

Hamilton Township Subdivision and Land Development Ordinance

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CHAPTER 120

SUBDIVISION AND LAND DEVELOPMENT

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			Effective Date.

[HISTORY: Adopted by the Board of Supervisors of the Township of Hamilton ____ - ____ - ____ by Ord. No. _____. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform Construction Code – See Ch. 56.	Stormwater management – See Ch. 117.
Floodplain management – See Ch. 69.	Wells – See Ch. 146.
Highway occupancy – See Ch. 75.	Zoning – See Ch. 150
Sewers – See Ch. 103.	

ARTICLE I
GENERAL PROVISIONS

§120-1. Title.

This chapter shall be known and may be cited as the "Subdivision and Land Development Ordinance of Hamilton Township."

§120-2. Purpose.

This chapter is established to regulate and control the subdivision and development of land within Hamilton Township so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety, morals and welfare of the community.

§120-3. Scope.

From and after the effective date of this chapter, any subdivision or land development shall be in conformity with this chapter and all standards and specifications adopted as a part of such chapter. Applicants are hereby notified that submissions prepared in accordance with this chapter shall also be subject to the Hamilton Township Zoning Ordinance,¹ the Hamilton Township Construction and Materials Specifications, the Hamilton Stormwater Management Ordinance, and the International Code Council Series of Building Codes, or its replacement.²

§120-4. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. When provisions of this chapter and all standards and specifications adopted under it impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this chapter and its standards and specifications shall be controlling unless specified to the contrary. The illustrations in this chapter are not a part of the chapter, but are included herein for purposes of explanation and clarification only.

1. Editor's Note: See Ch. 150, Zoning.

2. Editor's Note: See Ch. 56, Uniform Construction Code.

ARTICLE II
DEFINITIONS

§120-5. Interpretation.

A. For the purpose of this chapter, the words and terms used herein shall be interpreted as follows:

- (1) Words used in the present tense include the future.
- (2) The singular includes the plural.
- (3) The word “person” includes a corporation, partnership, association, or other legal entity, as well as an individual.
- (4) The word “lot” includes the word “plot” or “parcel.”
- (5) The term “shall” is mandatory.
- (6) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be occupied.”
- (7) The word “Commission” and the words “Planning Commission” shall mean the Hamilton Township Planning Commission.
- (8) The word "Supervisors" and the words "Board of Supervisors" shall mean the Hamilton Township Board of Supervisors.

B. Any word or term not defined herein shall be used with a meaning of standard usage.

C. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this chapter, the meanings given in the following clauses.

§120-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE – A structure detached from, subordinate to, and on the same lot with the principal structure, and used for the purposes customarily incidental thereto.

AGRICULTURAL PURPOSE – Those land uses which are devoted to the production of agricultural, horticultural, orchards, viticultural and dairy products, livestock, ranch-raised fur-bearing animals, poultry, bee raising, forestry, sod crops, and any and all products raised on farms intended for human consumption.

AGRICULTURAL SOILS – Soils classified in the Soil Survey of Adams County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, May 1967, as may be amended or updated. The term, unless otherwise specified, refers to land capability units I, II, III; those soils which may be considered prime agricultural soils.

ALLEY – See “Street”.

APPLICANT – A landowner or developer who has filed an application for development, including his heirs, 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 plan or for the approval of a development plan.

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.

AVERAGE DAILY TRAFFIC (ADT) – The total volume during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period.

BLOCK – An area bounded by three or more streets.

BOARD OF SUPERVISORS – The Board of Supervisors of Hamilton Township, Adams County.

BUILDING – A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

CALIPER – The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk three feet above the surface of the ground.

CARTWAY – The paved portion of a street right-of-way intended for vehicular use.

CERTIFICATE OF REGISTRATION – The written approval as issued by the Department of Environmental Protection, authorizing a person to operate and maintain a mobile home park.

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 streets.

COMMON RECREATION AREA – Any area or space designed for joint use of the occupants of a residential community.

CONDOMINIUM – As defined within the Uniform Condominium Act, No. 82 of 1980,³ as amended: Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not condominium unless the included interests in the common elements are vested in the unit owners.

COUNTY – The County of Adams, Pennsylvania.

CUL-DE-SAC – A street intersecting another street at one end and terminating in a vehicular turnaround at the other end.

DENSITY – The number of dwelling units per acre of land exclusive of public right-of-way and streets

3. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.

DESIGN STANDARDS – Regulations, as stated in Article V, imposing standards in the layout by which a subdivision or land development is governed.

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.

DRIVEWAY – A private vehicular service road providing access to single lot, building, dwelling or garage.

DWELLING – Any building which is designed for human living quarters, but not including hotels, boardinghouses, tourist cabins, motels, and other accommodations used for transient occupancy.

DWELLING, MULTIFAMILY – A building used by three or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY ATTACHED – A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or townhouses or row houses when three or more units are attached together in a structure.

DWELLING, SINGLE-FAMILY DETACHED – A building containing one dwelling unit, and having no party wall common with an adjacent property.

DWELLING, TWO-FAMILY – A building containing two dwelling units, arranged either in a side-by-side fashion sharing one common party wall or with one unit arranged over the other.

DWELLING UNIT – An independent housekeeping unit consisting of living quarters of one or more rooms with cooking, sleeping, and sanitary facilities, arranged for use by one or more individuals.

EASEMENT – The right of a person, governmental agency, or public entity to use public or private land owned by another for a specific purpose.

ENGINEER – A professional engineer registered by the Commonwealth of Pennsylvania.

FLOODPLAIN – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area.

FLOODPLAIN SOILS – Soils in areas subject to periodic flooding and listed in the Soil Survey of Adams County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, May 1967, as may be amended or updated, as being on the floodplain or subject to flooding. "Floodplain soils" include, but are not limited to:

- A. Bowmansville.
- B. Croton.
- C. Dunning.
- D. Guthrie.
- E. Lamington.
- F. Melvin.
- G. Rohrersville.
- H. Watchung.
- I. Wehadkee.
- J. Worsham.

HIGHWAY CLASSIFICATION MAP – A map contained in the Zoning Ordinance⁴ which serves to categorize existing Township streets.

IMPERVIOUS SURFACES – See Chapter 117, Stormwater Management.

IMPROVEMENTS SPECIFICATIONS – Regulations, as stated in Article V, imposing minimum standards for the construction of required improvements, including, but not limited to, streets, curbs, sidewalks and sewers.

LAKES AND PONDS – Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the permanent pool elevation. Lakes are bodies of water two or more acres in extent. Ponds are any water body less than two acres in extent.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. Land Development does not include development which involves:
 - (1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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 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.

4. Editor's Note: See Ch. 150, Zoning.

LANDSCAPE ARCHITECT – A professional landscape architect registered by the Commonwealth of Pennsylvania.

LANDSCAPING – The area within the boundaries of a given lot that consists of planting materials, including, but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. At least 50 percent of the landscaping area must be covered by live plant material at the time of plant maturity.

LANDSCAPING PLAN – A plan prepared to demonstrate the additions of trees, plants, and other natural and decorative features to the land, as may be required by this chapter.

LEVEL OF SERVICE – As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), the quality of traffic movement on a particular street or through a particular intersection.

LOT – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

LOT AREA – The area contained within the property lines of a lot, excluding any street or utility right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

LOT, CORNER – A lot located at the intersection of two or more streets.

LOT DEPTH – The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight street rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way of the street of address to the directly opposite property line.

LOT, FRONTAGE – The length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR – Any lot which is not a corner lot.

LOT LINE, FRONT – That lot line that is described as the front property line in the deed of said property unless otherwise specified in this chapter. In the absence of a deed described front property line, said line shall be the centerline of street right-of-way.

LOT LINE, REAR – That lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length, entirely within the lot, generally parallel to, and at the maximum distance from, the front lot line shall be considered the “rear lot line”.

LOT LINE, SIDE – Any lot line other than a front or rear lot line.

LOT LINES – The lines bounding a lot.

LOT, THROUGH – An interior lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH – The distance measured between the side lot lines at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line along the minimum building setback line.

MAJOR LAND DEVELOPMENT – A land development involving the construction of twenty-thousand square feet or more of building coverage, or any land development which requires the construction, installation or extension of new public improvements, including, but not limited to, streets, sewer and/or water lines, stormwater management facilities or other similar infrastructure, regardless of intended ownership of those facilities.

MAJOR INTERSECTION – Any intersection of one or more collector or arterial streets.

MARKER – A metal pipe or pin of at least one-half-inch diameter and at least 24 inches in length.

MINOR LAND DEVELOPMENT – A land development involving the construction of five thousand square feet or more and less than twenty-thousand square feet of building coverage or parking lot expansions, and which does not require the construction, installation or extension of new public improvements, including, but not limited to, streets, sewer and/or water lines, stormwater management facilities or other similar infrastructure.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one 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 been designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME PARK PERMIT – A written approval as issued by the Township Supervisors, authorizing a person to operate and maintain a mobile home park under the provisions of this chapter.

MODIFICATION – The waiver or alteration of a requirement of this chapter as may be approved by the Township Supervisors following written request from an applicant.

MONUMENT – A stone or concrete monument with a flat top of at least four inches square; scored with an "X" to mark the reference point; at least 30 inches in length; the bottom sides of which are at least two inches greater than the top to minimize movements caused by frost.

OPEN SPACE –

- A. **OPEN SPACE, COMMON** – 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 the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.

- B. OPEN SPACE, DEVELOPED (ACTIVE) – Land which is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
- C. OPEN SPACE, UNDEVELOPED (PASSIVE) – Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this chapter to ensure that it remains as open space.

OPEN SPACE RATIO – The total amount of open space within a site divided by the net site area.

PEAK HOUR TRAFFIC – The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in 60 consecutive minutes.

PLAN, FINAL – A complete and exact subdivision plan, including all required supplementary data, prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

PLANNING MODULE – An application required by the Pennsylvania Sewage Facilities Act,⁵ Section 5(a) and (d); and Section 71.15(b) and (c) of the Pennsylvania Department of Environmental Protection, Title 25: Rules and Regulations, Chapter 71, Administration of the Sewage Facilities Program, as amended.

PLAN, PRELIMINARY – A tentative formal subdivision plan (and including all supplementary data), showing proposed street and lot layout as a basis for consideration prior to preparation of the final plan.

PLAN, RECORD – A copy of the final plan which contains the original required endorsements of the Township and which is intended to be recorded with the Adams County Recorder of Deeds.

PLAN, SKETCH – An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC TRANSPORTATION – Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis.

RECREATION AREA – An area provided for public or common recreational pursuits pursuant to this chapter and Chapter 150, Zoning.

RESUBDIVISION – Any replatting or new division of land. Replatting shall be considered as constituting a new subdivision of land. Resubdivision shall include reverse subdivision, lot consolidations, or lot additions. See definition of "subdivision."

REVIEW – An examination of a plan to determine compliance with this chapter, Chapter 150, Zoning, and other pertinent requirements.

5. Editor's Note: See 35 P.S. § 750.1 et seq.

RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water lines, sanitary storm sewer and other similar uses to allow the right of one person to pass over the property of another.

- A. **EXISTING RIGHT-OF-WAY** – The legal right-of-way as established by the commonwealth, or other appropriate governing authority, and currently in existence.
- B. **ULTIMATE RIGHT-OF-WAY** – The right-of-way as shown on the Highway Classification Map, as appropriate to provide adequate width for future street improvements.

SECRETARY/TREASURER – The Secretary/Treasurer of the Hamilton Township Board of Supervisors.

SETBACK LINE – A line, generally parallel with and measured from the adjoining road or street right-of-way or property line, defining the limits of a yard in which no building or structure may be located.

SEWER – A public or private sanitary sewer system.

- A. **PUBLIC SEWER SYSTEM** – Any system, including capped sewers, approved by the Pennsylvania Department of Environmental Protection and Hamilton Township, which collects sewage and/or industrial wastes of a liquid nature from two or more lots and treats and/or disposes such sewage and/or industrial wastes at an approved sewage disposal system.
- B. **PRIVATE SEWER SYSTEM** – A system of piping, tanks or other facilities serving one or more buildings located on a single lot which collects or disposes of sewage in whole or in part into the soil on the same lot.

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 unobstructed by traffic. All sight distance measurements shall be done in accordance with the latest edition of PennDOT Design Manual Part 2, Highway Design (Publication 13).

SITE – A parcel or contiguous parcels of land intended to have one or more buildings or intended to be subdivided into two or more lots.

SITE AREA –

- A. **GROSS SITE AREA** – All land area within the site as defined in the deed. Area shall be determined from an actual site survey rather than from a deed description.
- B. **NET SITE AREA** – The remainder of the gross site area after subtracting all lands within the existing roads or their ultimate rights-of-way and all lands without development opportunities due to restrictions such as drainage easements, restrictive covenants and conservation easements.

SITE CAPACITY CALCULATION – A computation intended to determine the appropriate intensity of use for a given tract.

SOIL PERCOLATION TEST – A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SOLICITOR – The Hamilton Township Solicitor.

STEEP SLOPES – Areas where the slope exceeds 15% which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion.

STREET – An avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further defined and classified as follows:

- A. **ALLEY** – A minor way, whether or not legally dedicated, intended and used primarily for vehicular access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.
- B. **ARTERIAL** – Major regional highways, with full or partial access control, designed for a large volume of through traffic.
- C. **COLLECTOR** – Streets designed to provide access between minor streets and arterial streets. Access is controlled by limiting curb cuts and providing marginal access areas.
- D. **MINOR** – Streets which primarily serve to local streets with major collector streets and arterial streets.
- E. **RESIDENTIAL SUBCOLLECTOR** – Streets providing connection between local residential streets and collector street.
- F. **LOCAL RESIDENTIAL** – Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic count of up to 500 trips is expected.
- G. **RESIDENTIAL CUL-DE-SAC** – A local residential street with only one vehicular traffic outlet. An average daily traffic count of up to 200 ADT is expected.

STREET RIGHT-OF-WAY LINE – A line defining the edge of a street right-of-way and separating the street from abutting property or lots, commonly known as the “right-of-way line”.

STUDY AREA – An area extending 1/2 mile along a street adjacent to the site, in both directions from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.

SUBDIVIDER – Any individual, co-partnership, or corporation (or agent authorized thereby) which undertakes the development or subdivision of land, as defined by this chapter, as the owner (or agent authorized thereby) of the land being developed or subdivided.

SUBDIVISION – The division or redivision of a lot or tract of land by any means into two or more lots or tracts or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, mortgage liens or auctions; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBDIVISION, AGRICULTURAL – A subdivision by lease containing lots in excess of 10 acres, the use of which is for agricultural purposes as specified in the definition of "agricultural purpose." Residential subdivisions shall not be considered under this definition.

SUBDIVISION, MAJOR – The division of a lot or tract of land, or part thereof, into two or more lots or tracts for the purpose, whether immediate or future, of transfer of ownership or of building development, which requires the installation of public improvements.

SUBDIVISION, MINOR – The division of a lot or tract of land into five or fewer lots for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed lots thereby created have frontage on an improved street or streets, and provided further that there is not created by the subdivision any new street, any required public improvements, or the need therefor.

SURVEYOR – A surveyor registered by the Commonwealth of Pennsylvania.

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

TOWNSHIP ENGINEER – A registered professional engineer designated by the Board of Supervisors to perform the duties of engineer as herein specified.

TRACT – One large lot or two or more contiguous lots which are held in single and separate ownership.

TRAFFIC IMPACT STUDY – An analysis prepared to assess the traffic impact of a proposed land development, including recommendations to mitigate said impact.

TREE, LARGE – A tree with a mature height exceeding 50 feet and a minimum caliper at the time of planting of between two and 2-1/2 inches.

TREE, SMALL – A tree with a mature height of between 15 and 50 feet and a minimum caliper at the time of planting of between one and 1-1/2 inches.

TRIP GENERATION RATES – The total count of trips expected to and from a particular land use.

