulated in this Ordinance may be varied by the Board of Supervisors upon recommendation of the subdivider or developer and the Planning Commission in the case of a project large enough to constitute a more or less self contained neighborhood, industrial park or commercial center. Such a project shall be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgement of the Board has made adequate provisions for all essential requirements. Provided, however, that no modification shall be granted by the Board which would conflict with features of any adopted long range plan of the Township or with the intent and purpose of the general principles of design and minimum requirements of this Ordinance.

SECTION 804 STREETS, ALLEYS AND SIDEWALKS

1. Street Pattern. The proposed street pattern shall be integrated with existing and/or officially planned streets, and it shall be related to topography to produce useable lots and reasonable street grades; furthermore, streets in and bordering a subdivision or land development shall be coordinated, and shall be of such widths and grades and in such locations as deemed necessary by the Township to accommodate prospective traffic, and facilitate fire protection.

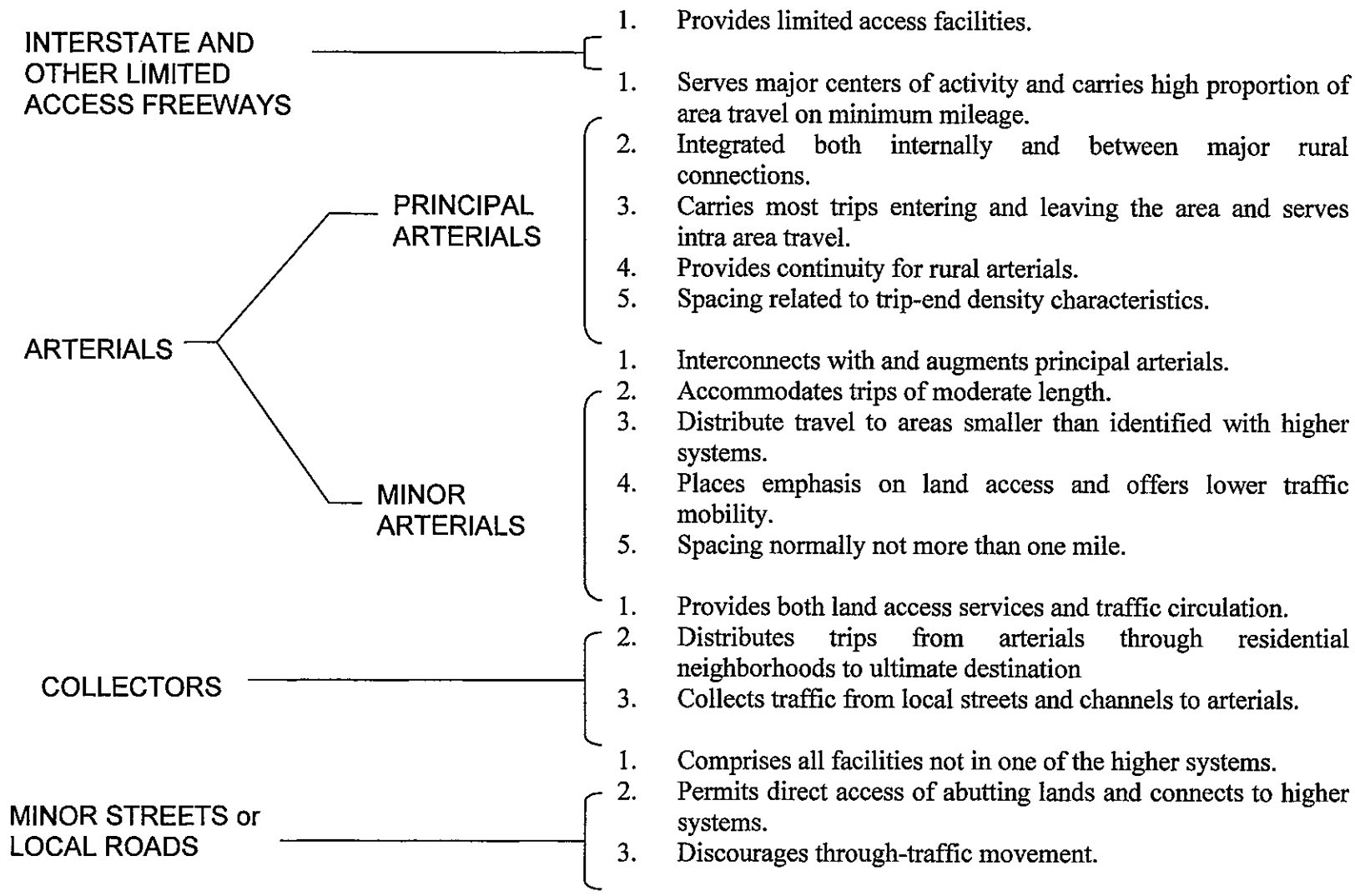
2. Street Width. Streets shall be laid out according to the following minimum schedule:

Class of Street	Right-of-Way Width	Minimum Pavement	Shoulders
Cul-de-sac streets	50'	24'	4' ea side
Minor streets	50'	24'	4' ea side
Collector streets	60'	28'	8' ea side
Arterial streets	PennDOT standards	PennDOT standards	PennDOT standards
Alley and service drive	20'	20'	-----
Turnaround of cul-de-sacs (diameter)	100'	80'	-----

3. Continuations. Where reasonable and practicable, new streets shall be laid out to continue existing streets at no reduction in width; however, greater widths may be required in accordance with the Township Engineer's recommendations The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas. Where adjoining areas are not subdivided, the arrangement of streets in new

FIGURE 1

ROADWAY CLASSIFICATION SYSTEM CHARACTERISTICS



subdivisions shall make provisions for the proper projection of streets to the boundaries of the tract to be subdivided.

4. Street Names. Continuations of existing streets shall be known by the same name. Names for other streets shall not duplicate or closely resemble names for existing streets in the Township or County.

5. Access. Streets shall be laid out to make provisions for access to all lots and to adjacent undeveloped areas, and the applicant shall improve these access streets to the limits of the subdivision or land development.

6. Reserve Strip. Reserve strips controlling access to the subdivision or land development, or adjacent areas, are prohibited.

7. Cul-de-sacs or Dead-End Streets. Dead end public streets are prohibited unless constructed as cul-de-sacs not exceeding one thousand (1,000) feet in length, with a turn-around having a minimum one hundred (100) foot diameter right-of-way and a minimum eighty (80) foot paving diameter. A maximum of four (4) lots shall be permitted to access the turnaround portion of the cul-de-sac. Any lot designed with frontage on both the turnaround and the street leading to it shall be allowed driveway access only to the street portion of the frontage and not the turnaround. No flag lots shall be permitted to access the turnaround. The plan shall indicate one central pedestal location at the street entrance for mailboxes and newspaper delivery boxes for those lots designed to access the turnaround. A note to this effect shall also be placed on the plan. Proposals for utilizing dead end public streets shall be prohibited unless the applicant can adequately demonstrate the need for such street design in that no other design alternative is available. Such proposals shall follow the procedure outlined in Section 300 of This Ordinance for modifications of requirements.

8. Clear Sight Distance. Clear sight distance shall be provided for each proposed intersection in accordance with Section 807.2 of This Ordinance.

9. Directional Changes. Changes in street direction shall be made by horizontal curves with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets and 200 feet for minor streets. These radii are to be measured at the centerline. Shorter radii may be permitted on recommendation of the Township Engineer.

10. Street Grade.

A. The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

Type of streets	Minimum Grade	Maximum Grade
All streets	0.75 %	-----
Arterial streets	-----	As determined by the Commission after consultation with the Township Engineer and the Pennsylvania Department of Transportation.
Collector streets	-----	Eight (8%) Percent.
Minor streets	-----	Twelve (12%) Percent.
Alleys	-----	Ten (10%) Percent.

B. Alleys with grades greater than eight (8%) percent shall be not more than four hundred (400) feet in length.

C. Intersections shall be approached on all sides by leveling areas. Where the grades exceed seven (7%) percent, such leveling areas shall have a minimum length of sixty (60) feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of four (4%) percent.

11. Vertical Curves. Changes in grade shall be joined by vertical curves, and the maximum rate of change of grade shall be five percent per hundred feet of road, provided that the clear sight distances specified above are maintained at all points.

12. Crown. The slope of the crown on minor and collector streets shall be more than one-eighth inch per foot and less than one-third inch per foot as directed by the Township Engineer.

13. Curbs. Curbs and gutters shall be constructed for the full length of all streets as may be judged necessary by the Board of supervisors upon recommendation of the Township Engineer.

14. Side Slopes. Street cuts and fills shall be provided with side slopes no steeper than one foot vertical to three (3) feet horizontal. Such slopes shall by suitably planted with perennial grasses or other vegetation to prevent scouring and erosion.

15. Materials and Construction Standards. Materials and construction standards for streets, curbs and gutters, and sidewalks, shall conform to regulations and standards of the Township. The Developer shall be responsible for the purchase and installation of all

traffic controls, signs and pavement markings. All street signs shall be provided as per PennDOT requirements and shall include regulation size lettering.

16. Storm Sewerage. Provisions of storm sewerage inlets, catch basins and manholes shall meet the requirements of the Township as regards both design and location.

17. Intersections. Street intersections shall be designed according to the following standards:

    A. No more than two (2) streets shall cross at the same point. Street intersections shall be at right angles wherever possible, and intersections of less than 75 degrees (measured at the centerlines of the streets) will not be permitted.

    B. Intersecting streets shall not enter into the same side of collector streets or major highways at intervals of less than eight hundred (800) feet. Minor streets entering another street from opposite sides should be directly opposite each other; or if necessary, they may be separated by at least two hundred (200) feet between centerlines measured along the centerline of the cross street. Greater off-set may be required by the Township Supervisors depending on the importance of the cross street.

    C. Maximum grade within any intersection shall not exceed five percent in any direction, and approaches to any intersection shall follow a straight course within 100 feet of the intersection; grades within 100 feet of an intersection shall not exceed ten percent.

    D. Curb radii at intersections shall be according to the following schedule of minimum lengths; 25 feet for intersections of alleys and all streets; 35 feet for minor streets; and 35 feet for major and collector streets. Where streets of different categories intersect, requirements for the larger radius shall hold. At the street right-of-way line, a diagonal cut-off may be employed, provided sidewalk width and corner visibility are unimpaired.

    E. A 75 foot clear sight triangle measured along the centerline shall be provided at all intersections (150 feet for Arterial Streets), in which no building or structure, wall, fence, hedge, tree, shrub, or other obstruction shall be placed except for utility poles, light standards, street signs and fire hydrants. Said restrictions shall be indicated on Final Plans by a notation.

18. Alleys and Service Drives. The following standards shall apply to the design and location of alleys and service drives:

    A. Alleys shall not be permitted in residential developments except by permission of the Township. No part of any dwelling, garage, or other structure may be located within 16 feet of the centerline of an alley.

B. Alleys or secondary service drives serving commercial and industrial establishments are required unless other provisions for service are provided.

19. Private Roads. Private Roads as the sole means of access to and from a subdivision or land development to and from the public right-of-way are discouraged. Any application involving such a private road shall be approved only at the discretion of the Township, and not as a matter of right on the part of the applicant.

A. Dedications. Whenever an applicant proposes to establish a private road in accordance with the provisions of this Subsection 19; (Private Roads), he shall be required to execute, acknowledge and deliver unto the Township a Private Road Agreement to be prepared at the applicant's expense by the Township Solicitor. Upon the approval, execution, attestation and acknowledgment of such Private Road Agreement by the Warren Township Board of Supervisors, such Agreement shall be recorded, at the applicant's expense, together with the subdivision or land development plat. Such Private Road Agreement shall establish the conditions under which the private road may later be offered for dedication to the Township, and shall stipulate, among other things:

1. That the private road will be in good state of repair and constructed in conformity with all Township road specifications, including public street width, and requirements as of the date of the proposed dedication; and

2. That an offer to dedicate the private road will be made only for the private road as a whole; and

3. That agreement to offer the private road for dedication unto the Township by the owners or purchasers of sixty (60%) percent of the lots depicted in the subdivision or land development plat shall be binding upon all owners of the remaining lots; and

4. That the applicant acknowledges and agrees that the Township shall not be obligated or required, under any circumstances, to accept a dedication of the private road unto the Township as a Township road; and

5. That the terms and conditions of the Private Road Agreement shall bind the applicant, and the applicant's heirs, personal representatives, successors and assigns, and shall constitute and be deemed to be a covenant running with the land.

SECTION 805 UTILITIES & PUBLIC GROUNDS

1. All newly-constructed properties located within five hundred (500) feet of a municipal sanitary sewer line or public water system line shall be connected thereto, if such municipal sanitary sewer system or public water system is available. Where a municipal sanitary sewer system or public water system is not yet available, but is planned by the Township or other governmental or municipal body for extension to the subdivision or land development, the subdivider or land developer shall install sewer and/or water lines, including lateral connections, as may be necessary to provide adequate sewer and water service to each lot when connection with a municipal sanitary sewer system or public water system is available. Such sewer and water lines shall be suitably capped at the street right-of-way line. When capped sewers or water lines are provided, on-site sewage disposal facilities and water well facilities shall also be provided.

   A. Sanitary sewers shall have a minimum inside diameter of eight inches and a minimum grade of 1/2%.

   B. Manholes shall be located generally at intervals of 250 feet and in no case more than 300 feet. Manholes are also required at all points of change of course or grade line and at all points of intersection of sewer lines. Manholes are prohibited inside existing or proposed street pavement, cartway and shoulders.

   C. Sanitary sewers shall not be used to carry storm water.

   D. When on-site facilities are necessary, their design, construction and installation shall be in accordance with the requirements of any Township ordinance or regulations governing such on-site facilities, and shall be approved by the sanitary officer or other appropriate governmental health agency.

2. Installation of all sewers, water mains, street lights, manholes and other utilities, shall be in strict accordance with the engineering standards and specifications of the Township, municipal authority or other public utility concerned.

3. Fire hydrants, when provided, shall be located so that the distance from any building frontage to a fire hydrant is not more than 600 feet measured along the curb. Any parking areas shall be designed so as to prohibit parking within fifteen (15) feet of any hydrant.

4. Adequate easements or rights-of-way shall be provided for drainage and utilities. The minimum width of easements shall be twenty (20) feet for underground public facilities, overhead public utility facilities and drainage facilities. Wherever possible, easements shall be centered on side or rear lot lines. Additional width may be required by the Township Supervisors on recommendation of the Commission and/or Township Engineer depending on the purpose and use of the easement. Where feasible, telephone and electric lines shall be installed below ground. An easement no less than fifty (50) feet in width may be

required along watercourses upon recommendation of the Township Engineer to maintain drainage, flood control, water quality and ecological habitats. Developers shall be required to center said easement on the watercourse and maintain a riparian buffer within said easement with no building or earth disturbance activity permitted therein. Notes to this effect shall be placed on the approved subdivision or land development plan.

5. Reservations, if any, by the developer of any area designed for use as public grounds shall be of suitable size and location for their designated uses. Areas set aside for recreational or school purposes shall be reasonably compact parcels, placed to serve all parts of the subdivision or land development, accessible from a public street and not excessively irregular in terrain.