WATER SUPPLY, CENTRAL – Any municipal water supply system, or any system for the supply and distribution of water to more than one user unit (dwelling, business, institution, or combination thereof).

WATER SUPPLY FEASIBILITY REPORT – A study prepared to assess the impact of a proposed development project on public, private, or groundwater supplies in the area affected by the proposed development and, further, to determine what mitigation measures may be necessary to address such impacts.

WATER SUPPLY, PRIVATE – A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WETLANDS – 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, including swamps, marshes, bogs, and similar areas.

ZONING OFFICER – The Hamilton Township Zoning Officer.

ZONING ORDINANCE – The Zoning Ordinance of Hamilton Township, as amended.⁶

6. Editor's Note: See Ch. 150, Zoning.

**ARTICLE III
MODIFICATIONS**

§120-7. Modification Procedure.

- A. The Township Supervisors, upon recommendation by the Planning Commission, may grant a modification of requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the chapter is observed.
- B. All requests for modifications shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the chapter involved, and the minimum modification necessary.
- C. In considering a request for modification to one or more provisions of this chapter, the requested modification shall meet the following provisions, as applicable to individual requests:
 - (1) Promotes greater health, safety, and welfare of the citizens of the Township.
 - (2) Assists in the orderly and efficient integration of land developments within the Township.
 - (3) Ensures conformance of subdivision and/or land development plan with the Eastern Adams County Joint Comprehensive Plan. Public improvement plans, and other adopted plans and regulations.
 - (4) Ensure the provision of adequate public facilities including streets, walkways, street lighting, water supply, storm and sanitary sewer facilities, recreation sites, open spaces, and other necessities and amenities to the general welfare of the Township residents.
 - (5) Protects the environmental resources of the Township.
 - (6) Provides equitable procedures for the processing of all subdivision and land development plans.
 - (7) Ensures coordination of inter-municipal public improvement plans and programs.
 - (8) Promotes flexibility and ingenuity in the layout of design of subdivisions and/or land development plans.

ARTICLE IV
PLAN REQUIREMENTS AND PROCEDURES

§120-8. Approval Required.

Whenever any subdivision of land or land development is proposed to be made, and before any contract for the sale of, or any offer to sell, any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the developer shall apply in writing for approval of such proposed subdivision or land development in accordance with the requirements of this article.

§120-9. Optional Sketch Plans.

- A. Prior to the filing of an application for review and approval of a subdivision or land development, whether major or minor, the developer is encouraged, in the strongest possible way, to submit an optional sketch plan for the purposes of classification and preliminary discussion relating to the requirements of this chapter, and any other ordinance or regulation of the Township, the County, or the State.
- B. The applicant shall file with the Township the following copies of the proposed sketch plan:
 - (1) [3] 18" by 24" or larger plans for the Township office, the Engineer and the Code Enforcement Officer
 - (2) [8] 11" by 17" plans for the planning commissioners and the supervisors

Upon the Township's receipt of the proposed sketch plan, Township staff shall include the proposed sketch plan on the agenda of the next available Planning Commission meeting. The subdivision and/or land development plan shall be submitted at least twenty calendar days prior to the Planning Commission's regular meeting to be considered at said meeting. Otherwise, the sketch plan will be added to the Planning Commission agenda of Planning Commission meeting of the next following month.

- C. If submitted, the sketch plan shall be based on an accurate base map at a scale (preferably not less than one-inch equals 200 feet) to enable the entire tract to be shown on one sheet, and should provide the following information:
 - (1) Location of that portion to be subdivided or developed in relation to the entire tract, and the distance to the nearest street intersection.
 - (2) Existing structures, wooded areas, streams, and other significant physical features within the portion to be subdivided and within 200 feet thereof. Topographic conditions should be shown with contours indicated at intervals of not more than 10 feet.
 - (3) Name of the owner of the subject property and of adjoining properties as disclosed by the most recent property ownership records, as maintained by the Adams County Register and Recorder's office.
 - (4) Tax map sheet and parcel numbers of the subject property and of adjoining properties.
 - (5) Utilities available, and streets which are either proposed, mapped, or in existence.

- (6) A statement on the plan identifying the requirements of Chapter 150, Zoning for the subject property and surrounding land. Additionally, the lot size and/or density, lot coverage, building coverage, and yard requirements of Chapter 150, Zoning shall be identified for the subject property.
- (7) A statement on the plan identifying, with applicable date of decision, any waivers, variances, special exceptions, conditional uses, and existing nonconforming structures/uses.
- (8) A statement demonstrating proof of availability of infrastructure systems including, but not necessarily limited to, sewer lines, water lines, electric service, and cable service.
- (9) Proposed pattern of lots (including lot width and depth), street layout, building layout, recreation areas, systems of drainage, sewerage and water supply.
- (10) Existing restrictions on the use of land including easements, covenants, or zoning district boundaries.

D. Although a formal action of either the Township Planning Commission or the Township Supervisors is not required for an optional sketch plan submission, the Planning Commission may determine whether the sketch plan meets the purposes of this chapter and Chapter 150, Zoning, and may make specific recommendations in writing that may be incorporated by the applicant in the formal submissions required by §120-12, §120-13, and/or §120-14.

§120-10. Plan Classifications.

The specifications and plan requirements for subdivision and land development plan applications shall be determined by the plan classification, as follows:

- A. Major subdivision plans and major land development plans shall be prepared in accordance with §120-12 and §120-13, respectively, of this chapter and shall be reviewed in accordance with §120-11 of this chapter.
- B. Because minor subdivision plans and minor land development plans do not typically involve substantial public improvements, and because streets, sewer and water systems, and other types of infrastructure are typically not required for these types of projects, the applicant may bypass the preliminary plan submission process. Therefore, minor subdivision plans and minor land development plans need only be prepared in accordance with §120-14, and shall be reviewed in accordance with §120-11.

§120-11. Plan Procedures.

- A. The applicant shall file with the Township:
 - (1) [3] 18” by 24” or larger plans for the Township office, the Engineer and the Code Enforcement Officer.
 - (2) [8] 11” by 17” plans for the planning commissioners and the supervisors.
 - (3) An electronic copy with a note as to which paper size the plans print to scale.

- (4) Any other required data and maps, required by §120-12, §120-13 or §120-14.

Upon the Township's receipt of the proposed subdivision and/or land development plan, the Township Code Enforcement Officer shall perform a completeness review of the application. If the Township Code Enforcement Officer determines that the application is incomplete, he shall inform that applicant, and direct said applicant to submit the required additional information. If the Township Code Enforcement Officer determines that the application is complete, and if such determination is reached at least 20 calendar days prior to the next scheduled Township Planning commission meeting, he shall add the application to the Planning Commission agenda for initial consideration. Should the completeness review be completed less than 20 calendar days prior to the next Planning Commission meeting, the Code Enforcement Officer shall add the application to the next available Planning Commission meeting.

- B. The Township Secretary/Treasurer shall submit copies of the proposed subdivision and/or land development plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. Additionally, the applicant shall submit copies of the proposed subdivision and/or land development to the Adams County Office of Planning and Development for review. The applicant shall also submit copies of the proposed subdivision and/or land development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.
- C. The Planning Commission shall make a recommendation regarding the subdivision and/or land development plan to the Township Supervisors. The Planning Commission shall be authorized to table consideration of any application until reports from the County and other review agencies are received. When a plan is tabled, the applicant shall actively make attempts to progress the plan and address the comments provided. Failure to make a response to the Township, showing good faith measures to progress the plan within ninety (90) days of the date the plan was tabled shall cause the plan to be disapproved. If the plan is disapproved, the applicant shall submit a totally new plan, if and when the applicant wants to redeem the proposed subdivision or land development.
- D. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant either personally or in writing not later than 15 days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.
- E. Where the Planning Commission recommends approval with conditions or disapproval of the proposed subdivision and/or land development plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

- F. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the final plan and communicate its decision to the applicant not later than 90 days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given, or after the final order of the court remanding an application. The Township Supervisors shall not approve such application until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County. In the event that the regularly scheduled Township Planning Commission meeting at which initial consideration of the application is provided occurs more than 30 days following the day the Township Code Enforcement Officers determines that the application is complete, or the final order of the court, the said ninety-day period shall be measured from the 30th day following the date of the completeness determination. The decision shall be communicated to the applicant either personally or in writing not later than 15 days following the decision.
- G. Before acting on any proposed subdivision and/or land development plan, the Township Supervisors may hold a public hearing pursuant to public notice.
- H. Where the Township Supervisors approves with conditions or disapproves the proposed subdivision and/or land development plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- I. Conditions. The Township may attach reasonable conditions to an approval to ensure the carrying out of the comprehensive plan, this Chapter, other Township Ordinances and State laws and regulations. When a Final Plan is approved with reasonable conditions that must be met prior to recordation of the plan the applicant shall address the conditions of approval within ninety (90) days from the date of the conditional approval of the preliminary plan by the Commission. Failure to complete the conditions of approval within ninety (90) days of the conditional approval shall deem the preliminary plan as disapproved.
- J. Statement of Approval. At the request of the applicant, the Township shall furnish the applicant with a signed copy of a resolution or motion indicating approval of the applicant's final plan contingent upon the applicant obtaining a satisfactory financial security. The final plan will not be signed by Township officials until a satisfactory financial security is presented. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Township.
- K. Failure of the Township Supervisors to render a decision and communicate its decision to the applicant within the said ninety-day (90) review period shall be deemed as approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of the presentation of communication shall have like effect.

In cases where the applicant grants an extension of time, the time extension shall be in writing and submitted as such time that the Planning Commission and Board of Supervisors can review and act upon such at a regularly scheduled meeting prior to the end of the ninety-day (90) review period. Applicants are encouraged to grant time extensions at thirty (30), forty-five (45), sixty (60), or ninety (90) days as may be necessary to complete the review and decision making process.

- L. Approval of the preliminary plan constitutes approval of the proposed subdivision and/or land development plan with respect to the general design, appropriate dimensions, and other planned features. Preliminary approval binds the applicant to the scheme of the plan as approved. Where a final plan is submitted which contains substantial variation from an approved or conditionally approved preliminary plan, said final plan shall be treated as a new preliminary plan, and subject to the submission and review requirements of §120-12 and §120-11, respectively.
- M. Changes in the ordinance shall affect plats as follows:
- (1) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
 - (2) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
 - (3) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
 - (4) Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

- (5) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.
- (6) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.
- (7) Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in the zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

§120-12. Major Preliminary Plans: Requirements.

- A. Preliminary plan requirements. Preliminary plans for major subdivisions and/or major land developments shall be required to include the following information:
 - (1) Name of the proposed subdivision or land development.
 - (2) Name of the Township and County where the project is located.
 - (3) Name, address, and telephone number of the developer.
 - (4) Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
 - (5) Date or origin of the plans and the date of each subsequent revised submission.
 - (6) True or magnetic North point.
 - (7) Graphic scale and written scale.
 - (8) Certification by the professional engineer or surveyor that the topography shown on the plan resulted from an actual survey of the subject property. The certification shall include the date of such survey.

- (9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 2,000 feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property. The key maps shall include a title, scale, and true or magnetic North point.
- (10) The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate field survey performed in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys." In addition, the following shall be required:
 - (a) In cases where a large portion of the parent tract remains in excess of 10 acres, and the property description contained in the current deed of record has an error of less than 1:5,000, the remainder boundary can be shown as a deed plotting.
 - (b) All property comers shall be shown and labeled as to what monument was found or set.
 - (c) The total area of the property being subdivided shall be listed, and a licensed professional land surveyor shall certify the bound.
- (11) A plot drawn to a scale of one inch equals no more than fifty feet showing the entire existing boundary and the location of the lots being subdivided from said tract. For parcels of twenty acres or more, the scale shall be one inch equals no more than 100 feet.
- (12) Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being subdivided or developed shall also be provided.
- (13) Contour lines at vertical intervals of no more than two feet for land with an average natural slope of 10% or less and at intervals of no more than five feet for land with an average natural slope exceeding 10%. Contour intervals of one foot are required for utility and drainage plans.
- (14) Location and elevation of the bench mark(s) to which contour elevations refer; elevations shall be based on North American Vertical Datum of 1988 (NAVD 1988).
- (15) The name, number, cartway width, and right-of-way width of all proposed and existing public streets and the name and location of all roads within the property.
- (16) A certificate of ownership, acknowledgement of the plan, and offer of dedication (where applicable) shall be signed by the owner(s), and shall be notarized.
- (17) Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
- (18) The location (and elevation, if established) of all existing and proposed street monuments.
- (19) Location of existing and proposed rights-of-way and easements.

- (20) Lot numbers and a statement of the total number of lots and parcels.
- (21) Lot lines and lot areas, with dimensions.
- (22) The building setback lines and dimensions for each lot, including the remnant portion of the original parcel.
- (23) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
- (24) A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Hamilton Township Zoning Hearing Board or any conditional use approval as may have been provided by the Hamilton Township Board of Supervisors, and the dates of such approval(s). In addition, dimensional sketches of typical lot layouts indicating front, side, and rear yards, and a summary table of the number of structures and/or dwelling units shall be submitted.
- (25) The location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (26) The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.
- (27) The location, size, invert elevation, and profiles of all existing and proposed sanitary sewers (including any and all proposed and/or capped sewer lines), and location of all manholes.
- (28) Location, size, invert elevation, and profiles of all existing and proposed storm sewers (and other drainage facilities), with the size and material indicated, and any proposed connections with existing facilities.
- (29) Location, size, invert elevation, and profiles of all existing and proposed water lines, valves, hydrants, and fire alarm boxes.
- (30) Plans, profiles, and cross-sections showing the proposed location and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, and storm sewers, and the size and type thereof, the character, width, and depth of pavements and subbase, the location of manholes, basins, and underground conduits. Profile plans shall maintain a ratio of 1:10 vertical to horizontal.
- (31) Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
- (32) Soil types and boundaries taken from the Adams County Soil Survey.
- (33) Parks, playgrounds, and other areas to be dedicated or reserved for public use, including any conditions governing such use.

- (34) Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood prone area.
- (35) All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affected by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Hamilton Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.
- (36) Where applicable, the plan shall indicate that, prior to applying for zoning permit and/or building permit for the property, a driveway permit must be obtained from Hamilton Township.
- (37) No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that 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,"⁷ before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a highway occupancy permit.
- (38) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as designed, the preliminary plan shall show the boundaries of the proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision plan.
- (39) A note shall be required on all plans involving the creation of nonagricultural lots on property located in the Agricultural Preservation (AP), or Rural Residential (RR) Zoning District, as established in the Hamilton Township Zoning Ordinance, or on property enrolled in the Hamilton Township Agricultural Security (ASA) Program. Such note shall state the following: **[Added 3-6-2006 by Ord. No. 112]**
- “WARNING: Lands surrounding the property subject to this subdivision plan are used for commercial agriculture production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise; odors; dust; the operation of machinery of any kind, including aircraft; the storage and disposal of manure; the application of fertilizers, herbicides, and pesticides, Owners, residents and users of this property should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, as amended, "The Right to Farm Law," may bar them from obtaining a legal judgment against such agricultural operations.”
- (40) All plans shall include a sheet exclusively of existing features or existing features with proposed demolition.