SECTION 806 EROSION AND SEDIMENTATION CONTROL STANDARDS AND SPECIFICATIONS

1. The installation and design of required erosion and sedimentation control facilities shall be in accordance with standards and specifications contained in the latest edition of the DEP Erosion and Sediment Pollution Control Program Manual and all other aspects of DEP Chapter 102 regulations.

2. Stream channel construction on watersheds with drainage areas in excess of 320 acres, or in those cases where downstream hazards exist, will conform to criteria enforced by the Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection.

SECTION 807 TRAFFIC IMPACT STUDIES

1. Uses Requiring a Traffic Study

At the time of any required preliminary plan submittal for any of the following under the Township Subdivision and Land Development Ordinance, for any of the following uses, the applicant shall submit a traffic study and a written report, when:

A. Fifty (50) or more dwelling units are proposed (including, but not limited to, campgrounds, recreational vehicle parks, and mobile home parks)

B. More than 20,000 square feet* of total floor area of commercial space.

C. More than 30,000 square feet* of total floor area of office space.

D. Any truck terminal, or more than 60,000 square feet* of total floor area of industrial space.

E. More than 30,000 square feet* of total floor area of institutional space.

F. Any use or combination of uses that would generate results greater than 750 trips per day.

G. Any use or combination of uses that, in the opinion of the Township Supervisors, would result in traffic impacts of such significance to warrant the preparation and review of a traffic impact study.

* The above referenced square footage requirements apply to individual large projects, projects that exceed a cumulative total of the specified area after the effective date of This Ordinance, and any projects occurring after the specified area levels have been reached.

2. Scope of Study

Such a traffic study shall meet the requirements set forth below:

A. Costs. The full costs of completing the study and of a review by the Township Engineer or other Township representative shall be borne by the applicant.

B. Selection of Engineer. The Board of Supervisors shall provide a list of four or more persons or firms that are qualified traffic engineers or traffic planners. The applicant shall select one of the persons or firms from this list.

C. Study Area. Prior to initiation of the traffic study, the traffic engineer or planner shall meet with the Board of Supervisors to establish the area to be studied. This area shall be limited to streets and intersections within a maximum of one mile of the proposed project boundaries. If no arterial or collector road is located within one mile of the proposed project boundaries, the study area shall be expanded to include those areas between the proposed project boundaries and the nearest collector or arterial road.

D. Joint Studies. Joint traffic studies between different applicants are strongly encouraged. If a recent and relevant study is available, that information may be used if applicable as a basis for this required study.

E. Fees. In place of individual traffic studies, the Board of Supervisors may require that an applicant provide a fee in lieu of a study. This fee shall only be used towards the costs of traffic studies sponsored by the Township. Any such fee shall be established by resolution or ordinance of the Board of Supervisors.

F. Project Description. Any study shall include a description of the proposed development, its proposed access, and the surrounding street system. If a development is proposed to occur in stages, each stage shall be described and taken into account in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed, and shall be taken into account.

G. Existing Traffic Conditions. The traffic volumes and service levels during the a.m. and p.m. peak hours shall be presented for all streets and intersections in the study area that can be expected to be significantly impacted. Traffic volumes shall be based upon actual counts that occurred within the prior two years and not upon State estimates. The locations of all accidents reportable to the State Police within the study area during a recent two year period shall be noted.

H. Expected Traffic Generation. The study shall include an estimate of the number of trips expected to be generated by the use and any future stages during the a.m. and p.m. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity.

I. Projected Effects. The study shall take into account not only the use proposed by the applicant, but also other uses and developments that have received building permits or preliminary subdivision or land development approval from a municipality. The study shall project a.m. and p.m. peak hour traffic volumes and levels of service on impacted intersections and streets. If the traffic generation by the development would be more than 30 percent greater during any hour other than the a.m. or p.m. peak hours on adjacent streets, the study shall analyze both the peak hours for the

development and for adjacent streets. The study shall project what directions the traffic generated will head towards.

J. Levels of Service. The study shall use the description of the levels of service (A, B, C, D, E and F) for streets and highways established by the U.S. Department of Transportation.

K. Signal Warrants. Heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is warranted by PennDOT criteria.

L. Clear Sight Distance. Clear sight distance shall be provided for each proposed point of ingress and egress. Said sight distance shall be in accordance with prevailing PennDOT requirements for the desirable or safe sight distance as published in Chapter 441 of 67 Pa. Code. Safe stopping sight distance values shall be acceptable only when it is demonstrated to the satisfaction of the Township that it is impossible to achieve the desirable value by locating the access at any point within the property frontage boundaries.

M. Needed Improvements. The study may take into account traffic improvements, which are clearly funded and will occur within the next two years. Said improvements shall include, but not be limited to, those improvements related to safety, capacity, efficiency, and structural integrity. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion, along with a rough estimate of the cost of that improvement.

N. Applicant's Response. The applicant shall respond to the traffic study with proposals on what traffic improvements, right-of-way dedications, or commitments of financing for specific projects the applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may be staged relative to the stages of the development. The applicant may also agree to commit towards the long-term support of a program to reduce peak hour traffic by private vehicles, through programs such as van pooling, support of mass transit or staggered work hours, in place of certain structural improvements.

SECTION 808 GROUNDWATER AVAILABILITY STUDIES

At the time of Preliminary Plan submittal, the applicant shall provide a groundwater availability study in accordance with the following requirements.

1. A groundwater availability study shall be required for all subdivisions and land developments in Warren Township; including, but not limited to, mobile home parks and campgrounds; that propose to utilize groundwater obtained from the tract being subdivided or developed irrespective of whether that water is being distributed as part of a public water supply. In the case of subdivisions or developments involving less than five (5) existing or proposed residential dwelling units or non-residential developments estimated to use less than 2,000 gallons of water per day, the groundwater availability study shall not be required. Developments subject to this exemption criteria shall be reviewed in terms of the status of the property as it existed on the effective date of This Ordinance and all development shall be assessed as a cumulative total from said date. Water usage figures shall be based upon the most recent data and estimates published in PA Code, Title 25, Chapter 73.

2. The groundwater availability study shall be prepared, signed and sealed by a registered professional engineer or registered professional geologist and shall include an examination of possible connections to an existing public water supply system and the capacity of the existing system to accommodate the proposed development.

3. The Township Supervisors shall approve the groundwater availability study only when the engineer performing the study certifies that the groundwater recharge on the tract in question after development computed during drought conditions (periods when precipitation is 40% below normal) will exceed the anticipated water usage figures. Where a residential use is proposed, the PADEP calculation of 3.5 persons per dwelling unit and average daily uses of 100 gallons per person per day shall be utilized. Where a nonresidential use is proposed, PADEP accepted estimated water usage figures shall be utilized in all computations. In all instances, the study shall adequately demonstrate that sufficient groundwater supply exists to serve the proposed development and that the proposed development of the property will not lower the groundwater table in the area so as to endanger or decrease groundwater supplies available to other properties in the area. At the discretion of the Township Supervisors, on-site groundwater testing and adjacent property well monitoring shall be required.

4. When a non-residential use is proposed, the report shall clearly identify the proposed nature of the use, the proposed number of employees, and whether the water will be used for cleanup, processing, or otherwise in connection with the proposed non-residential use.

5. The report shall include a narrative description of the qualitative and quantitative aspects of groundwater and surface water resources. These resources shall be mapped at a scale of not less than 1"=100'. Said map shall identify the geological characteristics of the subject property including the boundaries of rock formations and features such as faults and fractures. Surface water features including all bodies of water, springs, wetlands, floodplain, and drainage sheds shall also be mapped. Groundwater resources with features including all wells, aquifers and aquifer recharge areas shall also be mapped.