- B. Supplementary data requirements. Preliminary plans for major subdivisions and/or major land developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:
- (1) A response letter indicating the corrective action to any comments received shall be provided with each re-submission.
 - (2) A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PennDEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module, when deemed necessary, shall be submitted to the appropriate municipal authority for review. The preliminary plan will not be approved until the planning module has been approved by PennDEP.
 - (3) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.⁸ The plan shall also indicate if any borrow areas are proposed in which case the plan shall include erosion and sedimentation control provisions for such borrow area. The preliminary plan shall not be approved until a copy of the adequacy letter from the Adams County Conservation District has been obtained.
 - (4) Designs, including cross sections, of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of PennDEP and the Pennsylvania Department of Transportation (PennDOT). Where facilities will be offered for dedication, the Township shall also review and approve the design.
 - (5) Profiles along the center line of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades and utilities which are existing or proposed to be located beneath the roadway surface
 - (6) A water supply feasibility report, when required in accordance with §120-37 of this chapter, and/or other applicable Township ordinances, concerning the availability and adequacy of water supply facilities in or near the proposed development.
 - (7) A stormwater management plan, with applicable calculations, including design of storm sewers, drainage facilities, or other features in accordance with this chapter and/or any other applicable Township ordinance.
 - (8) Where the preliminary plan covers only a part of the entire land holdings of the applicant, a sketch of the future street system of the unsubdivided or undeveloped portion of the parcel shall be provided. Such sketch shall include the entire parcel, drawn at a scale of not less than 400 feet to the inch. The sketch shall show the proposed layout and streets, and shall indicate the probable future street system including probable lot layout and drainage layout of the entire parcel.

7. Editor's Note: See 36 P.S. § 670 101 et seq

8. Editor's Note: See 35 P.S. § 691.1 et seq.

- (9) Where the parcel includes an electric transmission line, a gas pipeline, a petroleum (or petroleum products) pipeline, or line of a similar nature, the plan submission shall include a letter from the owner or lessee of such right-of-way stating any conditions regarding the use of the land within the right-of-way and the minimum building setback from the right-of-way. This requirement may be satisfied by the submission of the recorded right-of-way agreement.
- (10) A traffic impact study, when required in accordance with §120-36 of this chapter and/or any other applicable Township ordinance.
- (11) The design of sanitary sewer and/or water systems, as applicable, including profiles. Where applicable, design of sanitary sewer and water systems shall be submitted to the appropriate municipal authority for review and approval. Approval of the preliminary plan will not be granted until an approval letter from the applicable municipal authority is received.
- (12) A land grading plan in accordance with §120-32 and any other applicable requirements of this chapter.
- (13) A listing of underground utilities and contact information in accordance with Acts 287, 172, and 38 (the Pennsylvania One Call System), as amended.
- (14) Location and general layout of any proposed recreational facilities.
- (15) An offer of dedication shall be shown on the plan identifying which improvements are intended to be dedicated to the Township or other municipal authority.
- (16) A landscaping plan in accordance with §120-30 and any other requirements of this chapter and/or any other applicable Township ordinances.
- (17) Where access will be to a Township road, the plan shall identify the location of any proposed access drive, and include sight distances which are adequate to demonstrate that the site can be served with an access drive(s) which meets applicable requirements of this chapter and/or any other Township ordinances.
- (18) Plans for traffic control devices, as may be required. Such submission shall include necessary engineering studies to justify such devices.
- (19) Plans for postal delivery, including locations of proposed mail boxes and any supporting infrastructure.

§120-13. Major Final Plans: Requirements.

- A. Final plan requirements. Final plans for major subdivisions and/or major land developments shall be required to include the following information:
 - (1) Name of the proposed subdivision or land development.
 - (2) Name of the Township and County where the project is located.
 - (3) Name, address, and telephone number of the developer.
 - (4) Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.

- (5) Date or origin of the plans and the date of each subsequent revised submission.
- (6) True or magnetic North point.
- (7) Graphic scale and written scale.
- (8) Certification by the professional engineer or surveyor that the topography shown on the plan resulted from an actual survey of the subject property. The certification shall include the date of such survey.
- (9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one-inch equals 2,000 feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property. The key maps shall include a title, scale, and true or magnetic North point.
- (10) The total tract boundary lines of the area being subdivided, showing distances to hundredths of a foot and bearings to one second. These boundaries shall be determined by accurate field survey performed in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys." In addition, the following shall be required:
 - (a) In cases where a large portion of the parent tract remains in excess of 10 acres, and the property description contained in the current deed of record has an error of less than 1:5,000, the remainder boundary can be shown as a deed plotting.
 - (b) All property corners shall be shown and labeled as to what monument was found or set.
 - (c) The total area of the property being subdivided shall be listed, and a licensed professional land surveyor shall certify the boundary.
- (11) A plot drawn to a scale of one-inch equals no more than fifty feet showing the entire existing boundary and the location of the lots being subdivided from said tract. For parcels of twenty acres or more, the scale shall be one-inch equals no more than 100 feet.
- (12) Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being subdivided or developed shall also be provided.
- (13) Contour lines at vertical intervals of no more than two feet for land with an average natural slope of 10% or less, and at intervals of no more than five feet for land with an average natural slope exceeding 10%. Contour intervals of one foot are required for utility and drainage plans.
- (14) Location and elevation of the bench mark(s) to which contour elevations refer; elevations shall be based on North American Vertical Datum of 1988 (NAVD 1988).
- (15) The name, number, cartway width, and right-of-way width of all proposed and existing public streets and the name and location of all roads within the property.

- (16) The following data for the cartway edges (curblines) and right-of-way lines of all proposed streets, and for the right-of-way lines of all proposed streets within the property:
 - (a) The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or cord) of all curved lines (including lot lines).
 - (b) The width (in feet) of the cartway, right-of-way, and, if required, of the ultimate right-of-way, and (in degrees, minutes, and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
 - (c) All straight lot lines, defined (in feet and hundredths of a foot) by distances and (in degrees, minutes, and seconds) either by magnetic bearings or by angles of deflection from other lot and streets lines.
- (17) Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
- (18) The location (and elevation, if established) of all existing and proposed street monuments.
- (19) Location of existing and proposed rights-of-way and easements.
- (20) Lot numbers and a statement of the total number of lots and parcels.
- (21) Lot lines and lot areas, with dimensions.
- (22) The building setback lines and dimensions for each lot, including the remnant portion of the original parcel.
- (23) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation tests was conducted for each lot.
- (24) A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Hamilton Township Zoning Hearing Board or any conditional use approval as may have been provided by the Hamilton Township Board of Supervisors, and the dates of such approval(s). In addition, dimensional sketches of typical lot layouts indicating front, side, and rear yards, and a summary table of the number of structures and/or dwelling units shall be submitted
- (25) Zoning Boundary Lines and Labels including a statement of the Acreage in each zone if more than one zone exists on the subject parcel(s).
- (26) The location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (27) The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.

- (28) The location, size, invert elevation, and profiles of all existing and proposed sanitary sewers (including any and all proposed and/or capped sewer lines), and location of all manholes.
- (29) Location, size, invert elevation, and profiles of all existing and proposed storm sewers (and other drainage facilities), with the size and material indicated, and any proposed connections with existing facilities.
- (30) Location, size, invert elevation, and profiles of all existing and proposed water lines, valves, hydrants, and fire alarm boxes.
- (31) Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
- (32) Plans, profiles, and cross-sections showing the proposed location and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, and storm sewers, and the size and type thereof, the character, width, and depth of pavements and subbase, the location of manholes, basins, and underground conduits. Profile plans shall maintain a ratio of 1:10 vertical to horizontal.
- (33) Soil types and boundaries taken from the Adams County Soil Survey.
- (34) Parks, playgrounds, and other areas to be dedicated or reserved for public use, including any conditions governing such use.
- (35) Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the final plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
- (36) All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affected by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Hamilton Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.
- (37) Where applicable, the plan shall indicate that, prior to applying for zoning permit and/or building permit for the property, a driveway permit must be obtained from Hamilton Township.
- (38) No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that 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,"⁹ before driveway access to a state highway is permitted. The subdivision or land development plan shall include the permit number, and the design and location of the access authorized by said permit.

9. Editor's Note: See 36 P.S. § 670-101 et seq.

- (39) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as designed, the preliminary plan shall show the boundaries of the proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision plan.
- B. Supplementary data requirements. Final plans for major subdivisions and/or major land developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:
- (1) A response letter indicating the corrective action to any comments received shall be provided with each re-submission.
 - (2) Final profiles along the center line of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the final plan. Such profiles shall show natural and finished grades and utilities which are existing or are proposed to be located beneath the roadway surface.
 - (3) An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks. Such agreement shall be noted on the plan.
 - (4) Copies of permits and/or approved plans for sewer, water, stormwater, transportation, and erosion and sedimentation control facilities, as may be required by the Township or by other controlling governments or agencies. Any improvements required in the context of these permits and/or approvals shall be shown on the final plan submission.
 - (5) Where the Township required the submission of traffic impact studies, water or sewer feasibility reports, or other information, analyses, or plans in the context of the preliminary plan submission, the final plan shall include any design changes or improvements required by the Township as a result of the Township's review of these studies, reports, information, analyses, or plans.
 - (6) A final phasing schedule for the proposed sequence of the development. The phasing schedule shall indicate the order in which construction activities will occur. In the case where development is projected over a number of years, each section except for the last section shall contain a minimum of 25% of the total number of lots, dwelling units, or buildings as depicted in the final plan, unless a lesser percentage is approved by the Township Supervisors.
 - (7) Any other certificate, affidavit, endorsement, dedication, etc., that may be required by the Planning Commission or Township Supervisors.
 - (8) Where required by the Township, subdivision and land development agreements shall be executed. A subdivision and land development agreement is required where there will be dedication of improvements to the Township or under the circumstances where deemed to be necessary for the implementation of plan approval. Details and provisions of such agreement shall be as recommended by the Township Solicitor and Township Engineer.
 - (9) A new deed shall be recorded for any resubdivision. A draft of the deed shall be submitted along with the plan for review by the Township prior to approval of the plan.

§120-14. Minor Final Plan Requirements.

- A. Specifications. Final plans for minor subdivisions and/or minor land developments shall be prepared in accordance with the following specifications:
- (1) Name of the proposed subdivision or land development.
 - (2) Name of the Township and County where the project is located.
 - (3) Name, address, and telephone number of the developer.
 - (4) Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
 - (5) Date or origin of the plans and the date of each subsequent revised submission.
 - (6) True or magnetic North point.
 - (7) Graphic scale and written scale.
 - (8) Reference to the technique and resource used to depict the topography on the plan.
 - (9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 2,000 feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property. The key maps shall include a title, scale, and true or magnetic North point.
 - (10) The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate field survey performed in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys." In addition, the following shall be required:
 - (a) In cases where a large portion of the parent tract remains in excess of 10 acres, and the property description contained in the current deed of record has an error of less than 1:5,000, the remainder boundary can be shown as a deed plotting.
 - (b) All property corners shall be shown and labeled as to what monument was found or set.
 - (c) The total area of the property being subdivided shall be listed, and a licensed professional land surveyor shall certify the boundary.
 - (11) A plot drawn to a scale of not less than one inch to 100 feet, showing the entire existing boundary and the location of the lots being subdivided from said tract.
 - (12) Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.

- (13) Contour lines at vertical intervals of no more than 10 feet.
- (14) Location and elevation of the bench mark(s) to which contour elevations refer; elevations shall be based on North American Vertical Datum of 1988 (NAVD 1988).
- (15) Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
- (16) The location (and elevation, if established) of all existing street monuments.
- (17) A certificate of ownership, acknowledgement of the plan, and offer of dedication (where applicable) shall be signed by the owner(s), and shall be notarized.
- (18) Location of existing and proposed rights-of-way and easements.
- (19) Lot numbers, and a statement of the total number of lots and parcels.
- (20) Lot lines and lot areas, with dimensions.
- (21) The building setback lines and dimensions for each lot, including the remnant portion of the original parcel.
- (22) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
- (23) A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Hamilton Township Zoning Hearing Board or any conditional use approval as may have been provided by the Hamilton Township Board of Supervisors, and the dates of such approval(s).
- (24) Zoning Boundary Lines and Labels including a statement of the Acreage in each zone if more than one zone exists on the subject parcel(s).
- (25) The location and size of existing utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (26) The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.
- (27) Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
- (28) Soil types and boundaries taken from the Adams County Soil Survey.

- (29) Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the final plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
- (30) All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affected by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Hamilton Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.
- (31) Where applicable, the plan shall indicate that, prior to applying for zoning permit and/or building permit for the property, a driveway permit must be obtained from Hamilton Township.
- (32) No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that 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,"¹⁰ before driveway access to a state highway is permitted. The subdivision or land development plan shall include the permit number, and the design and location of the access authorized by said permit.
- (33) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as designed, the preliminary plan shall show the boundaries of the proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision plan.
- (34) A note shall be required on all plans involving the creation of nonagricultural lots on property located in the Agricultural Preservation (AP), or Rural Residential (RR) Zoning District, as established in the Hamilton Township Zoning Ordinance, or on property enrolled in the Hamilton Township Agricultural Security (ASA) Program. Such note shall state the following: **[Added 3-6-2006 by Ord. No. 112]**

“WARNING: Lands surrounding the property subject to this subdivision plan are used for commercial agriculture production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise; odors; dust; the operation of machinery of any kind, including aircraft; the storage and disposal of manure; the application of fertilizers, herbicides, and pesticides. Owners, residents and users of this property should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, as amended, "The Right to Farm Law," may bar them from obtaining a legal judgment against such agricultural operations.”

10. Editor's Note: See 36 P.S. § 670-101 et seq.

- (35) Provide one monument per new lot created or providing monuments at the corners of parent tracts in multi-lot developments.
- B. Supplementary data requirements. Final plans for minor subdivisions and/or minor land developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:
- (1) A response letter indicating the corrective action to any comments received shall be provided with each re-submission.
 - (2) A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PennDEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module, when deemed necessary, shall be submitted to the appropriate municipal authority for review. The final plan will not be approved until the planning module has been approved by PennDEP.
 - (3) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.¹¹ The plan shall also indicate if any borrow areas are proposed in which case the plan shall include erosion and sedimentation control provisions for such borrow area. The final plan shall not be approved until a copy of the adequacy letter from the Adams County Conservation District has been obtained.
 - (4) A stormwater management plan, with applicable calculations, including design of storm sewers, drainage facilities, or other features in accordance with this chapter, Hamilton Township Stormwater Management chapter, and/or any other applicable Township ordinance.
 - (5) Where the parcel includes an electric transmission line, a gas pipeline, a petroleum (or petroleum products) pipeline, or line of a similar nature, the plan submission shall include a letter from the owner or lessee of such right-of-way stating any conditions regarding the use of the land within the right-of-way and the minimum building setback from the right-of-way. This requirement may be satisfied by the submission of the recorded right-of-way agreement.
 - (6) A land grading plan in accordance with §120-32 and any other applicable requirements of this chapter.
 - (7) A listing of underground utilities and contact information in accordance with Acts 287, 172, and 38 (the Pennsylvania One Call System), as amended.
 - (8) A landscaping plan in accordance with §120-30 and any other requirements of this chapter and/or any other applicable Township ordinances.
 - (9) Where access will be to a Township road, the plan shall identify the location of any proposed access drive, and include sight distances which are adequate to demonstrate that the site can be served with an access drive(s) which meets applicable requirements of this chapter and/or any other Township ordinances.
 - (10) Plans for postal delivery, including locations of proposed mail boxes and any supporting infrastructure.

11. Editor's Note: See 35 P.S. § 691.1 et seq

- (11) A new deed shall be recorded for any resubdivision. A draft of the deed shall be submitted along with the plan for review by the Township prior to approval of the plan.

§120-15. Required Improvements.