ARTICLE IX

IMPROVEMENT STANDARDS

SECTION 900 CONSTRUCTION OF IMPROVEMENTS

The subdivider or developer shall grade and pave the streets and install all other necessary improvements at no expense to the Township including where required, curbs, sidewalks, water mains, erosion, sedimentation and water management control facilities, sanitary and storm sewers, street lights, fire hydrants, street name signs, and other facilities and utilities required by the Board, in strict accordance with the requirements of this Article and the standards and specifications of the Township. Construction and inspection of all such facilities and utilities shall be subject to inspection by appropriate Township officials during the progress of the work. The subdivider or developer shall not begin work on structures in any part of the subdivision or land development until the streets in that part have been graded to within four (4) inches of the finished grade.

SECTION 901 MATERIALS AND CONSTRUCTION STANDARDS

Materials and construction standards for streets, curbs and gutters, sidewalks and any other facilities or utilities required by the Township shall conform to regulations and standards of the Township.

SECTION 902 STANDARDS FOR MONUMENTS AND MARKERS

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. Monuments and markers must be set so they are level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

Permanent monuments shall be placed throughout the subdivision in accordance with the Township specifications, to give full surveying control for each block and for all areas of dedicated land or public easement. Monuments shall not be set in the ground until final grading is completed.

Generally all work shall conform to Standards put forth by the American Congress of Surveying and Mapping and the following minimum standards:

1. Monuments. Monuments shall be four (4) inches square at the surface, thirty (30) inches long and made of concrete, stone, or by setting a four (4) inch cast iron or steel pipe filled with concrete. Monuments shall be set as follows:

   A. At the intersection of all street right-of-way lines.

   B. At the intersection of lines forming angles in boundaries of the subdivision.

   C. Monuments shall not be required for subdivisions with no new public roads involving one or more lot additions and/or less than twenty (20) residential lots.

   D. A minimum of two (2) monuments shall be required for subdivisions not meeting the criteria of section 902.1.C, provided, however, that there is a clear sight between monuments. The Township reserves the right to require additional monuments at such places as maybe required by the Engineer to adequately establish horizontal control.

   D. A minimum of three (3) monuments shall be required for subdivisions of 50 lots or more, provided, however, that there is a clear sight between monuments. The Township reserves the right to require additional monuments at such places as may be required by the Engineer to adequately establish horizontal control.

2. Markers. Markers shall be three-quarters of an inch (3/4") square or three-quarters of an inch (3/4") diameter, and fifteen (15) inches long. Markers shall be made of iron or steel bars. Markers shall be set:

   A. At all lot corners except those monumented;

   B. Prior to the time the lot is offered for sale or after the building is erected and grading is complete.

3. Landmarks. Whenever possible, or whenever directed by the Township Supervisors or Planning Commission, subdividers and land developers shall preserve trees more than six (6) inches in diameter at the trunk, groves, waterways, scenic points, historic spots and other community assets and landmarks.

SECTION 903 STREET CONSTRUCTION

1. General

All street construction shall be subject to supervision by the Township Supervisors, or their representatives, and shall be consistent with the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Township Supervisors. Figure 2 that follows illustrates an acceptable typical cross-section for streets and roads within the Township. The applicant shall reimburse the Township for the actual cost of the required final inspection of the subgrade and subbase construction by the Township Supervisors, or their representatives.

2. Subgrade

Prior to laying the subbase, the applicant shall (1) remove all top soil from the designated cartway, (2) remove all pockets of soft yielding, or otherwise unsatisfactory material prior to laying subbase the applicant shall use eight (8") inches of approved shale, or acceptable coarse-grained material, (3) bring the cartway to grade level with approved shale, or acceptable, coarse-grained material, compacted at six (6") inch depth intervals, (4) make provisions for adequate surface and subsurface drainage, and (5) install required utilities.

3. Subbase

The applicant shall notify the Township Supervisors in writing of impending construction of the subbase, and thereby, request final inspection of the subgrade. The subbase shall consist of six (6") inches of 2A modified stone rolled and compacted, or four (4") inches of compacted approved shale and four (4") inches of 2A modified stone, rolled and compacted.

4. Pavement

The applicant shall notify the Township Supervisors in writing of the impending construction of the pavement, and thereby, request final inspection of the subbase.

The pavement, including shoulders, shall be:

A. Base course consisting of three (3") inches of compacted ID-2 with a wearing coat of one and one half (1-1/2") inches of ID-2 sealed at curbs, if applicable.

B. The applicant shall permanently mark the centerline of all proposed collector roads with a four (4) inch wide yellow line.

5. Arterial Streets

For the construction of arterial roads or highways, the subdivider shall consult the Township Supervisors and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Township Supervisors on the recommendation of the Commission, shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision.

6. Commercial & Industrial Driveway Entrances

Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than ten (10) feet, the type of surface to be the same as specified above. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

A. Driveway entrances along street, where curbs are not required, shall be constructed to provide proper drainage along the streets and from the streets by the continuation of gutters, swales or ditches.

B. Driveways entrances along streets, where curbs are required, shall be constructed so that the driveway meets the edge of the cartway as a continuation of the slope from the crown of the street for not less than five (5') feet.

SECTION 904 STANDARDS FOR SIDEWALKS

All construction of sidewalks within the Township shall conform to all of the following minimum requirements:

1. Installation. Wherever a proposed subdivision or land development shall have an average of four (4) or more lots or dwelling units per net acre or is immediately adjacent to or within one thousand (1,000) feet of any existing or recorded subdivision or land development located along the same side of a connecting street having sidewalks, sidewalks shall be installed on all lot frontages.

   A. Sidewalks shall be within the right-of-way of the street.

   B. Sidewalks must be at least four (4) feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five (5) feet wide and located within the street right-of-way.

2. Construction. Sidewalks shall be constructed of cement concrete according to the standards set forth in the most recent edition or revision of PennDOT Specifications, Form 408.

SECTION 905 STANDARDS FOR SEWER AND WATER SYSTEMS

1. If a public sanitary sewer system is available within five hundred (500) feet of any part of the proposed subdivision, mobile home park, or land development, the subdivider or developer shall design and install a system including laterals which shall be connected to the public system and which shall serve every property within the proposed project. All plans and installations shall be subject to the approval of Warren Township Supervisors. The Board of Supervisors reserves the right to waive this requirement where owing to topographic features, character of development or capacity of existing facilities such connection would be an undue hardship.

2. Where a public sanitary sewer system is not accessible but is planned for extension to the subdivision or land development or to within five hundred (500) feet of any part of the subdivision or land development the subdivider or developer shall install sewer lines, including lateral connections, to provide adequate service to each lot within the proposed project when connection with the public system is made. The sewer lines shall be capped at the limits of the subdivision, mobile home park, or land development and the laterals shall be capped at the street or sewerage right-of-way line. All plans and installations shall be subject to the approval of the Warren Township Supervisors. When capped sewers are provided, on-site disposal facilities shall also be provided. (A sewer shall be considered to be planned for extension to a given area any time after engineering and related studies have been approved by the Pennsylvania Department of Environmental Protection and other agencies preparatory to the construction of facilities within five hundred (500) feet of any part of the subdivision or land development.) In lieu of providing the required sewer facilities, the subdivider or developer may upon approval of the Warren Township Supervisors escrow an amount of money necessary to cover the costs of providing the required sewer facilities under terms acceptable to the Board of Supervisors.

3. In any portion of the Township defined in Item 2 above where a central sewerage system is proposed, such system shall be subject to the approval of the Warren Township Board of Supervisors and the Authority to whom the system is to be dedicated which may establish conditions for future acceptance by the Board and/or Authority of such system. Such conditions may include a deferral of acceptance or a permanent refusal to accept.

4. When a proposed subdivision or land development intends to utilize a public or Township owned water supply system, the subdivider or land developer shall submit to the Township satisfactory evidence from the applicable agency approving of such utilization.

5. All private, central water supply systems shall be designed in accordance with the applicable regulations of the Department of Environmental Protection.

SECTION 906 STANDARDS FOR STORM WATER MANAGEMENT

1. Scope. A Storm Water Management Plan shall be required for each subdivision or land development at both the preliminary and final plan submittal stage. As an integral part of the Storm Water Management Plan, erosion and sedimentation control measures shall be included. For the purposes of This Section of the Ordinance, any expansion or construction which covers an area in excess of eight thousand (8,000) square feet of impervious and/or stone area shall require a Storm Water Management Plan approved by the Township Engineer in accordance with the applicable regulations of This Section. The 8,000 square foot requirement applies to an individual large project, projects that exceed a cumulative total of 8,000 square feet after the effective date of This Ordinance, and any projects occurring after the 8,000 square foot level has been reached.

2. Waiver. Any request for waivers of a Storm Water Management Plan shall be reviewed on an individual site basis using the criteria contained in this Section. A waiver of these Standards may be granted by the Supervisors for a development or subdivision which can be demonstrated to generate no increase in storm water runoff.

3. Content of Storm Water Management Plan.

   A. A general description of the proposed project along with a narrative of the management proposal and conclusions describing the storm water management techniques, type of storage and conveyance facilities, and a comparison between pre-development and post-development runoff levels

   B. Project location on a 7.5 minute U.S.G.S. Map or equivalent.

   C. Topographic features of this site and adjacent lands that are considered to impact upon the storm water management plan design.

   D. Runoff calculations for the entire watershed and related design computations necessary to substantiate the proposed temporary and permanent storm water management facilities.

   E. Design and Specifications of temporary and permanent storm water management facilities.

   F. Staging or Implementation Schedule for constructing the proposed storm water control system.

   G. Maintenance and ownership provisions.

H. The characteristics of the subsurface strata beneath any storm water facility. The potential for the development of sinkholes and other karst-related features shall be described.

I. Seal and signature of the registered engineer or surveyor responsible for the Storm Water Management Plan.

4. Design Standards. The design of all storm water management facilities shall incorporate sound engineering principles and practices. The Township shall reserve the right to disapprove any design that would result in the occupancy or continuation of an adverse hydrologic or hydraulic condition within the watershed. Computations for determining storm water runoff and for the design of storm water management facilities for drainage areas greater than thirty (30) acres shall be based upon the soil-cover-complex method described in either TR-55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service Engineering Field Manual; or the Soil Conservation Service National Engineering Handbook, Section 4. Drainage areas of twenty (20) acres or less shall be based upon the modified rational procedure as described in Recommended Hydrologic Procedures for Computing Urban Runoff from Small Watersheds in Pennsylvania, available from the Commonwealth of Pennsylvania, Department of Environmental Protection. Either method may be used for areas between twenty (20) and 30 acres. For each area or subarea analyzed, use the same analytical method for the pre-development and post-development conditions. The Township may require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the Township Engineer.

The Storm Water Management Plan shall effectively demonstrate the control of post-development peak discharge rates to pre-development peak discharge rates based on the following standards:

A. All pre-development calculations shall be based upon existing land uses except existing agricultural uses which shall be based on the following land use descriptions:

- Cultivated Land, with Conservation Treatment
- Pasture, Good Condition
- Meadow, Good Condition
- Farmstead

Any areas existing or designed to be either initially or ultimately gravel, shale, or crushed stone shall be assumed to be impervious. Pre-development storm water runoff shall be calculated for the two-year, five-year and ten-year storm events.

B. Release rates from storage structures shall be based on the runoff from the two-year, five-year and ten-year pre-development storm events.

C. Storage structures shall be designed such that the post development two-year, five-year and ten-year peak discharges will not exceed the pre-development two-year, five-year and ten-year peak discharges for the primary outlet structure.

D. All storage structures shall be designed with emergency spillways. The minimum design capacity of the emergency spillways shall be the 25-year post-development peak discharge while maintaining a minimum 1.0 foot freeboard. Basins shall be kept in a maintainable condition with a minimum bottom slope of one (1) percent. Paved or concrete low flow channels are recommended in detention basins to completely drain them and to carry low flows from inflow culverts to the principal spillway. With low flow channels, the minimum bottom slope of the basin shall be one-half (0.5) percent.

E. Culverts, pipes, and other water carrying structures shall be designed to handle the peak discharge from the ten-year post-development storm event. All culverts and pipes installed under Township roads or roads proposed for dedication to the Township shall be constructed of reinforced concrete or shall be ADS plastic smooth-walled.

F. The Storm Water Management Plan shall include calculations indicating velocities of flow, grades, sizes, and capacities of water carrying structures, debris or sediment basins, and retention and detention structures and sufficient design information to construct such facilities.

G. Storm water runoff calculations using the rational method shall be based on the following sixty (60) minute rainfall intensities:

Design Storm Frequency (years)	Rainfall Intensity (inches per hour)
2	1.28
5	1.89
10	2.29
25	2.78
50	3.17
100	3.53

Storm water runoff calculations using the soil-cover-complex method shall be based on the following twenty-four (24) hour storm event rainfall depths:

Design Storm Frequency (years)	Rainfall (inches)
2	2.9
5	3.8
10	4.8
25	5.1
50	5.9
100	6.4

H. Maximum permitted velocities are as follows:

1. Three (3) feet per second where only sparse vegetation can be established.

2. Four (4) feet per second under normal conditions where vegetation is to be established by seeding.

3. Five (5) feet per second where a dense, vigorous sod can be quickly established or where water can be temporarily diverted during establishment of vegetation.

4. Six (6) feet per second where well established sod is in existence.

5. For lined water carrying channels, the following velocities are required:

   a. Six (6) inch rock rip-rap - Up to six (6) feet per second.

   b. Nine (9) inch rock rip-rap - Up to eight (8) feet per second.

c. Asphalt - Up to seven (7) feet per second.

d. Durable bedrock - Up to eight (8) feet per second.

e. Twelve (12) inch rock rip-rap - Up to nine (9) feet per second.

f. Concrete or steel - Up to twelve (12) feet per second.

g. The normal maximum velocity of open channel flows shall not exceed ten (10) feet per second.

I. Energy dissipators shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.

J. Vertical pipes, inlets, and other surface water receiving structures shall be installed with trash racks.

K. Storm water runoff channels shall be designed and installed to avoid trapping excess sediment.

L. The use of subsurface retention, detention or infiltration BMP methods will be permitted only in areas where the Township finds that the soils have adequate percolation rates and that the underlying geology is not susceptible to solutioning (i.e. limestone). The design calculations shall include field testing results verifying the percolation rate and soil permeability, identification of the underlying bedrock and its depth, and a site analysis by a professional geologist licensed in the Commonwealth of Pennsylvania discussing the characteristics of the property and any recommendations for construction. A geologic evaluation to determine susceptibility to sinkhole formation shall also be required for detention or retention basins proposed to be located on lands underlain by limestone. The design of such facilities shall also include measures to prevent ground water contamination and, where necessary, sinkhole formation. The Township may require the installation of an impermeable liner in detention basins.

M. Proposed lots or buildings adjacent to basins and significant channels shall have a finished first floor elevation of two (2) feet above the one hundred (100) year storm event level calculated for these facilities. The plans shall explicitly indicate the minimum allowable finished first floor elevation for these lots or buildings.