Before the Township Supervisors grant final approval of a major or minor final subdivision or major or minor final land development plan, the applicant shall demonstrate compliance with the following requirements and procedures, as may be applicable to a specific plan submission:

- A. No plan shall be finally approved unless the streets shown on the plan are improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this chapter and any walkways, curbs, gutters, street lights, fire hydrants, required landscaping, water mains, sanitary sewers, storm sewers, and other improvements as may be required by this chapter have been installed in accordance with this chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to Subsection I below, the applicant shall provide for the deposit with the municipality financial security in an amount sufficient to cover the costs of such improvements of common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvement for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."¹²
- B. When requested by the developer, in order to facilitate financing, the Township Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the applicant.
- C. Without limitation as to other types of financial security which the Township Supervisors may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business in the commonwealth.
- E. Such bond or other security shall be provided for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

12. Editor's Note: See 36 P.S. § 670-101 et seq.

- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the applicant to post additional security in order to assure that the financial security equal 110%. Any additional security shall be posted by the applicant in accordance with this subsection.
- G. The amount of financial security required shall be based on an estimate of the cost of completion of the required improvements, submitted by the applicant and prepared by a professional engineer licensed as such in the commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the commonwealth and chosen mutually by the municipality and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is chosen, fees for services of said engineer shall be paid equally by the municipality and the applicant.
- H. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- I. In the case where development is projected over a period of years, the Township may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Township Supervisors, and the Township Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the Township Supervisors fail to act within said 45 days, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

- K. Where the Township Supervisors accept dedication of all or some of the required improvements following completion, the Township Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- M. If financial security has been provided in lieu of the completion of improvements required as condition for the final approval of a plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plan upon actual completion of the improvements depicted upon the final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public road to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.
- N. Release from improvement bond. When the applicant has completed all of the necessary and appropriate improvements, the following conditions and procedures shall be followed:
- (1) The applicant shall notify the Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Township Supervisors, and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Township Supervisors. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved of shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
 - (2) The Township Supervisors shall notify the developer within 15 days of the Township Engineer's report, in writing by certified or registered mail, of the action of said Township Supervisors with relation thereto.

- (3) If the Township Supervisors or the Township Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- (4) If any portion of the said improvements shall not be approved or shall be rejected by the Township Supervisors, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- (5) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Township Supervisors or the Township Engineer.
- (6) Where herein reference is made to the Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.
- (7) The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.
 - (a) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
 - (b) If, within 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 applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the commonwealth to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - (c) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - (d) In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which Hamilton Township is located (or of at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

- (e) The fee for the appointed engineer 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 \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.
- O. Remedies to effect completion of improvements. In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the Township Supervisors are hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township Supervisors may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute other legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township use.

§120-16. Filing of Approved Subdivision Plat.

- A. Prior to recording the approved final plan, the applicant shall submit one 18"x24" Polyester Film (Mylar) copy and four full size paper copies of said plan to the Secretary/Treasurer in order to obtain the seals and signatures of Township officials.
- B. Subdivisions or land developments proposing the use of private sewer systems.
 - (1) Prior to securing said seals and signatures, the Secretary/Treasurer shall affix a note to one of the copies reading "NOT TO BE RECORDED" and shall notify the applicant that said copy is available for transmittal to the Township Sewage Enforcement Officer.
 - (2) The applicant shall present the aforementioned plan to the Township Sewage Enforcement Officer for the purpose of receiving a written confirmation from said department that the land development or all lots in the subdivision are suitable for private sewer systems.
 - (3) The applicant shall submit said confirmation to the Secretary/Treasurer. The Secretary/Treasurer shall check the confirmation and, if deemed complete, shall secure the seals and signatures for the remaining copies of the record plan and shall release the remaining copies of the record plan to the applicant for recording.
- C. Copies of the approved final plan shall, within 90 days of the date of approval, or 90 days after the date of delivery of an approved plan signed by the governing body, following completion of conditions imposed for such approval, whichever is later, be recorded by the applicant in the office of the Recorder of Deeds of Adams County. The applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void.
- D. New deeds shall be required for all resubdivisions. The new deed shall be recorded within 90 days of approval of the plan.

E. Effect of recording.

- (1) After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the Township.
- (2) Streets, parks, and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the Township, in a form acceptable to the Township, and by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the Township.
- (3) Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, 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 resolution, and recorded in the office of the clerk of the Court of Common Pleas of Adams County, or until it has been condemned for use as a public street, park, or improvement.

F. Recorded plan. All plans recorded shall contain the information specified in this chapter.

§120-17. Resubmission of Plans.

- A. Whenever any revision to a submitted subdivision and/or land development plan is made that involves a change to building placement, building size, or a change to lot lines, the developer shall complete sets of the plan to Adams County Office of Planning and Development. Whenever any revision to a submitted subdivision and/or land development plan is made that involves a change to building placement, building size, a change to lot lines, or any other design change that will require a determination of zoning compliance, the developer shall complete sets of the plan to the Township Zoning Officer. These shall be in addition to any plan sets required by this Article.
- B. A resubmission of a subdivision and/or land development plan shall be submitted at least ten (10) business days prior to planning commission's next meeting to be considered at said meeting.

§120-18. As-Built Plans.

- A. Upon completion of all required improvements, and prior to final observation of improvements, the developer shall submit an as-built plan, according to the specification indicated in §120-18.B, showing the actual location dimension and elevation of all existing improvements. The as-built plan submission shall also include, when necessary, a revised deed for all lands that are fully improved and offered for dedication. The as-built plans shall include a note that specifically identifies all deviations from previously approved drawings. The applicant's engineer shall certify that the construction of all facilities was completed in accordance with the as-built plan. Four full size copies of the plan shall be submitted to the Township.
- B. As-built plans shall be prepared by an engineer or land surveyor registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare meets and bounds descriptions. Registered professionals with appropriate expertise shall prepare designs that entail their expertise. The as-built plans shall, at a minimum, show the following:
 - (1) Monuments and markers.

- (2) The location of the cartway and curb, for both sides of each street.
- (3) Sanitary sewer main, manholes, rim and invert elevations and culverts.
- (4) Storm sewers, inlets, rim and invert elevations, laterals and stormwater management facilities.
- (5) Water mains, service lines, valves, and fire hydrants.
- (6) Streetlights.
- (7) Landscaping and screen planting.
- (8) Berms.
- (9) Permanent sedimentation, erosion control and stormwater management structures with as-built storage volume and outlet elevations and as-built elevations for all detention/retention basins or other storage structure.
- (10) All easements and rights-of-ways.
- (11) All buried utilities, gas, electric, cable, water, sewer, etc.
- (12) Benchmark location, description, elevation, and datum to which elevation is referenced.

ARTICLE V
DESIGN REQUIREMENTS

§120-19. Intent.

Applications for subdivision and/or land development shall be guided by the standards set forth hereinafter. It is intended that these standards be considered minimum requirements and may be modified as necessary to protect the health, safety, and welfare of the public. All subdivision and/or land development plans submitted for approval under this chapter shall incorporate these standards.

§120-20. General Provisions.

The following requirements and guiding principles for subdivisions and land developments shall be observed with respect to the factors affecting the suitability of the site for such development:

- A. Any subdivision and/or land development plan shall be coordinated with existing development patterns in the surrounding area such that the entire area may be developed harmoniously.
- B. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the erosion control regulations of the Pennsylvania Department of Environmental Protection and the Adams County Conservation District.
- C. In a subdivision and/or land development where the average slope exceeds 15%, the Township may require modifications of the requirements of this article, as may be recommended by the Township Engineer or the Adams County Conservation District, to the requirements contained herein.
- D. In all subdivision and/or land developments, every precaution shall be taken to preserve natural and historic features deemed worthy of preservation by the Township. Examples of such features include, but are not necessarily limited to, large trees, significant wooded areas, watercourses, historic areas and structures, and scenic views. To ensure the preservation and protection of such features, the Township Supervisors may require the following additional information to be submitted:
 - (1) A grading plan showing the existing and proposed ground elevations relative to the features.
 - (2) The accurate location of the features to be protected.
 - (3) A written explanation of the precautions to be taken by the developer to protect such features.
- E. Any plans for the alteration of a watercourse shall be incorporated into the subdivision and/or land development plan and shall be subject to approval by the Township and/or, where necessary, the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection, as may be appropriate.
- F. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, odor, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans provide adequate safeguards against said hazards.

§120-21. Streets.

All streets proposed to be constructed within the Township shall conform to the following design requirements:

A. General standards.

- (1) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Finished elevation of proposed streets shall not be more than one foot below the regulatory flood elevation.
- (2) Residential streets shall be so laid out as to discourage through traffic and to encourage attractive and functional development. Proposed streets shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extension of the street system. Proposed streets shall be designed in a manner that promotes connectivity between development sites.
- (3) When a development abuts or contains an existing or proposed arterial or collector road, as herein defined, the Township may require a marginal access street/alley, reverse frontage, or other treatment which will provide protection for abutting properties, reduction of the number of intersections, and separation of local from through traffic.
- (4) No street shall terminate into a dead end. Any dead-end street providing access to adjoining property, or created because of authorized staged construction, shall be provided with an all-weather turnaround in accordance with applicable requirements of this chapter. The use of such turnaround shall be guaranteed to the public until such time as the street is continued.
- (5) New private streets are prohibited.
- (6) The proposed street system shall extend existing or recorded streets at the same width. However, no street may be extended at less than the required minimum width.
- (7) The Township shall reserve the right to require alternative design standards relative to cartway, horizontal curves, sight distance, and intersections design where it is deemed to be necessary to eliminate a potential safety hazard or to implement design goals as may be envisioned in this or other Hamilton Township ordinances. Such alternative design standards shall be approved by the Hamilton Township Engineer and be consistent with PennDOT and AASHTO standards.
- (8) The Township shall reserve the right to limit access to developments to a single access or multiple accesses, as may be required, in response to safety considerations.
- (9) All streets shall be constructed in accordance with the most recent version of the Hamilton Township Construction and Materials Specifications for Land Development.

- B. Street service and design criteria. The Hamilton Township roadway network is deemed to include two distinct sets of roadway classifications. The "rural" component of the network contains arterial roads, collector roads, and minor roads. The "residential" component of the network contains residential subcollector streets, local residential streets, residential cul-de-sacs, and alleys. The following service and design criteria apply to the specific roadway and street classifications:
- (1) Arterial roads.
 - (a) Arterial roads are designed to carry heavy volumes of traffic at high velocities. Arterial roads are designed to contain a minimum of intersections, thus allowing traffic to flow with considerable continuity.
 - (b) Arterial roads provide for transportation between large areas.
 - (c) Arterial roads include those roadways intended for accommodation of through traffic within the Township.
 - (2) Collector roads.
 - (a) Collector roads are also designed to carry heavy volumes of traffic at relatively high velocities, although not the volumes or velocities attained on arterial roads.
 - (b) Collector roads are designed to move traffic from local areas, including lower-density rural areas serviced by minor roads and higher-density residential developments, to the higher-volume arterial roads. Collector roads provide the link between small-scale areas and neighborhoods and the major roadways of the Township roadway network.
 - (3) Minor roads.
 - (a) Minor roads provide direct access to properties within the lower-density areas of the Township. Most of the farm and rural residential properties are connected to the Township roadway network by the minor road system.
 - (b) Minor roads filter into the collector road network within the Township, which in turn provides connection to the major arterial road network.
 - (c) Traffic on minor roads is primarily locally generated, with either an origin or destination at a property directly served by the minor road.
 - (4) Residential subcollector streets.
 - (a) A residential subcollector provides the connection between the "residential" component of the Township roadway network to higher-level Township roads such as arterial, collector, and minor roads.
 - (b) A residential subcollector street carries residential neighborhood traffic, but provides no or very limited residential frontage.

- (c) Whenever possible, residential subcollector streets should be designed to have no residential lots directly fronting on them. Only lots having frontages of 100 feet or greater may front on collector streets and space shall be provided on these lots for turnarounds so that vehicles will not have to back out onto residential subcollector streets.
 - (d) Residential subcollector streets shall be laid out to discourage through traffic unless linkage between streets outside the subdivision is determined by the Township to be desirable.
 - (e) On-street parking shall be prohibited on residential subcollector streets.
- (5) Local residential streets.
- (a) A local residential street is a frontage street which provides access to abutting properties and which conducts traffic from residential areas to residential subcollector streets or directly to collector streets.
 - (b) Each local residential street shall be designed so that no section of it will convey a traffic volume greater than 250 ADT. Each half of a loop street shall be regarded as a single minor street and the total traffic volume conveyed on a loop street shall not exceed 500 ADT.
 - (c) Local residential streets shall be designed to exclude all external through traffic which has neither origin nor destination on the minor street or its tributary alleys.
- (6) Residential cul-de-sacs.
- (a) Within the "residential" component of the Township roadway network, residential cul-de-sacs are permitted to provide single street access to a limited number of abutting properties or dwelling units. Residential cul-de-sacs may intersect residential subcollector streets or may connect directly to the higher level Township roadway network.
 - (b) Residential cul-de-sac streets shall be designed to convey a maximum of 200 ADT.
- (7) Alleys. Alleys may be used in higher-density residential, village, or commercial developments to provide direct access to the rear of individual properties, specifically for purposes of providing off-street parking. The Township may require the use of alleys to minimize the number of driveway and other intersections with the overall street network.

C. Street width.

- (1) Minimum street right-of-way and cartway widths shall be as follows:

<u>Street Type</u>	<u>Right-of-Way</u>	<u>Cartway</u>
Arterial	As determined by the Township after consultation with PennDOT	
Collector	50 feet	22 feet with 8-foot shoulders
Minor	50 feet	20 feet with 6-foot shoulders
Residential subcollector	50 feet	24 feet
Local residential	50 feet	22 feet
Residential cul-de-sacs	50 feet	20 feet
Alley	33 feet	18 feet

- (2) Provision for additional street width (right-of-way, cartway, or both) may be required by the Township when determined to be necessary in specific cases:
- (a) Where residential subcollector streets provide access to residential lots, the Township may require additional street width to accommodate one side of on-street parking.
 - (b) Where local streets provide access to residential lots with an average width of 40 feet or less, the Township may require additional street width to accommodate one or two sides of on-street parking.
 - (c) Where local streets provide access to residential lots with an average width of between 40 feet and 100 feet, the Township may require additional street width to accommodate one side of on-street parking.
- (3) Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township in specific cases for:
- (a) Public safety and convenience.
 - (b) Traffic in commercial and industrial areas and in areas of high-density development.
 - (c) Widening of existing streets where the width or alignment does not meet the requirements of the preceding paragraphs.
 - (d) Where topographic conditions require excessive cuts and fills.
- (4) Streets within residential developments shall be designed in accordance with the residential subcollector, local residential, and residential cul-de-sac standards. Streets within nonresidential developments shall be designed in accordance with the collector street standards.

D. Street grade.

- (1) The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

<u>Street Type</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Arterial roads	As determined by the Township after consultation with PennDOT	
Collector roads	1.0%	7%
Minor roads	1.0%	10%
Residential Subcollector Streets, Local Streets, Cul-de-sacs, and Alleys	1.0%	12%

- (2) Vertical curves shall be used in changes of grade exceeding 1%. The minimum length (in feet) of vertical curves shall be according to AASHTO A Policy on Geometric Design of Highways and Streets. Vertical curves shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.
- (3) With permission of the Township, maximum grades for minor roads, residential subcollector streets, local streets, cul-de-sacs, and alleys may, under special topographic conditions, exceed the maximum grades established above for distances of less than 100 feet provided the grade does not in any case exceed 15%.
- (4) All streets shall be designed to provide for the discharge of surface water from the cartway. The slope of the crown on a street shall not be less than 2% and not more than 6%. Adequate facilities shall be provided at low points along streets and other points necessary to intercept runoff.

E. Horizontal curves.

- (1) Where connecting street lines deflect from each other at any point by more than 10°, the line shall be connected with a true, circular curve. The minimum radius of the center line for the curve shall be as follows:

<u>Street Type</u>	<u>Minimum Radius (Feet)</u>
Arterial road	500
Collector road	300
Minor road	150
Residential subcollector street	125
Local streets, residential cul-de-sacs, and alleys	75

- (2) Straight portions of the street shall be tangent to the beginning or end of the curve. Except for minor roads, residential subcollector streets, local streets, and alleys, there must be a tangent of at least 100 feet between reverse curves

F. Street sight distance.

- (1) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The minimum sight distance measured from the center line 3.5 feet above the grade shall be as follows:

<u>Street Type</u>	<u>Sight Distance (Feet)</u>
Arterial road	400
Collector road	300
Minor road	
Residential subcollector street	200
Local street, cul-de-sac, or alley	150

- (2) At all intersections involving arterial, collector, and minor roads, there shall be provided and maintained at all intersections a clear triangle with a line of sight between points 100 feet from the intersection of the street center lines. At all other intersections, there shall be provided and maintained a clear triangle with a line of sight between point 75 feet from the intersection of the street center lines, unless a higher distance is deemed necessary by the Township for public safety. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas

G. Cul-de-sac streets. In addition to the service and design requirements established in Subsection B(6), cul-de-sac streets shall be designed in accordance with the following standards:

- (1) Residential cul-de-sac streets shall be designed in accordance with the following standards:
- (a) Residential cul-de-sac streets shall be a minimum of 250 feet in length and shall not exceed 700 feet in length
 - (b) Residential cul-de-sac streets shall be provided with a paved turnaround area having a minimum radius, measured from the center of the turnaround to the outside edge of the paved surface, of 40 feet
 - (c) To reduce the amount of paving within the turnaround area, the Township may require a landscaped island within the turnaround area with a radius, measured from the center of the turnaround to the inside edge of the paved surface, of 24 feet.
- (2) Cul-de-sac streets serving nonresidential uses shall be designed in accordance with the following standards:
- (a) Cul-de-sac street serving nonresidential uses shall be designed in accordance with minor street width, grade, sight distance, and other applicable requirements.
 - (b) Cul-de-sac streets serving nonresidential uses shall be a minimum of 250 feet in length and not exceed 1,000 feet in length.
 - (c) Cul-de-sac streets serving nonresidential uses shall be provided with a paved turnaround having a minimum radius, measured from the center of the turnaround to the outside edge of the paved surface, of 50 feet.

- (d) To reduce the amount of paving within the turnaround area, the Township may require a landscaped island within the turnaround area with a radius, measured from the center of the turnaround to the inside edge of the paved surface, of 34 feet.

H. Intersections. All street intersections shall be designed in accordance with the following requirements:

- (1) No intersection shall involve the junction of more than two streets.
- (2) Within 100 feet of an intersection, streets shall intersect at right angles. The Township may, under special circumstances where an angle of less than 90° will not create a traffic hazard, permit an intersection of less than 90°, but in no instance, however, shall streets intersect at an angle of less than 75°.
- (3) Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7%, such leveling areas shall have a minimum length of 100 feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of 4% (see diagrams section¹⁹).
- (4) All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PennDOT highway occupancy permit or other written form. The Township shall be afforded the opportunity to provide comments and recommendations regarding any highway occupancy permit application prior to its submission to PennDOT.
- (5) Design of curb or edge of pavements shall take into account such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb or edge of the pavement be less than the following:

<u>Intersection</u>	<u>Curb Radius</u>
Collector road with collector road	35 feet
Minor road with collector road	25 feet
Minor road with minor road	20 feet
Collector road with residential subcollector street, local residential street, or residential cul-de-sac	25 feet
Minor road with residential subcollector street, local residential street, or residential cul-de-sac	20 feet
Residential subcollector street with residential subcollector street	20 feet
Residential subcollector street with local residential street or cul-de-sac	10 feet
Local residential street with local residential street or cul-de-sac	10 feet

- (6) Collector and minor roads, and residential subcollector streets shall not intersect arterial roads on the same side at less than eight-hundred-foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two roads or streets that intersect another from opposite sides cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersecting street center lines. Local residential streets and cul-de-sacs shall not intersect arterial roads.

- I. Slope of bank along streets. The slope of bank along streets shall be measured perpendicular to the street, and shall be no steeper than the following:
- (1) The slope of banks along collector and minor roads, measured at a perpendicular to the street, shall be no steeper than the following:
 - (a) One foot of vertical measurement for four feet of horizontal measurement for fills.
 - (b) One foot of vertical measurement for three feet of horizontal measurement for cuts.
 - (2) Where curbs and sidewalks are not required along residential subcollector, local residential, and cul-de-sac streets, the above slope requirements shall be applied.
- J. Partial and half-streets. The dedication of half-streets at the perimeter of new developments is prohibited, except to complete existing half-streets.
- K. Names of streets. Names of new roads or streets shall not duplicate or approximate existing such names by the use of suffixes such as "lane," "court," or "avenue." In approving the names, consideration shall be given to existing or platted road or street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing street.
- L. Reserve strips. Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in Township control as approved by the Township. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.
- M. Street construction requirements. Streets shall be surfaced to the grades and dimensions shown on plans, street profiles, and street cross sections as submitted by the developer and approved by the Township. Unless otherwise required by the Township, all streets shall be constructed in accordance with applicable specifications of the Hamilton Township Construction and Materials Specifications. Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate stormwater drainage for such streets, as acceptable to the Township and in conformance with the Hamilton Township Stormwater Management Chapter 117.
- N. Existing frontage along street of improper right-of-way width: In the case of a plan for land development (including subdivision) fronting on an existing public street of improper right-of-way width, the developer shall provide dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards as specified in §120-21C of this chapter. Any dedication of right-of-way will be measured from the center line of the existing roadway. [Added 4-3-2006 by Ord. No. 109]
- (1) For all plans for land development (including subdivision) in which any of the property fronts on an existing or proposed public street, the developer shall be required to improve the portion of the roadway on which the proposed development fronts to meet the minimum roadway standard as specified in this chapter. This includes shoulders, embankments, gutters, berms and/or curbing for the entire road width for the entire length of road frontage along the highway. The Board of Supervisors in lieu of requiring such improvements at the time of subdivision or land development may require the payment of a uniform lineal footage fee to be established by the Township by resolution. Said fee shall be placed in a highway capital improvement fund.

§120-22. Lots.

A. General standards.

- (1) The size, shape, and orientation of lots shall be appropriate for the type of development contemplated. Insofar as practical, side lot lines shall intersect straight street lines at right angles and radial to curved street lines.
- (2) Where feasible, lot lines shall follow municipal boundaries.
- (3) Generally, the depth of residential lots shall not be less than one nor more than 2 1/2 times their width. No subdivision plan shall be approved where three or more lots exceeding this requirement are proposed.
- (4) Where the lots in a subdivision are of such a size that resubdivision is possible, or where a portion of the tract is not intended to be developed, suitable access to these areas shall be provided.
- (5) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, and other improvements required by this and other Township ordinances.
- (6) If, after subdividing, there exists remnants of land, they shall either be incorporated into existing or proposed lots, or legally dedicated to either the Township or to another entity for public, community, or open space use, as deemed appropriate by the Township.
- (7) No lots shall be created in any manner whatsoever which does not meet the minimum requirements of this or other Township ordinances.

B. Lot frontage.

- (1) All lots shall front upon a dedicated public street (existing or proposed), or upon a private street designed and constructed in accordance with applicable requirements of this chapter.
- (2) Double or reverse frontage lots shall be avoided except where required by the Township to provide separation of residential development from major streets, to control access to major streets, or to overcome specific disadvantages of topography, orientation, or location. The Township reserves the right to require double or reverse frontage lots in the interest of enhancing public safety.
- (3) All residential reverse frontage lots shall have a planting screen easement which runs parallel to the accepted rear lot line. The planting screen easement shall be 20 feet in width. There shall be no right of access across the planting screen easement. Plantings shall be provided within the planting screen easement in accordance with the landscaping requirements of this or other Township ordinances.

C. Lot dimensions, area, and building setbacks. Lot dimensions, area, and building setback requirements shall not be less than specified by Chapter 150, Zoning, or as dictated by this chapter regarding on-site sewage disposal or other standards, whichever shall be more restrictive.

D. Unique lots.

- (1) Panhandle lots. Panhandle lots, or lots having a narrow strip of property for the sole purpose of providing access to a public street from a lot which would not otherwise front on a public street, are prohibited. The only exception to this requirement shall be where a subdivision is proposed in the Agricultural Preservation (AP) District or the Rural Residential (RR) District of Chapter 150, Zoning. In this instance, panhandle lots may be used where, in the determination of the Township Supervisors, the lot layout will effectuate the preservation of agricultural, natural, scenic, or historic features deemed worthy of preservation by the Township. If such panhandle lots are approved, the lots shall be designed with an access strip with a minimum width of 50 feet.
- (2) Corner lots. Corner lots shall be designed in manner that conforms with applicable requirements of Chapter 150, Zoning, addressing corner lots. Specifically, any corner lot shall be of sufficient size to meet front setback requirements along both streets, and rear yard requirements along all other property boundaries, while still maintaining a usable building envelope.
- (3) Wedge-shaped lots. Wedge-shaped lots along street curves or at the end of cul-de-sac streets are permitted in accordance with the following requirements:
 - (a) The width of the arc measured at the front right-of-way line shall be no less than 70% of the lot width measured at the minimum front building setback line.
 - (b) The width of the arc measured at the front right-of-way line shall be no greater than 125% of the lot width measured at the minimum front building setback line.

E. Additions to Existing Lots. The parcel to be added must be contiguous to the existing lot and shall not be sold separately. The applicant shall also prepare a single deed with a single meets and bounds description that combine the existing lot and lot addition for the resulting parcel.

§120-23. Blocks.

A. General requirements. The length, width, and shape of block shall be subject to the following minimum general requirements:

- (1) Blocks shall provide adequate sites for the uses proposed by the subdivision and/or land development plan.
- (2) Blocks shall be related to the topography of the site.
- (3) Design of blocks shall be subject to any other applicable Hamilton Township code or ordinance.
- (4) Design of blocks shall take into account generally accepted requirements and standards for safe and convenient vehicular and pedestrian circulation. These standards include, but are not necessarily limited to, the minimization of street or driveway intersections with major streets.

B. Block length.

- (1) Blocks shall have a maximum length of 1,600 feet and a minimum length of 500 feet.

- (2) The Township Supervisors, at their discretion, may permit or require an increase in maximum block length or a decrease in minimum block length if such adjustments are warranted given unique topographic conditions, unique surface water drainage conditions, or the need to conform to existing lot and block patterns in unique settings.
 - (3) If block lengths exceed 1,000 feet, special consideration shall be given to fire and emergency vehicle access.
 - (4) Where practical, blocks along major streets shall not be less than 1,000 feet in length.
- C. Residential block depth. Blocks shall be of sufficient depth to accommodate two tiers of lots, except under the following conditions:
- (1) Where the Township requires reverse frontage lots along a major street.
 - (2) Where the design of two tiers of lots is prevented by the size, topographical conditions, or other unique conditions of the property.
- D. Nonresidential blocks. Blocks in nonresidential developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, adequate provision shall be made for off-street parking for employees and/or customers, loading areas, and traffic circulation.

§120-24. Access Driveways.

- A. Individual residential lot. Access to any street from an individual residential lot shall be designed in accordance with the Hamilton Township Driveway Ordinance or PennDOT requirements as may be applicable, and in accordance with the following requirements:
- (1) Within 10 feet of a street right-of-way line, the access drive may not exceed 20 feet in width.
 - (2) Individual residential lots are limited to one access driveway unless circumstances demonstrate, at the discretion of the Township, that a second access driveway is justified.
 - (3) Individual residential lot access driveways shall not cross a street right-of-way line within:
 - (a) Five feet of any side property line, except where a common access drive for two or more dwellings is permitted by the Township.
 - (b) Fifty feet of the right-of-way line of an intersecting street when the intersecting street is an arterial street.
 - (c) Thirty-five feet of the right-of-way line of an intersecting street when the intersecting street is a collector street.
 - (d) Twenty-five feet of the right-of-way line of an intersecting street when the intersecting street is a minor street or a residential subcollector street.
 - (e) Twenty feet of the right-of-way line of an intersecting street when the intersecting street is a local residential street or residential cul-de-sac.
 - (f) Fifteen feet of a fire hydrant.

- (g) Where an individual residential lot has frontage on two streets, the access driveway shall connect to the street with the lower service level, as designated by the Township.
- B. Multifamily residential and nonresidential lots. Access to any public street from a multifamily residential lot or a nonresidential lot shall be designed in accordance with the Hamilton Township Driveway Ordinance or PennDOT requirements as may be applicable, and in accordance with the following requirements:
- (1) All access driveways to any street shall be located at least 200 feet from the intersection of any two street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress.
 - (2) Where a lot has frontage on two streets, the access driveway shall connect to the street with the lower service level, as designated by the Township.
 - (3) A maximum of one access driveway from a property to a street shall be permitted for every 300 feet of road frontage, provided, however, that the maximum number of access driveways from a property to a street shall be four.
 - (4) No access driveway design shall be approved which is likely to create a traffic hazard with the potential to endanger public safety. The Township may require safety improvements in the interest of public safety. Such improvements may include, but are not necessarily limited to, traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the design and construction of such traffic control devices and shall also, where applicable, obtain PennDOT approval, following review and recommendation to PennDOT by the Township, for such measures.
- C. Within residential or nonresidential developments where new streets are proposed, access to individual lots and uses shall be from streets internal to the development. Access to such lots and uses from existing public roads shall not be permitted.

§ 120-25. Curbs.

- A. Curbs shall be provided along streets unless swales are substituted pursuant to §120-39A(2). At a minimum, curbs shall be provided in nonresidential developments, in multifamily developments, in two-family developments, and in single family detached developments where the project density exceeds two dwelling units per acre. The Township may, at its discretion, require use of curbs in other settings in addition to those specifically identified in this section.
- B. Along arterial, collector, and minor roads, curbs shall be the vertical type and constructed in accordance with Township specifications. Along residential subcollector, local, and cul-de-sac streets, and alleys, curbs may be the slant type, and shall be constructed in accordance with the Hamilton Township Construction and Materials Specifications for Land Development.
- C. When the sole purpose of the curb is to protect the pavement edge, thickened-edge pavements or cement concrete headers may be utilized, subject to the approval of the Board of Supervisors. Such approach may be used only in residential settings when means other than sidewalks are proposed to provide full pedestrian accessibility to all areas of a development.
- D. Curb construction requirements. Where required, curbs shall be constructed in accordance with the Hamilton Township Construction and Materials Specifications Chapter.

§120-26. Sidewalks and pedestrian paths.

- A. Sidewalks and pedestrian paths shall be provided unless waived by the Board of Supervisors pursuant to §120-39B. At a minimum, sidewalks shall be provided in nonresidential developments, in multifamily developments, in two-family developments, and in single family detached developments where the project density exceeds two dwelling units per acre. The Township may, at its discretion, require the use of sidewalks in other settings in addition to those specifically identified in this section. In lieu of sidewalks and at the discretion of the Board of Supervisors, a network of pedestrian and bicycle paths may be installed provided that the network provides pedestrian and bicycle access to all uses and activity centers within a development.
- B. Sidewalks shall be compliant with the requirements, guidelines, or recommendations of the Americans with Disabilities Act.
- C. Sidewalks shall minimize pedestrian –vehicular conflict.
- D. The minimum width of all sidewalks and pedestrian paths shall be four feet.
- E. There shall be a minimum three-foot-wide planting strip between the back of the curb and the sidewalk.
- F. Sidewalks and public paths shall be installed for convenience and access to all dwelling units from streets, driveways, parking areas or garages and located within a public right-of-way, a public easement or a common open space area.
- G. At corners and other pedestrian street-crossing points, sidewalks shall be extended to the curbline with ramps for adequate and reasonable access of physically handicapped person across curbs. Ramps shall be located to promote crosswalks located in accordance with §120-27.
- H. The grades and paving of sidewalks and pedestrian paths shall be continuous across driveways. Where heavy traffic volume is expected, or where special consideration for visually impaired pedestrians is warranted, a special paving treatment may be required by the Board of Supervisors. Small jogs in the alignment shall be avoided.
- I. Sidewalks and pedestrian paths shall be laterally pitched at a slope of not less than 1/4 inch per foot to provide for adequate surface drainage. The concentration of surface waters shall be prevented from passing on or across sidewalks. The design of sidewalks shall not cause surface waters to pocket.
- J. Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. Where sidewalk grades exceed 5%, a nonslip surface texture shall be used.
- K. Sidewalks adjacent to angle parking areas shall be set back a minimum of five feet to prevent car overhang from restricting pedestrian movement along the sidewalk.
- L. Sidewalk construction. All sidewalks shall be constructed in accordance with applicable standards in the most recent version of the Hamilton Township Construction and Materials Specifications for Land Development.