5. Erosion and Sedimentation. Erosion and sedimentation control measures shall be in accordance with the applicable standards and specifications set forth in the latest edition of the DEP Erosion and Sediment Pollution Control Program Manual and all other aspects of DEP Chapter 102 regulations. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during construction, so as to maintain their infiltration capacity. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has been completely stabilized.

6. Ownership and Maintenance Program. Each Storm Water Management Plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities, and erosion and sedimentation control facilities, including:

   A. Description of temporary and permanent maintenance requirements.

   B. Identification of the responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.

   C. Establishment of suitable easements for access to all facilities.

   D. The intent of these Regulations is to provide private ownership and maintenance of storm water management and erosion and sedimentation control facilities. The Board of Supervisors, upon recommendation of the Township Engineer, shall make the final determination as to the continuing maintenance responsibilities prior to final approval of the storm water management plan. The Board of Supervisors reserves the right to accept or reject ownership, operation and maintenance responsibility for any and all proposed stormwater management controls.

7. Basic Construction Criteria. Construction standards of storm water management and erosion control facilities shall be in accordance with the approved Plans and accompanying Specifications, if any. In addition, as-built drawings of all storm water detention, retention, collection and conveyance facilities shall be required in accordance with Section 700.9 of This Ordinance. The construction details and standards of the following publications in their most recent revision shall be acceptable:

   A. DEP Erosion and Sediment Pollution Control Program Manual and all other aspects of DEP Chapter 102 regulations; and

   B. PennDOT, Form 408, Specifications; and

   C. PennDOT, RC Series, Roadway Construction Standards.

8. Water Quality Requirements. In addition to the design standard requirements of This Section, the developer shall comply with the following water quality requirements unless otherwise exempted by the provisions of This Ordinance.

   A. Detain the one (1) year, twenty-four (24) hour design storm using the SCS Type II distribution. Provisions shall be made so that the 1-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured. (i.e., the maximum water surface elevation is achieved in the facility.) Release of water can begin at the start of the storm. (i.e., the invert of the water quality orifice is at the invert of the facility.) The design of the facility shall consider and minimize the chances of clogging and sedimentation potential.

   B. To accomplish the objectives of water quality, the developer may submit original and innovative designs to the Township for review and approval. Such designs may achieve the objectives of water quality through a combination of BMPs (Best Management Practices).

   C. In selecting the appropriate BMPs or combinations thereof, the developer shall consider the following: total contributing area, permeability and infiltration rate of the soils, slope and depth to bedrock, seasonal high water table, proximity to building foundations and well heads, erodibility of soils, and land availability and configuration of the topography.

   D. The following additional factors should be considered when evaluating the suitability of BMPs: peak discharge and required volume control, streambank erosion, efficiency to mitigate water quality problems, the volume of runoff to be effectively treated, nature of the pollutant(s) to be removed, maintenance requirements, creation/protection of aquatic and wildlife habitat, recreational value, and enhancement of aesthetics and property values.

SECTION 907 EROSION AND SEDIMENTATION CONTROL STANDARDS AND SPECIFICATIONS

The measures used to control erosion and reduce sedimentation shall as a minimum meet the erosion and sediment control standards and specifications as set forth in the latest edition of the DEP Erosion and Sediment Pollution Control Program Manual and all other aspects of DEP Chapter 102 regulations as adopted by the Warren Township Supervisors by this Ordinance as the Township standards and specifications. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, and provisions.

ARTICLE X

MOBILE HOME PARK REGULATIONS

SECTION 1000 PROCEDURES

No person, firm or corporation shall construct, maintain or operate a Mobile Home Park within the Township without obtaining a Mobile Home Park permit from Warren Township. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development plans in accordance with the provisions of this Ordinance. Unless specified in this Article, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this Ordinance.

SECTION 1001 PLAN REQUIREMENTS

Prior to the issuance of a Mobile Home Park permit, plans shall be submitted to and approved by the Township in accordance with the requirements and procedures of this Ordinance regarding Pre-Application Consultation, Preliminary Plans and Final Record Plans. In addition to the site plan information required elsewhere in this Ordinance, the following information shall be provided on the plans:

A. The location and use of proposed building or structural improvements.

B. The location and design of all uses not requiring structures such as recreation areas and landscaping.

SECTION 1002 MOBILE HOME PARK PERMIT

A. License and Permit. It shall be unlawful for any person to construct, alter, extend, or operate any park unless he has been issued a permit by Warren Township hereunder; and unless he complies with provisions of this Ordinance and Regulations.

B. Application to Warren Township. Owner shall make application to the Township Supervisors on the form furnished by said officials for permit to operate a park in the Township, designating the person within the Township upon whom service of notices and proceedings hereunder can be served.

C. Inspection and Issuance of Permit. Upon receipt of such application the Township Supervisors shall inspect applicant's proposed park to determine compliance with the provisions of this Ordinance. Upon approval the Board of Supervisors shall issue a Park Permit to applicant which shall be valid for the period of one (1) year thereunder. Upon determination that applicant does not comply with this Ordinance, the Board of Supervisors shall give notice with conditions required to be met prior to reconsideration of the application.

D. Renewal Permits. Renewal permits for a like period shall be issued by the Township Supervisors upon application and compliance with This Ordinance.

E. Applicability to Existing Parks. (1) Parks in existence upon effective date of this Ordinance will be required to meet maintenance and operating standards of this Ordinance as a prerequisite to issuance of a permit or a renewal permit. (2) Park operation and maintenance and expansion of existing parks shall comply with this Ordinance. (3) Parks in existence, in operation, or approved under prior Ordinance, at time of enactment of this Ordinance, whether or not issued a permit, shall within one hundred and twenty (120) days after the effective date of this Ordinance make application for permit hereunder and shall comply with provisions of this Ordinance applicable to parks in existence prior to enactment. (4) Any existing park that in the opinion of the Board of Supervisors creates a fire, health, or safety hazard shall be required to comply with the provisions of this Ordinance within a reasonable period of time as determined by the Board of Supervisors.

SECTION 1003 TRANSFER

Every person holding a permit shall file notice in writing to the Township Supervisors within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any park.

SECTION 1004 LOT REQUIREMENTS

A. All mobile home parks within Warren Township shall provide centralized water and sanitary sewer service for their residents. Said centralized water and sanitary sewer systems shall be designed, constructed, permitted, operated and maintained in accordance with all applicable Township, State and Federal requirements.

B. On land laid out as a mobile home park, lots shall be not less than eighty-five (85') feet wide measured at the street right-of-way line. The minimum required lot area for all individual mobile home lots within mobile home parks shall be one-quarter (1/4) acre or ten thousand eight hundred ninety (10,890) square feet exclusive of street rights-of-way, 50-foot property boundary setbacks, and other public areas.

C. Blocks within a mobile home park shall not exceed a length of one thousand five hundred (1,500') feet between rights-of-way and shall not be less than two hundred fifty (250') feet in width between rights-of-way.

SECTION 1005 YARD AND SETBACK REQUIREMENTS

A. In a mobile home park, the setback lines must conform to any applicable Zoning or Mobile Home Park Ordinance. Where no such Ordinance exists, the minimum setback from the right-of-way line of a dedicated public street shall be fifty (50') feet.

B. In a mobile home park the front yard setback lines on a service street shall be thirty-five (35') feet.

C. In a mobile home park, side and rear building setbacks shall be not less than twenty (20') feet from the side and rear lot lines of each mobile home lot, and not less than fifty (50') feet from the mobile home park property boundaries. Area within the 50-foot minimum setback from property boundaries shall not count toward the minimum individual lot area requirement outlined in Section 1004.B.

SECTION 1006 PARK STREET SYSTEM

A. Park Access. Each mobile home park planned for more than ten (10) mobile homes shall be provided with at least two points of ingress and egress and a distance of at least two hundred (200') feet shall be maintained between centerlines of access streets.