§120-27. Crosswalks.

- A. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over 1,000 feet in length. At a minimum, crosswalks shall be required at all street intersections.
- B. Such crosswalks shall have an easement width of not less than 20 feet and a paved walk of not less than four feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.
- C. Crosswalks at intersections shall be located to minimize the length of the crosswalk across streets, thus enhancing pedestrian safety.

§120-28. Street Signs.

- A. The developer shall erect, at the developer's expense, at every street intersection a street sign or signs meeting Township approval, having thereon the names of the intersecting streets. At intersections where streets cross, there shall be a maximum of two such street signs and at the intersections where one street ends or joins with another street, there shall be at least one such street sign. Street signs shall be placed at stops signs, and pairs of street signs shall be placed on diagonally opposite comer.
- B. Street signs are to be erected when the first dwelling on the street is occupied. Temporary street signs may be erected on the approval of the Township but shall be made permanent before final offer for the dedication of roads is made.
- C. The developer shall provide regulatory signs and traffic signalization as may be:
 - (1) Recommended in a traffic impact study;
 - (2) Recommended by the Township Engineer; and/or
 - (3) Required by the Board of Supervisors following completion of a traffic impact study by the applicant in accordance with §120-36 of this chapter.

§120-29. Street and Site Lighting

- A. All subdivision and land developments shall comply with the Hamilton Township Street and Site Lighting Ordinance, as enacted and amended.

§120-30. Landscaping Requirements.

- A. Where specific landscape plans or treatments are required by Chapter 150, Zoning, the requirements established by said chapter shall apply.
- B. Where Chapter 150, Zoning, does not establish specific landscaping requirements, the following requirements shall apply:
 - (1) All portions of a property not proposed for buildings, structures, driveways, parking lots, or other impervious surfaces shall be landscaped and planted with vegetative cover. In no event will a proposal involving the retention of bare, unvegetated ground be permitted.

- (2) Where development is proposed on a property that is dissimilar to established uses on surrounding properties, landscaping shall be planted which provides visual buffering between the uses. At a minimum, evergreen plantings placed at a minimum of twenty-five-foot intervals shall be required. Applicants are encouraged to offer more creatively designed landscaping alternatives to achieve the same level of required visual buffering.
- C. All landscaping shall be maintained at all times by the developer. Should required landscaping die, the developer shall replace such landscaping with the same or similar species, within one month of the death of the original tree. The developer shall be responsible for performing this replacement, if applicable, for a period of eighteen months from the date of zoning permit issuance for the improvements requiring a landscaped area.

§120-31. Stormwater Management and Surface Runoff Control.

- A. All subdivision and land developments shall comply with the Hamilton Township Stormwater Management Chapter 117, as enacted and amended.
- B. Where the Hamilton Township Stormwater Management Chapter does not establish specific requirements, the following requirements shall apply:
 - (1) Storm sewer pipes, culverts, manholes, inlets, endwalls, and end-sections proposed for dedication, or located along streets, shall conform to the Hamilton Township Construction and Materials Specifications.
 - (2) Storm sewer management pipe collection and conveyance systems shall have a minimum diameter of fifteen inches, and shall be installed on a minimum slope of 0.5%.
 - (3) All storm sewer pipes and culverts shall be laid to a minimum depth of one foot from the surface of streets, access drives, driveways, or parking areas to the crown of the pipe.
 - (4) Storm sewer manholes shall not be spaced more than four hundred feet apart for pipes that are less than thirty-six inches in diameter. Additionally, manholes shall be placed at points of abrupt changes in the horizontal or vertical direction of storm sewers and all convergence of two or more storm sewer lines. Inlets may be substituted for manholes where they will serve a useful purpose.

§120-32. Erosion and Sediment Controls; Grading.

- A. General provisions and compliance.
 - (1) No changes shall be made in the contour of the land and no grading excavation, removal nor destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time that a plan for minimizing erosion and sedimentation has been:
 - (a) Processed and reviewed by the Township Engineer and the Adams County Soil Conservation District; and
 - (b) Approved by the Board of Supervisors.

- (2) The Board of Supervisors, in its consideration of all preliminary subdivision and land development plans, shall condition its approval upon the execution of erosion and sediment control measures as contained in the standards and specifications of the Adams County Soil Conservation District and the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation, as may be applicable.
- (3) Final approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final subdivision or land development plans, and become a part thereof.
- (4) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required in accordance with §120-15 of this chapter.
- (5) No subdivision or land development plan shall be approved unless:
 - (a) There has been an erosion and sedimentation plan approved by the Adams County Conservation District that provides for minimizing erosion and sedimentation and an improvement bond or other acceptable security is deposited with the Township in the form of an escrow guaranty which will ensure installation and completion of the required improvements; or
 - (b) There has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary. The Board of Supervisors may waive the above requirement for minor subdivisions.
- (6) The Township Engineer shall inspect the development site during the construction of site improvements to insure compliance with the approved plan.
- (7) The Township Engineer shall review stream channel construction on watersheds with a drainage area in excess of 320 acres, or in those cases where downstream hazards exist, and shall submit a review of said construction to the Pennsylvania Department of Environmental Protection. Said construction shall be approved by the Department of Environmental Protection prior to final plan approval.

B. General erosion control standards.

- (1) Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Adams County Soil Conservation District and the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation, as may be applicable.
- (2) In cases where the Adams County Soil Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications approved by the Township Engineer may be used.
- (3) The following standards to minimize erosion and sedimentation shall be followed:
 - (a) Stripping vegetation, regrading, or other development shall be undertaken in a manner that will minimize erosion.

- (b) Development plans shall preserve salient natural features, keep fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- (c) Whenever feasible, natural vegetation shall be retained, protected, and supplemented. Wooded areas specifically shall be retained to the maximum extent feasible. Clearing and grubbing of wooded areas in excess of one acre shall be prohibited unless the applicant can demonstrate that no other alternative is available to facilitate the development.
- (d) The disturbed area and the duration of exposure shall be kept to a practical minimum. Disturbed soils shall be stabilized within 20 days.
- (e) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- (f) The permanent (final) vegetation and mechanical erosion control and drainage facilities shall be installed as soon as practical.
- (g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be mechanically retarded.
- (h) Sediment in the water runoff shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- (i) Swales shall be sodded, or jute matting or other similar measures should be utilized to insure proper growth of ground cover.
- (j) Tire cleaning areas shall be provided and properly maintained at each point of egress from the development site.

C. General grading standards.

- (1) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding.
- (2) All land within a development shall be graded to drain and dispose of surface water without ponding, except where ponding in detention basins is part of the stormwater management plan for the site.
- (3) For permission of concentration of surface water runoff, refer to Chapter 117 Stormwater Management.
- (4) Edges of slopes shall be a minimum of five feet from property lines or right-of-way lines in order to permit the normal rounding of edge without encroaching on the abutting property.
- (5) During grading operations, necessary measures for dust control shall be exercised.

D. Excavations and fills.

- (1) No excavation or fill shall be made with a face or surface slope steeper than two horizontal to one vertical for cut slopes and three horizontal to one vertical for fill slopes.
- (2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
- (3) Cut and fill shall not endanger adjoining property.
- (4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (5) Fills shall not encroach in floodplain areas or wetlands.
- (6) Fills placed adjacent to floodways shall have suitable protection against erosion during flooding.

E. Responsibility.

- (1) Each person who makes any surface changes shall be required to:
 - (a) Collect on-site surface runoff and control it to a point of discharge into the natural watercourse of the drainage area.
 - (b) Adequately handle existing off-site runoff through his development.
 - (c) Provide and install all temporary and permanent drainage and erosion control improvements as required by the approved sedimentation and erosion control plan.
- (2) Whenever sedimentation is caused by stripping of vegetation, regrading or other development, it shall be the responsibility of the person causing such sedimentation to remove it from all affected surfaces, drainage systems and watercourses on- and off-site, and to repair any damage at his expense as quickly as possible following a storm event.
- (3) Persons doing any work on or across a watercourse, swale, floodplain or right-of-way shall return such areas to their original or equal condition after such activity is completed.
- (4) No person shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or perform any work which will affect normal or flood flow in any communal watercourse without having obtained prior approval from the Adams County Conservation District and/or Pennsylvania Department of Environmental Protection, whichever is applicable.

F. Additional erosion and sedimentation control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed and include the following:

- (1) Areas proposed for infiltration Best Management Practices (BMPs) shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
- (2) Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

§120-33. Two-family and Multifamily Residential Development.

Unless otherwise required by this chapter or Chapter 150, Zoning, the following standards shall apply to two-family and multifamily development projects:

- A. Approval of the preliminary plan must be obtained for the entire proposed development. Final approval may be obtained section by section, but such sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be resubmitted and processed pursuant to §120-12.
- B. Design Standards.
 - (1) The land development shall be designed to be harmonious and efficient in relation to topography, the size and shape of the site, the character of adjoining properties and the type and size of proposed buildings.
 - (2) Buildings shall be well related to the natural topography, existing desirable vegetation, bodies of water, views within and beyond the site, and exposure to the sun and other existing and proposed buildings.
 - (3) Attached dwelling types should incorporate varied designs, architectural modes and setbacks.
- C. Access and circulation.
 - (1) Access to the dwelling and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
 - (2) Access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
 - (3) Walking distances from the main entrance of a building or a single-family dwelling unit to a parking area shall be less than 100 feet. Exception to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed 250 feet.
 - (4) Access easements having a minimum width of five feet shall be provided on each attached dwelling lot along both sides of all rear lot lines. In instances where the side lot line does not pass through a common wall, an easement having a minimum width of five feet shall also be provided on both sides of each side lot line. Said easements shall remain unobstructed for the use of residents and emergency personnel.
- D. Grading.
 - (1) Grading shall be designed for buildings, lawns, paved areas and other facilities to assure adequate surface drainage, safe and convenient access to and around the buildings, screening of parking and other service areas and conservation of desirable existing vegetation and natural ground forms.
 - (2) Grading around buildings shall be designed to be in harmony with the natural topography.

E. Streets and driveways.

- (1) Streets and/or driveways shall be provided on the site where necessary for convenient access to dwelling units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Internal streets and driveways shall enter public streets at safe locations.
- (2) Streets and/or driveways shall be planned for convenient circulation suitable for traffic needs and safety.
- (3) All streets and/or driveways shall be laid out to conform with the design, service, and access standards contained herein for public streets based upon projected average daily traffic.
- (4) Streets and/or driveways shall be paved and constructed in accordance with Township Standards.

F. Refuse collection stations.

- (1) Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- (2) Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped.

G. Planting.

- (1) The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and desirable topographic features.
- (2) Additional plant material shall be added for privacy, shade, beauty of buildings and ground, and to screen out objectionable features.

§120-34. Nonresidential Development.

Unless otherwise required by this chapter or Chapter 150, Zoning, the following requirements shall apply to nonresidential development:

- A. The platting of individual lots for nonresidential uses shall be avoided in favor of a comprehensive design of the land to be used for such purposes.
- B. Additional width of streets adjacent to areas proposed for nonresidential use may be required as deemed necessary by the Board of Supervisors to assure the free flow of through traffic from vehicles entering or leaving parking loading areas.

- C. When two adjacent lots proposed for nonresidential uses front on an arterial or major collector street, the applicant may be required, at the discretion of the Township, to provide common ingress and egress as well as common parking facilities. Internal parking lot connections may also be required, at the discretion of the Township, to help minimize the use of arterial or collector streets when moving from one nonresidential use to another. When three or more adjacent lots are proposed for nonresidential uses, the Township may require the applicant to provide a service road for common ingress and egress.
- D. Alleys or service streets shall be required in commercial and industrial land developments, except where adequate provisions are made for off-street loading.
- E. Dead-end alleys shall be avoided. Where compliance with this standard proves impossible, dead-end alleys shall be terminated with a paved turnaround of adequate dimensions as approved by the Board of Supervisors.
- F. Streets shall not be connected to local streets intended for predominantly residential traffic.
- G. Parking areas shall be located and designed in such a manner that they are visibly secluded from eye level in the surrounding area. Grading to depress the parking area, raised berms, landscaping or fencing are satisfactory methods to create such seclusion.
- H. Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.

§120-35. Easements.

- A. Easements with a minimum width of 20 feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. No structure requiring a building permit or plantings, except for lawn, shall be set or put within the area of a utility easement.
- D. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than 50 feet in width, or as may be required or directed by the Board of Supervisors and/or the Pennsylvania Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Board of Supervisors.
- E. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby; which easements shall be adequate for discharge or drainage and for the carrying off of such water, and for the maintenance, repair and reconstruction of the same vehicles, machinery and other equipment for such purposes, and which shall be sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the Township upon demand.
- F. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.

§120-36. Traffic Impact Studies.

Where deemed necessary by the Township, the developer shall submit a Traffic Impact Study (TIS) for review. Any TIS shall be prepared in accordance with the following criteria:

- A. At a minimum, a TIS will be required for any nonresidential project that includes more than 20,000 square feet of floor area under roof, and for any residential project including 25 or more dwelling units. In addition, the Township Supervisors may require the preparation of a TIS for other projects that may exhibit one or more of the following characteristics:
 - (1) The project includes significant trip generation estimates.
 - (2) Significant traffic problems exist in the local area.
 - (3) The project will significantly affect the existing level of services of surrounding roads and intersections.
 - (4) The project may affect adjacent neighborhoods or sensitive natural or historic areas.
 - (5) The roadway adjacent to the project has limited capacity or limited potential for improvement.
 - (6) The proposed access for the project may affect nearby drives or intersections.
 - (7) The project may adversely affect existing roadway system problems or deficiencies.
- B. General content.
 - (1) The TIS shall identify the additional level of traffic a proposed development project will have on the local transportation network.
 - (2) The TIS shall identify the roadway improvements needed to mitigate the impact of the additional level of traffic.
 - (3) The TIS shall consider the compatibility of the project with local transportation plans.
 - (4) The TIS shall be prepared in accordance with the standards of the Pennsylvania Department of Transportation and the Institute of Transportation Engineers.
 - (5) The TIS shall provide information regarding the following:
 - (a) Roadway capacity.
 - (b) Roadway safety.
 - (c) Traffic circulation patterns.
 - (d) Traffic control needs.
 - (e) Traffic impacts of the surrounding neighborhood.
 - (f) Pedestrian and bicycle movements.

- (g) Service and delivery vehicle access.
 - (6) The TIS shall include any engineering studies needed to justify traffic control devices that may be needed in conjunction with a proposed development project.
- C. The TIS shall be prepared by a qualified traffic engineer. The person or firm preparing the TIS shall have sufficient documented qualifications, training, and experience in traffic engineering to perform the study. The person or firm preparing the TIS shall be a professional engineer registered in the Commonwealth of Pennsylvania. The person or firm preparing the TIS shall be retained in accordance with the following procedure:
- (1) The person or firm shall be retained by the developer to prepare the TIS.
 - (2) The Hamilton Township Supervisors shall obtain a separate, neutral traffic engineer to review the TIS.
 - (3) Upon agreement to the completeness and accuracy of the TIS, the Township Supervisors shall bill the developer for the cost of review time incurred by the neutral traffic engineer. The invoice may include any administrative costs or professional costs incurred by the Township in facilitating the review of the TIS.
 - (4) Prior to conducting the TIS, the Township and the developers shall agree on a scope of work for the project. The scope of work shall include, at a minimum, the requirements outlined in Subsection D.
- D. The TIS shall, at a minimum, include the following elements:
- (1) Project narrative, indicating, at a minimum, the size and nature of the proposed development.
 - (2) The location of all transportation access points.
 - (3) A description of the study area, the existing land use pattern, and transportation facilities including details of the existing roadway network, physical features, traffic control devices, safety hazards, and restricted sight distances.
 - (4) A description of concerns that may be raised through consultation with appropriate local, county, or state officials. Such consultation is required and shall be used to determine whether regional plans or projects exist which may affect the implementation of the proposed project.
 - (5) An analysis of at least three traffic scenarios including, at a minimum, the following
 - (a) Existing conditions.
 - (b) Future conditions without the proposed project.
 - (c) Future conditions with the proposed project.
 - (6) Data supporting the development of each scenario listed above.

- E. Data collection; traffic counts. The person preparing the TIS shall collect traffic data in support of the TIS. The specific data to be collected and analyzed will vary depending on the nature of the project and traffic conditions in the vicinity of the project. The following guidelines shall be used to determine what type of data shall be collected:
- (1) For all TISs prepared in accordance with this chapter, peak hour traffic volumes shall be evaluated. Peak hours include the peak traffic periods of the study area roadway network and the proposed project. Normally, weekday morning, and afternoon peaks shall be considered.
 - (2) At the discretion of the Township, following recommendation by the Township Engineer, additional analysis may be required including, but not necessarily limited to, consideration of midday peaks or weekend peaks, total daily traffic volumes including volumes for other nonpeak hours, accident history, vehicle mix, signal phasing, operating speeds, vehicle gaps, and pedestrian activity.
 - (3) All data to be used in the preparation of a TIS shall be recent, either collected specifically for the TIS or provided by a verifiable source. If appropriate, adjustments may be applied to the actual counts for monthly or day-of-week variations. If significant monthly or day-of-week variations are noted, the TIS shall consider both "typical" and "worst case" traffic conditions.
- F. The following methodologies shall be used to develop trip generation projections for the TIS:
- (1) Future conditions without the proposed project. The person preparing the TIS shall project future conditions based on an acceptable methodology. Unless otherwise specified by the Township, following recommendation by the Township Engineer, a short-term projection factor, based on the recent pattern of travel growth, shall be applied to existing traffic volumes. Separate factors may be applied to different roadways, for example, based on different functional classifications. The TIS shall incorporate knowledge of other proposed development or roadway improvements affecting travel in the study area into the traffic projections.
 - (2) Future conditions with the proposed project. The person preparing the TIS shall project future traffic as required by Subsection F(1) above, and add total site generated traffic and additional background traffic related to the proposed project.
 - (3) The TIS shall apply site generated traffic volumes, and additional background traffic volumes related to the proposed project, to the local roadway network using accepted procedures for trip distribution and route assignment.
 - (4) The current edition of the Trip Generation Manual of the Institute of Transportation Engineers shall be used to estimate the potential number of vehicle trips resulting from a proposed project, unless otherwise required by the Township, following recommendation from the Township Engineer. The Township may require the TIS to evaluate both average anticipated conditions and "worst case" conditions when and if the underlying data is highly variable or not truly representative of the proposed use and location.

- G. The TIS shall analyze traffic impacts resulting from each development scenario, and shall provide recommendations for improvements. At a minimum, this section shall include the following:
- (1) At a minimum, the person preparing the TIS shall consider roadway levels of service for each development scenario. At all intersections within 1/2 mile of the project site (unless an alternative distance is approved by the Township Supervisors, following recommendation from the Township Engineer), the TIS shall consider level of service for each approach to, and movement through, the intersection. The Township may also require, following recommendation from the Township Engineer, assessment of additional factors related to public safety.
 - (2) Based on impacts associated with the "future conditions with the proposed project" scenario, the TIS shall provide recommendations for improvements needed to safely and efficiently integrate the project into the regional traffic system. These improvements may include, but not necessarily be limited to, traffic controls such as signals and signs, and roadway improvements such as roadway widening and turning lanes.
 - (3) Unless otherwise specified by the Township Supervisors, following recommendation of the Township Engineer, improvements shall be considered for any roadway segment or intersection where the project will have an adverse impact when compared to the background level-of-service. For new intersections, a minimum level-of-service "C" shall be provided, and the proposed design shall provide, at a minimum for that capacity.

§120-37. Water Supply Feasibility Report.

Water Supply Feasibility Report (WSFR) shall comply with the following requirements:

- A. Submission requirements. A WSFR shall be required, at a minimum, for the following types of developments:
- (1) Residential development involving 10 or more dwelling units using on-lot wells.
 - (2) Commercial development using on-lot well supply, and which uses 5,000 or more gallons of water per day.
 - (3) Any development which requires the expansion of an existing community water system, or the development of a new community water system. For the purpose of this section, "community water system" shall be defined as a water system which provides water service for 25 or more people.
 - (4) The Township Supervisors may, with the recommendation of the Township Engineer, require a WSFR for any project, regardless of project size or density, where the development of such project may have impacts on water resources of an area.
- B. Plan preparation requirements. The WSFR shall be prepared by a qualified engineer or hydrogeologist. The person or firm preparing the WSFR shall have sufficient documented qualifications, training, and experience in water resources planning and engineering to perform the study. The person or firm preparing the WSFR shall be a professional engineer or hydrogeologist registered in the Commonwealth of Pennsylvania. The person or firm preparing the WSFR shall be retained in accordance with the following procedure:
- (1) The person or firm shall be retained by the developer to prepare the WSFR.

- (2) The Hamilton Township Supervisors shall obtain a separate, neutral hydrogeologist to review the WSFR.
- (3) Upon agreement to the completeness and accuracy of the WSFR, the Township Supervisors shall bill the developer for the cost of review time incurred by the neutral hydrogeologist. The invoice may include any administrative costs or professional costs incurred by the Township in facilitating the review of the WSFR.
- (4) Prior to conducting the WSFR, the Township and the developers shall agree on a scope of work for the project. The scope of work shall include, at a minimum, the requirements outlined in Subsection C.

C. Report content. Any WSFR shall include the following:

- (1) Assessment of groundwater supply and demand. The following information shall be collected and assessed:
 - (a) A literature review shall be conducted to determine general geologic features, well yields, and water quality for the area surrounding the site. Assessments regarding typical yield and recharge rates shall be provided.
 - (b) An inventory of existing nearby wells, particularly high-yield municipal and nonresidential production wells, shall be compiled. Withdrawal rates from these wells shall be summarized.
 - (c) An inventory of existing or potential contaminant sources within 500 feet of the property proposed for development shall be compiled. Information regarding existing or potential contaminant sources shall be summarized.
- (2) Water supply testing. Where connection to an existing public water supply system is proposed, the WSFR shall assess the existing system, and determine either that the system can accommodate the proposed use or that the system can be expanded to accommodate the proposed use. Where the developer proposes to construct a new or expanded private community water system, or use private on-lot wells, water supply testing shall be performed in accordance with the following:
 - (a) For residential development, one test well shall be drilled for every 10 lots, or a fraction thereof.
 - (b) For nonresidential development, one test well shall be drilled for every 10,000 gallons per day, or fraction thereof, of anticipated water demand for the proposed development.
 - (c) All test wells shall be cased and grout sealed to a depth of at least 50 feet. All test wells shall have a production capacity of at least five gallons per minute, and shall, where human consumption is proposed, meet minimum safe drinking water standards as determined through laboratory testing.

- (d) For all developments, a twenty-four-hour constant rate pump test, followed by a six-hour recovery test, shall be conducted on one of every five wells, or fraction thereof, required by this section. Test wells which are not selected for pump and recovery testing shall be monitored during the testing of the selected well or wells. In addition, monitoring of wells on properties within 500 feet of the property proposed for development shall be conducted with the permission of the property owner. Where surrounding property owners refuse to give permission to conduct well monitoring, the developer shall locate test wells in locations on the property proposed for development that will allow the WSFR preparer to approximate the impacts on wells on surrounding properties.
- (e) Drawdown data from each monitoring well shall be used to assess local aquifer characteristics and to determine impact of the proposed development on surrounding groundwater supply. A determination shall be made that the proposed development will not affect the yield or water quality of surrounding wells, and that the proposed water withdrawal will not result in a condition where water use of the study area exceeds post-development groundwater recharge rates for the study area.

§120-38. Recreation Sites and Open Space. [Amended 6-7-2004 by Ord. No. 106]

Residential subdivision and/or land development plan applications shall consider the recreational needs that will be generated by the proposed development.

- A. Where a proposed park, playground, open space or other local or neighborhood recreation site is shown on the Township Comprehensive Plan or Township Recreation Plan or where the Township considers that a local recreation site is necessary to carry out the purpose of this chapter, the Township may require the dedication of all or a portion of such site in accordance with the standards following:
 - (1) The land to be dedicated must be of suitable size dimensions, topography, access and general character for the proposed use.
 - (2) The amount of land so required for this purpose shall be established by resolution of the Board of Supervisors and said resolution shall be available at the Township Office.
- B. Fee in lieu of dedication.
 - (1) Where the application of these area standards would result in an open space or recreation site too small to use, or if the recreation plan calls for such local recreation site to be located elsewhere, or if a suitable local recreation site cannot be properly located in the land development, as determined by the Township, a payment of a fee in lieu of dedication of such land is required.
 - (2) The amount of the fee must be substantially equal to the value of the land that would be set aside if the standard specified above in Subsection A were to be applied.
 - (3) The fee may be used for purposes of improving existing recreational areas provided that the area is accessible and beneficial to the new development. Alternatively, the fee may be used for recreational facilities or purposes that directly benefit the new development. The use of the fee must be in accordance with a formally adopted recreation plan that provides definite principles and standards as contained in the subdivision and land development ordinances.

- (4) The fee must be paid to the Township prior to the approval of the final plan.
- (5) All monies paid to the Township in this manner shall be kept in a capital reserve fund established as provided by law. Monies expended from this account shall be used for the purposes set forth in this section. Any fee unused within three years of deposit shall be refunded together with accrued interest to the original payor.

§120-39. Varying of Design Standards.

The Board of Supervisors, recognizing that a situation may arise where flexibility in site design is warranted, is authorized to alter the design standards specified below. The applicant shall present evidence and demonstrate that the variation requested will result in an improvement of the proposed subdivision or land development when compared to strict compliance with the requirements of this chapter.

A. Streets. Standards for streets expressed in this chapter are intended to provide for the safe and intelligent layout of streets which can be easily maintained at minimum cost. The Township Supervisors may authorize alternative design standards in accordance with the following:

- (1) Cartway width. The width of streets has been established to ensure adequate movement of traffic in times of greatest parking loads.
 - (a) Where a street is designed so that all units face on local streets, where on-street parking is not anticipated, and where no safety hazard will be created, the cartway width may be reduced. This reduction is limited to 20 feet on collector streets or 20 feet on residential subcollector streets.
 - (b) In the Low-Density Residential (R-1) and Moderate-Density Residential (R-3) Districts, as defined in Chapter 150, Zoning, for private streets serving less than five dwelling units, street width may be reduced to 18 feet. Street width may also be reduced to 18 feet if the private street is utilized for access to a single-family cluster and there are no residential lots fronting on such private street.
- (2) Curbs. Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. In certain cases, however, natural drainage should be encouraged. Where topography and soils permit, roadside swales, set back a minimum of 10 feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:
 - (a) Ensures adequate means for the protection of pavement edges.
 - (b) Handles stormwater in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.
 - (c) Has the approval of the Township Engineer.
- (3) Right-of-way widths. Right-of-way widths are intended to provide enough land for streets, sidewalks, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. Where sidewalks will not run along streets, cartway widths will be reduced [see Subsection A(1) above], utilities will be located outside of the right-of-way, and dwellings will not front on the streets, a reduction in the widths of rights-of-way may be permitted. In no instance shall a right-of-way width be reduced to less than 33 feet.

- (4) Paving of private streets. If a private street will ultimately service five or fewer dwelling units and such street is over 250 feet in length, a gravel or crushed stone surface may be utilized with the approval of the Board of Supervisors. Such relaxation of paving standards shall only be permitted for developments within the Agricultural Conservation (AC) and Rural Residential (RR) Districts of Chapter 150, Zoning. Such private streets shall be subject to all other requirements of §120-21 and shall have a base meeting applicable Township specifications to minimize heaving and potholing.
- B. Sidewalks. Sidewalks are intended to provide as separate means of movement for pedestrians. In some projects, there may be benefits of locating pedestrian sidewalks or paths outside street rights-of-way. In order for the Board of Supervisors to waive the requirement for sidewalks to be within a street right-of-way, all of the following provisions for relocated sidewalks shall be met:
- (1) The walks shall be all-weather and easily cleared of snow.
 - (2) They shall be convenient for the most frequent trips, such as children walking to school bus stops.
 - (3) The walks shall remain as private property, and the responsibility for their maintenance shall be clearly established, such as by a homeowners' association.

§120-40. Public Water and Sewer. [Added 9-13-2004 by Ord. No. 107; amended 12-5-2005 by Ord. No. 111]

- A. Any proposed development of 10 lots or more (cumulatively subdivided from any lot existing as of September 13, 2004) must be served by an approved public water system.
- B. Any proposed development of 10 lots or more (cumulatively subdivided from any lot existing as of September 13, 2004) must be served by an approved public sewer system.

§120-41. Fire Hydrant Location and Distribution

- A. Fire Hydrants shall be provided in any proposed development of 10 lots or more (cumulatively subdivided from any lot existing as of September 13, 2004). When Fire Hydrants are required to be provided, the Locations and Distribution shall be provided in accordance with Appendix C of the International Fire Code as amended.
- B. All Subdivision and Land Developments are subject to review by the local fire department.

§120-42. Homeowners Associations (HOA's)

Land and common facilities may be held in common ownership for the use of all residents of a subdivision or land development and shall thereby be controlled and maintained by a Homeowners Association (HOA). HOA documents shall be in compliance with the Pennsylvania Uniform Planned Community Act (as to a Homeowners' Association Document) or the Pennsylvania Uniform Condominium Act (as to a Condominium Association Document) as the case may be. The Homeowners Association Document shall include, but not be limited to the following:

- A. A description of the land to be owned by the HOA. This description shall include a plan of the proposal highlighting the precise location of all aspects of the common land.

- B. Statements setting forth the powers, duties, and responsibilities of the HOA, including services to be provided.
- C. A Declaration of Covenants, Conditions, Restrictions (Declaration) giving perpetual easement of the lands and facilities owned by the HOA. The Declaration shall be a legal document providing for automatic membership for all owners in the subdivision of land development and shall describe the mechanism by which owners participate in the HOA, including voting, elections, and meetings. The Declaration shall give power to the HOA to own and maintain the common land and to make and enforce rules.
- D. Statements prescribing the process by which HOA decisions are reached and setting forth the authority to act.
- E. Statements requiring each owner within the subdivision or land development to become a member of the HOA.
- F. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- G. Requirements for all owners to provide a pro rate share of the cost of the operations of the HOA.
- H. Establish a process of collection and enforcement to obtain funds from owners who fail to comply.
- I. Establish a process for transition of control of the HOA from the developer to the unit owners.
- J. Statements describing how the common land of the HOA will be insured, including limit of liability.
- K. Provisions for the dissolution of the HOA.
- L. Provisions for the maintenance of stormwater management facilities.
- M. Provisions for the maintenance and operation of water supply and wastewater treatment facilities.
- N. Provisions of the maintenance of roads.

ARTICLE VI
MOBILE HOME PARKS

§120-43. Purpose.

The purpose of this article shall be to provide for the planning and design of mobile home parks in such a manner that will minimize public health and safety hazards; will promote the orderly development and utilization of land; will preserve natural and scenic values, will not create a traffic hazard or otherwise impair the function and amenity of the mobile home park occupants and/or the surrounding neighborhood.

§120-44. Permits and Certificate of Registration.