B. Lot Access. All mobile home parks shall be provided with safe and convenient paved access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography. All lots within a mobile home park shall access interior park streets and not dedicated Township roads.

C. Streets. All streets within the mobile home park shall be constructed in accordance with Township road specifications. All streets within the mobile home park shall remain under

single ownership with the park. Mobile home park streets shall not be offered for Township dedication.

SECTION 1007 REQUIRED OFF-STREET PARKING

A. In a mobile home park, paved off-street parking areas shall be provided at the rate of two (2) vehicular parking spaces for each mobile home lot.

B. Each such off-street parking area shall contain at least four hundred (400) square feet and shall be located on the mobile home lot it is intended to serve.

C. Auxiliary parking areas shall be provided throughout the mobile home park at a rate of one space for each mobile home lot. Auxiliary parking areas shall be located within three hundred (300') feet of the lots they are intended to serve. Said auxiliary parking areas shall be paved and are intended for passenger vehicle use only. Larger vehicles including, but not limited to, recreational vehicles, campers, boats, trailers, and tractors shall be stored in a separate, specially assigned, secure area located in close proximity to the park office.

SECTION 1008 UTILITY IMPROVEMENTS

A. Sewer and Water. All mobile homes in mobile home parks shall be connected to public or centralized sewer and water systems approved by the Department of Environmental Protection.

B. Electrical Distribution and Television Service. All mobile home parks shall have underground electrical distribution systems, telephone service and television cable service where available which shall be installed and maintained in accordance with the local company's specifications regulating such systems.

C. Individual Electrical Connections.

1. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC 200 amperes.

2. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding connector run with branch circuit conductors or other approved methods of grounded metallic wiring.

The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

D. Natural Gas System. Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

E. Liquified Petroleum Gas System. Liquified petroleum gas (LPG) systems provided for mobile homes, service buildings or other structures shall include the following:

1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

2. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

3. All LPG piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas liquid form shall not be conveyed through piping equipment and systems in mobile homes.

4. Any vessel containing LPG shall be secured but not permanently fastened to prevent accidental overturning. Vessels with a capacity greater than one hundred (100) gallons must be placed no nearer than ten (10) feet from any building. Vessels with a capacity greater than five hundred (500) gallons are prohibited, and no mobile home shall have a total capacity greater than 500 gallons.

5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specifically approved by Warren Township.

F. Fuel Oil Supply Systems. All fuel oil supply systems provided for mobile homes, servicing buildings and other structures shall be installed and maintained in conformity with the following regulations:

1. All piping from outside fuel oil storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

2. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.

3. All fuel oil storage tanks or cylinders shall be securely placed and shall not be less than ten (10) feet from any mobile home exit.

4. Fuel oil storage tanks located in areas subject to traffic shall be protected against physical damage.

5. Fuel oil storage tanks shall not be located under mobile homes.

SECTION 1009 USEABLE OPEN SPACE

A. All mobile home parks shall provide not less than twenty (20%) percent of the total land area for useable open space purposes for the enjoyment of park residents. The required open space shall not include undesirable areas including, but not limited to, slopes greater than twenty-five (25%) percent, wetlands, 100-year floodplain, and stormwater management facilities. Useable open space shall be located so as to be free of traffic hazards and shall be centrally located and easily accessible to all park residents. Sidewalks shall be required to access all useable open space and recreation areas. Mobile home parks accommodating more than twenty-five (25) individual lots shall also be required to provide playgrounds or other physical recreational facilities (swimming pool, courts, ballfields, etc.) to promote active recreation in addition to passive open space. Such active recreation facilities may be included within the required open space area. Plans shall detail the types of facilities proposed and their locations.

B. Exposed ground surface in all parts of every park shall be protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

C. Open space and recreation areas shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

SECTION 1010 PARK AREAS FOR NON-RESIDENTIAL USES

A. In a mobile home park no part of the park shall be used for a non-residential purpose, except such uses as are listed in Section 1013 that are specifically required for the direct servicing and well being of park residents and for management and maintenance of the park.

B. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

C. The mobile home lots in a mobile home park shall be prohibited for transient use.

SECTION 1011 ACCESSORY BUILDINGS

Where a mobile home park is proposed, one accessory building may be erected on each lot within one of the side yards or rear yard provided that such accessory building is temporary in that it is capable of being moved and does not include a permanent foundation. Accessory buildings shall be located not less than ten (10') feet from the side or rear lot line or ten (10') feet from any building except when an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line. No building may be erected within an area designated in the mobile home park plan as a utility, drainage or pedestrian easement or right-of-way.

SECTION 1012 IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

In a mobile home park all improvements, construction requirements, and engineering specifications for the improvements required shall be provided in accordance with Article IX of this Ordinance and shall also provide the following additional improvements.

A. Buffer Strips.

1. In a mobile home park, a suitably screened or landscaped buffer strip at least ten (10') feet wide, approved by the Township shall be provided by the developer along all of the property lines separating the mobile home park from adjacent uses.

   A required screen shall be composed of evergreen trees at least eight (8') feet in height supplemented by forsythia. Such trees shall be planted offset in two parallel rows, with a six (6') foot minimum distance between the trunks of each of the plants, measured in one continuous direction. All required planted materials shall be well maintained and any that die or fail to survive shall be replaced within twelve (12) months by the then owner of the development with trees of original planting size. The Board of Supervisors may require at its discretion the inclusion of an elevated earthen berm base as part of the screened buffer strip.

B. Curbing and Sidewalks

1. General Requirements. All parks shall be provided with safe, convenient, pedestrian sidewalks four (4') feet in width throughout the park between individual mobile home lots, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. Sidewalks shall be constructed in accordance with PennDOT Form 408 specifications and shall comply with the prevailing requirements of the Americans with Disabilities Act (ADA) for ramps at crosswalks and intersections.

2. Individual Walks. All mobile home lots shall be connected to sidewalks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2') feet.

3. Curbing. All parks shall provide curbs and gutters along both sides of all proposed park streets. Said curbing and gutters shall be designed in accordance with PennDOT Form 408 specifications and shall comply with the prevailing requirements of the Americans with Disabilities Act (ADA) for ramps at crosswalks and intersections.

C. Signs and Lighting

1. Signs may be permitted subject to the approval of the Township.

2. All means of ingress and egress, walkways, streets, and parking lots shall be adequately lighted during nighttime hours, by the use of either low-pressure or high-pressure sodium luminaries mounted at a minimum height of twenty (20) feet. Park illumination for streets and other public areas shall be serviced by a separate circuit. The Developer is required to provide a lighting plan for review and approval by the Township. Said lighting plan shall be prepared by a professional engineer, licensed architect, professional lighting consultant or the power company servicing the proposed park.

3. Along park streets and walkways, luminaries shall be provided at maximum intervals of two hundred (200) feet, except within two hundred (200) feet of intersections of park streets, where the maximum intervals shall be one hundred (100) feet.

4. Park entranceways, where the park street connects with the public street, shall have at least two (2) luminaries at the street intersection.

5. Auxiliary parking lots shall have one (1) luminary for each twenty (20) parking spaces, or fraction thereof, which shall be located to distribute the light as evenly as practical.

D. Other Site Improvements

1. An enclosure of compatible design and material or "skirting" shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure and shall be designed in such a manner as to prevent animals from freely entering the area beneath the mobile home.

2. Anchorage to prevent the movement of the mobile home by natural causes shall be provided for each mobile home. Anchorage may be provided for by anchors and tie-

downs such as cast-in-place concrete, "dead-man" eyelets imbedded in arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at a minimum at each corner of the mobile home slab and each shall be able to sustain a minimum tensile strength of two thousand eighty (2,080 lbs.) pounds.

3. Each mobile home lot shall be provided with a four (4) inch concrete slab on a stable surface at least 10 feet by 18 feet in size for use as a terrace and so located so as to be adjoining and parallel to the mobile home and not extend into the front or rear yards. In place of a concrete slab, a structurally stable porch may be constructed at the elevation of the entranceway. It must be located so as to be adjoining and parallel to the mobile home and not extended into the front or rear yards. The porch shall be of either metal or pressure treated wood construction at least 10 feet by 18 feet in size.

4. Individual tenants at the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not encroach into the front, side, or rear yard areas. Structures with a roof shall be anchored in such a manner as to prevent movement by natural causes. Township approval shall be required in each case.

5. Provisions shall be made by the park operator to have garbage and waste collected at least once every week. Any refuse disposal site proposed within the mobile home park shall be subject to the approval of the Township.

6. Mailboxes for park residents shall be located on one or more conveniently located, centralized pedestals inside the park. Mailboxes outside the park boundaries and/or along public roads shall be prohibited.

7. There shall be provided in each mobile home park such other improvements as the Township may require whereby such requirements shall at all times be in the best interests of the park residents.

SECTION 1013 SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES

When constructed, the following structures and any others deemed similar by the Board of Supervisors as specifically required for the direct servicing and well being of park residents and for management and maintenance of the park shall conform to the applicable regulations of this Ordinance and all other Ordinances of Warren Township.

A. Management offices, repair shops and storage areas;

B. Laundry facilities; and

C. Indoor recreation areas.

SECTION 1014 PARK AREA DENSITY

A mobile home park shall have a gross area of at least twenty (20) acres and shall contain no more than four (4) mobile home lots per acre. Said minimum 20-acre project area shall not include areas identified as slopes steeper than twenty-five (25%) percent, wetlands, 100-year floodplain, and utility easements.

SECTION 1015 RESPONSIBILITIES OF OPERATOR

A. Operator shall operate a park in compliance with this Ordinance and shall provide adequate supervision to maintain park, its facilities and equipment in good repair and in a clear and sanitary condition. Operator shall notify Warren Township within five (5) days of placement of additional mobile homes. All mobile home parks shall include an on-site park manager's office. Said office shall be clearly identified and designated within the confines of the park. All park offices shall be open for business a minimum of twenty (20) hours per week. The regular hours of operation shall be clearly posted at the front of the office along with any changes in the schedule as necessary, a list of emergency phone numbers, and a legible map of the park layout including street names and individual lot addresses.

B. Operator shall provide to Warren Township Supervisors and the State Department of Environmental Protection access at reasonable times to the park and facilities to inspect to ensure compliance; and shall maintain a register containing names of all park occupants to be available to any authorized person inspecting park, for health, assessment, taxation and other purposes. Said register shall also include the name and last permanent address of the head of the family occupying each mobile home; date of entry to the park; and the serial number, make and size of mobile home. Said register shall be kept at the park manager's office and shall be available at all times for Township or County inspection. Any changes in occupancy shall be reported to the Township and the County Tax Assessor's Office within one (1) month of the date of entry.

C. Operator shall notify the Township and the Department of Environmental Protection of any suspected communicable or contagious disease within the park.

SECTION 1016 NOTICES, HEARINGS AND ORDERS

A. Whenever the Board determines there are reasonable grounds to believe a violation of any provision of this Ordinance has occurred; the Board shall give notice of alleged violation to operator. Notice shall:

1. Be in writing.

2. Include statement of reasons for issuance.

3. Allow reasonable time for performance of any act to correct the violation.

4. Be served upon owner or his designated agent, or upon any adult in charge of the premises, personally or by certified mail.

5. State action required by mobile home park operator to comply with provisions of this Ordinance.

B. Upon operator's failure to comply with notice, the Board shall hold a hearing with at least ten (10) days written notice to operator. Operator and interested parties shall have an opportunity to be heard and to show why the notice of violation should be modified or withdrawn.

C. After the hearing, the Board shall make findings as to compliance or non-compliance with Ordinance and shall have the power to suspend permit of operator for non-compliance with provisions of Ordinance. During suspension no mobile home may be placed, leased, sold or interest transferred in said park without approval of the Board. Penalty provisions for violation of Ordinance or Regulations may be imposed notwithstanding suspension of permits. Board shall also have the power to modify or withdraw permit.

D. Proceedings at hearing, including findings and decisions of Board, together with a copy of every notice and order related thereto shall be filed as part of the Warren Township records. Transcript of proceedings need not be transcribed unless judicial review of decision is sought as provided by this section. Any person aggrieved by decision of Board may seek relief therefrom in any court of competent jurisdiction, as provided by laws of the Commonwealth.

E. Whenever Board finds that an emergency exists which requires immediate action to protect public health, it may without notice or hearing issue an order reciting the existence of such an emergency and requiring such action be taken as the Board deems necessary to meet the emergency including the suspension of permit. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an

order is directed shall comply therewith immediately, but upon petition to Board shall be afforded a prompt hearing in accordance with Sections 1016 A, B, C, and D.

F. Reinstatement of Suspended Permit. A suspended permit shall not be reinstated until operator complies with the order. Reinstatement shall require new application and showing by operator that action has been taken to prevent reoccurrence of conditions resulting in the order.

SECTION 1017 FEES

At the time of filing the Preliminary Plat and Final Plat for the development of a tract of land for a mobile home park, the applicant shall be required to pay to the Township fees in accordance with the requirements of Article IV of this Ordinance. Fees for renewal application shall be ten dollars ($10.00) per lot or one hundred dollars ($100.00), whichever is greater. Fees shall be for cost of inspection and administration.

SECTION 1018 PENALTIES

The penalties contained in Article XI of this ordinance relative to violations of subdivision and land development regulations, shall also be applicable to violations of the provisions of this Article X, relative to Mobile Home Park Regulations.

ARTICLE XI

PREVENTATIVE AND ENFORCEMENT REMEDIES

SECTION 1100 ENFORCEMENT REMEDIES

1. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500.00) dollars, plus all court costs, plus reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the provisions of this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. The violator shall be liable for the penalty, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings.

2. The Franklin County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment; and

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1101 PREVENTATIVE REMEDIES

1. In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of any provision of this ordinance; such authority to deny a permit or approval shall apply to any of the following applicants:

   A. The owner of record at the time of such violation.

   B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

   C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

   D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township hereby requires compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

SECTION 1102 JURISDICTION

The District Justice having jurisdiction within the Township shall have initial jurisdiction in proceedings brought under this Article XI.

ARTICLE XII

SEVERABILITY, EFFECTIVE DATE, ENACTMENT

SECTION 1200 SEVERABILITY

If any sentence, clause, section or part of this entire ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Warren Township Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 1201 APPEALS TO COURT

Appeals from the decisions of the Warren Township Board of Supervisors on subdivision, land development or mobile home park applications may be appealed to a court of competent jurisdiction. All such appeals shall be governed by the pertinent provisions of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 1202 AMENDMENTS

1. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice. In addition, in case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. At least thirty (30) days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

2. Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of any amendment to this Ordinance to the County Planning Commission.

SECTION 1203 EFFECTIVE DATE

This ordinance shall take effect upon its enactment as provided by law.

SECTION 1204 ENACTMENT

Enacted and ordained this _____ day of _____, 20_____.

WARREN TOWNSHIP

By: _____
Chairman, Board of Supervisors

ATTEST:

BOARD OF SUPERVISORS OF WARREN TOWNSHIP

_____
Township Secretary

_____
Supervisor

_____
Supervisor