- A. Permits required. It shall be unlawful for any person to maintain, construct, alter, or otherwise extend any mobile home park within the limits of the Township of Hamilton unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Protection in the name of such person, and also a permit issued by the Township of Hamilton.
- B. Application to the Pennsylvania Department of Environmental Protection. All applications for a certificate of registration shall be made by the owner of the mobile home park or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, Chapter 4, Article 415, Regulations for Mobile Home Parks, adopted October 30, 1959, amended January 22, 1965, or as hereafter amended.
- C. Application to the Township. A copy of said Pennsylvania Department of Environmental Protection applications shall be concurrently filed with the Board of Supervisors, and the applicant shall also submit an application to the Board of Supervisors, using a form provided by the Township, for a permit to operate a mobile home park in the Township.
- D. Renewal permits. Renewal permits shall be issued by the Board of Supervisors, upon the provision of sufficient proof by the applicant, that the mobile home park has continued to meet the standards prescribed by the Department of Environmental Protection and this chapter. The permit shall be posted in the office or on the premises of the mobile home park and renewed on annual basis to determine compliance with this chapter.
- E. Compliance of existing mobile home parks. Mobile home parks in existence at the effective date of this chapter shall comply with the following requirements:
 - (1) Mobile home parks in existence at the effective date of this chapter and being duly authorized to operate by the Department of Environmental Protection may continue to operate so long as they otherwise remain in compliance with applicable provisions of this chapter, other Township ordinances, or other requirements.
 - (2) Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park permit as required under §120-46 of this chapter.
 - (3) Any subsequent new construction, alteration, or extension of an existing mobile home park shall comply with all applicable provisions of this chapter.
 - (4) Any existing mobile home park which, in the opinion of the Board of Supervisors, creates a fire or health hazard shall be required to comply with the applicable provisions of this chapter within a reasonable period of time as determined by the Board of Supervisors.

§120-45. Fees.

See Section §120-64

§120-46. Application for Land Development Plan; Permit Requirements.

Whenever any mobile home park proposal is made, and before any permit for the erection of a structure or development of supporting infrastructure in such a mobile home park is issued, the developer shall apply in writing for approval of the mobile home park in accordance with the land development plan submission, review, and approval requirements and procedures of §120-11, §120-12, and §120-13 of this chapter. The land development plan submission shall require the following:

- A. All information required by §120-11, as appropriate, regarding preliminary and final land development plans.
- B. The location and legal description of the mobile home park.
- C. Plans and specifications of buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
- D. The land development plan shall be clearly and legibly drawn at a scale of not more than one inch to 50 feet nor less than one inch to 100 feet.
- E. The number, location, and size of each mobile home lot referenced to a schedule giving the size of the mobile home unit proposed for each lot.
- F. The locations and details of lighting and electrical systems.

§120-47. Site Design Requirements.

All mobile home parks shall be designed in accordance with the following site design requirements:

- A. General requirements.
 - (1) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.
 - (2) The condition of soil, groundwater level, site drainage, and topography shall not create hazards to the property or to the public health, safety, or welfare of the occupants of the mobile home park or to surrounding property owners. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion of the mobile home park site shall be subject to predictable sudden flooding or erosion shall be used for any purpose which could expose persons or property to hazards.
- B. Site drainage requirements.
 - (1) The ground surface in all parts of any mobile home park shall be graded or otherwise be equipped to manage stormwater in a safe and efficient manner.
 - (2) Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be controlled in a manner approved by the Pennsylvania Department of Environmental Protection.

- (3) No wastewater from any plumbing fixture or sanitary sewer line shall be deposited upon the ground surface in any part of a mobile home park.

C. Soil and ground cover requirements.

- (1) Exposed ground surfaces in all parts of any mobile home park shall be protected with a vegetative growth that is capable of preventing soil erosion and the creation of dust during dry weather. This requirement shall apply to all ground surfaces not proposed to be paved or covered by an impervious surface.
- (2) Mobile home parks shall be kept free of vegetative growth which is poisonous or which may harbor rodents, insects, or other harmful pests.
- (3) A screening of evergreen planting shall be established along all street and property boundaries of the mobile home park. At a minimum, the evergreen trees shall be not less than six feet high as the time of planting, and shall be planted at intervals of not less than 10 feet nor more than 20 feet.

D. Dimensional requirements.

- (1) The maximum net density of any mobile home park shall be five mobile home units to the acre.
- (2) The minimum size of each mobile home lot shall be 6,000 square feet.
- (3) The minimum width of each mobile home lot shall be 60 feet.
- (4) All mobile home units shall be located at least 50 feet from any park property boundary line abutting a public road right-of-way. All mobile home units shall be located at least 35 feet from all other mobile home park property boundary lines.
- (5) The minimum distance between any individual mobile home unit, including accessory structures, and the paved surface of any mobile home park street and/or common parking area, or any other common areas including but not necessarily including a recreation areas, shall be at least 15 feet.
- (6) All mobile home units shall be separated from other mobile home units, service buildings, and other structures by a minimum distance of 30 feet. Where accessory structures have been constructed on a mobile home lot and/or have been proposed for a mobile home lot, the minimum separation distance shall be measured from said accessory structures.

E. Street system.

- (1) The street system within a mobile home park shall be designed in accordance with §120-21 and other applicable sections of this chapter. The street system shall be privately owned and maintained by the developer. Parking shall be prohibited on streets within the mobile home park. Off street, overflow parking shall be provided and maintained by the developer in accordance with §120-47.I.
- (2) The street system shall be illuminated with street lights in accordance with the Hamilton Township Lighting Ordinance as enacted and amended.

F. Sidewalks. Sidewalks shall be provided in any mobile home park, and shall meet the following requirements:

- (1) Common sidewalks shall be provided along both sides of all streets within the mobile home park.
- (2) Individual mobile home park lots shall be connected to the common sidewalk system by an individual sidewalk. Such individual sidewalks shall, at a minimum, connect the mobile home stand to the mobile home lot driveway, or to the common sidewalk system.
- (3) All individual sidewalks on mobile home lots shall have a minimum width of three feet.
- (4) All sidewalks shall be designed and constructed in accordance with the requirements of §120-26 of this chapter.

G. Mobile home lot requirements.

- (1) No mobile home lot shall be located or designed or located in such a manner that the use of the lot may cause or exacerbate either on-site or off-site problems including slopes exceeding 15%.
- (2) The boundary of each mobile home lot shall be delineated by suitable means. Mobile home lot boundaries at the site shall conform to the mobile home park boundaries shown on the approved land development plan at all times.
- (3) The mobile home stand shall be designed to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the mobile home. At a minimum, anchors or tie-downs, such as cast-in-place concrete "deadmen," eyelets imbedded in concrete screw augers, or arrow head anchors, shall be placed at each corner of the mobile home stand and at intervals of no more than 20 feet shall be provided. Each such device shall be able to sustain a minimum load of 4,800 pounds. The design of the mobile home stand shall be provided in the land development plan submission.
- (4) Each mobile home lot shall be provided with an improved driveway for convenient access to individual mobile homes. Each driveway shall be designed in accordance with the access driveway requirements of §120-24 of this chapter. Each driveway shall be designed to accommodate two off-street parking spaces design in accordance with the applicable parking space design requirements of Chapter 150, Zoning. Such off-street parking spaces shall not include areas of the mobile home lot dedicated to sidewalks or other walkways.

H. Recreation facilities. Recreation land and facilities shall be provided in all mobile home parks in accordance with the requirements of §120-38 of this chapter.

I. Parking.

- (1) Developers must provide additional parking, typically in the form of a parking lot. One additional parking space must be provided per unit in the mobile home park.
- (2) Additional parking must be in accordance with Chapter 118 of Chapter 150, Zoning.

J. Fire Hydrant Locations and Distribution.

- (1) Fire Hydrants shall be provided in accordance with Appendix C of the International Fire Code as amended.

§120-48. Water Supply and Distribution System.

- A. General requirements. An adequate supply of water shall be provided for mobile homes, service buildings, and other necessary facilities as required by this chapter. Where a public water supply system of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and the public water system supply shall be used exclusively. Where a public water supply system exists that could serve the mobile home park, but where water quantity, quality, or other upgrades would be necessary to accommodate said mobile home park, the developer of the proposed mobile home park shall provide the necessary upgrades to the public water supply system to accommodate the proposed mobile home park. Where connection to a public water supply system is not available, the developer of the proposed mobile home park shall develop a private water supply system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection or any other authority having jurisdiction over the development of such systems.
- B. Source and volume of water supply. The developer of the mobile home park shall demonstrate that the proposed water supply system, whether public or private, complies with the following criteria:
 - (1) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home unit.
 - (2) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room, or space extending below ground level nor in any room or space above ground level which is enclosed by walls or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
 - (3) Water supply treatment, if necessary, shall be provided by the developer in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.
 - (4) A water supply feasibility report shall be provided in accordance with applicable requirements of this chapter.
- C. Water storage facilities. All water storage reservoirs shall be covered, shall be watertight, and shall be constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers to prevent the contaminated material from entering the water supply. Reservoir overflow pipes shall discharge through an acceptable air gap.
- D. Water distribution system.
 - (1) All water distribution systems associated with a public water supply shall be constructed and maintained in accordance with the requirements of the public water supplier.
 - (2) All privately developed water distribution systems shall be developed in accordance with the following minimum requirements:

- (a) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with applicable state and/or local requirements.
- (b) The water piping system shall not be connected to non-potable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.
- (c) The water piping system shall be designed and maintained to provide a pressure of not less than 20 pounds and not more than 80 pounds per square inch under normal operating conditions, at service buildings, and other locations requiring potable water supply.
- (d) Water mains, if installed parallel to sewer lines, shall be separated by at least 10 horizontal feet from any sewer line, storm sewer, or sewer manhole.

E. Individual water-riser pipes and connections.

- (1) Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position to ensure the shortest water connection possible and decrease susceptibility to water pipe freezing.
- (2) The water-riser pipe shall have a minimum inside diameter of 3/4 inch and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the mobile home lot.
- (3) Adequate provisions shall be made to prevent the freezing of water service lines, valves, and riser-pipes, and to protect risers from heaving actions of the ground during freezing weather. Surface drainage shall be diverted from the location of riser-pipes.
- (4) A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop and waste valves are prohibited.

§120-49. Sewage Collection and Disposal.

The sewage collection and disposal system shall meet the following requirements:

- A. An adequate sewage collection and disposal system shall be provided for mobile homes, service buildings, and other necessary facilities as required by this chapter. Where a public sewage collection and disposal system of satisfactory design and capacity is available, connection shall be made thereto and the public sewage collection and disposal system supply shall be used exclusively. Where a public sewage collection and disposal system exists that could serve the mobile home park, but where capacity, design, or other upgrades would be necessary to accommodate said mobile home park, the developer of the proposed mobile home park shall provide the necessary upgrades to the public sewage collection and disposal system to accommodate the proposed mobile home park. Where connection to a public sewage collection and disposal system is not available, the developer of the proposed mobile home park shall develop a private sewage collection and disposal system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection or any other authority having jurisdiction over the development of such systems.
- B. All sewage collection and disposal systems associated with a public water supply shall be constructed and maintained in accordance with the requirements of the public water supplier.

- C. All privately developed sewage collection and disposal systems shall be developed in accordance with the following minimum requirements:
- (1) Sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements and shall be separated from the water system supply lines by a minimum of 10 feet. Sewer lines shall be installed with a grade which will ensure a velocity of at least two feet per second when flowing full. The system shall be designed to accommodate a minimum flow of 150 gallons per day per mobile home lot. All sewer lines shall be constructed of materials approved by the Township Engineer and/or Township Sewage Enforcement Officer, shall be adequately vented, and shall use watertight joints.
 - (2) Each mobile home park stand shall be provided with a four-inch-diameter riser pipe. The sewer riser pipe shall be located in a vertical line with the mobile home drain outlet.
 - (3) The mobile home sewer connection shall have a nominal inside diameter of three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
 - (4) All materials used in the construction of mobile home sewer connections shall be semirigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
 - (5) Provisions shall be made for adequately sealing the sewer riser pipe when a mobile home does not occupy the mobile home lot. Surface drainage shall be diverted away from the sewer riser pipe. The rim of the sewer riser pipe shall extend at least four inches above ground elevation.
 - (6) All proposed sewage disposal facilities shall be approved by the Department of Environmental Protection prior to construction. Effluent from sewage treatment facilities shall be discharged only as permitted by the Department of Environmental Protection. The developer of a proposed mobile home park shall submit information required by §120-12B(1) of this chapter with the required land development plan to demonstrate compliance with this section.

§120-50. Solid Waste Disposal System.

Solid waste disposal systems shall meet the following minimum requirements:

- A. The storage, collection, and disposal of refuse shall be conducted in such a manner to prevent health hazards, rodent harborage, insect breeding area, accidents, fire hazards, and air pollution.
- B. Solid waste collection stands shall be provided for all waste containers. Such stands shall be designed to prevent waste containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning.
- C. Refuse shall be stored in flytight, watertight, rodent-proof containers. Refuse containers shall be provided such that no individual mobile home is located more than 150 feet from a refuse container. Refuse containers shall be provided in sufficient number and capacity to safely store all refuse.
- D. On-premises burning of paper, boxes, garbage, leaves, or other disposable material or waste is prohibited.

- E. Solid waste or refuse shall be collected at least one time per week, or as may be required by any Hamilton Township agreement or contract for municipal waste disposal. The developer of the mobile home park shall comply with any Township, County, or state requirements or agreements regarding solid waste collection, as may be effective and applicable.

§120-51. Electrical Distribution System.

- A. General requirements. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances. Such system shall be installed and maintained in accordance with the local electric power company's specifications and approvals regulating such systems.
- B. Power distribution lines. All electrical power distribution lines shall be located underground in accordance with the local power company's design and construction requirements. All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for that purpose. Such conductors shall not be located less than one-foot radial distance from any water, sewer, gas, communication, or other transmission line.
- C. Individual electrical connections.
 - (1) Each lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
 - (2) Mobile homes shall be connected to the outlet receptacles by an approved power supply assembly and permanent wiring method.
 - (3) All exposed, non-current-carrying metal parts of a mobile home, and all other equipment, shall be grounded by means of a grounding conductor run with branch circuit conductors other method of grounded metallic wiring as may be approved by the Township Engineer and/or the Township Code Enforcement Officer. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

§120-52. Gas Distribution System.

Gas supply systems, where available for a mobile home park, shall comply with the provisions of any state regulations governing the equipment, installation, volume of supply, shutoff valves, connectors, mechanical protection, and location of equipment.

§120-53. Fuel Oil Distribution Systems.

Fuel oil distribution systems shall meet the following minimum requirements:

- A. Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Piping installed below ground shall have a minimum earth cover of 18 inches.
- B. Piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.

- C. Fuel oil storage tanks or cylinders shall not be located inside or beneath any mobile home or accessory structure, or less than five feet from any mobile home exit.
- D. Every tank shall be vented by a vent not less than 1 1/4 inches iron pipe size, so designed and installed to prevent entrance of rain or debris.
- E. A shutoff valve located immediately adjacent to the gravity feed connection of a tank shall be installed in the supply line to the mobile home.
- F. Fuel oil connectors from the tank to the mobile home shall be brass or copper tubing or approved flexible metal hose, not smaller than 3/8 inch iron pipe size or tubing, and shall be protected from physical damage. Aluminum tubing shall not be used.
- G. Valves and connectors shall be listed standard fittings maintained liquid-tight to prevent spillage of fuel oil to the ground.

§120-54. Fuel Supply and Storage.

- A. Liquefied petroleum (LP) gas containers intended to provide heating fuel to a mobile home and installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 25 or more than 250 pounds LP gas capacity.
- B. No liquefied petroleum gas vessel intended to provide heating fuel to a mobile home shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
- C. All liquefied petroleum gas containers intended to provide heating fuel to a mobile home shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home.

§120-55. Telephone and Television Service.

Telephone and television service, when provided, shall meet the following requirements:

- A. When telephone service to mobile home stands is provided, the distribution systems shall be installed underground.
- B. When central television antenna or cable television systems are to be installed as part of the property to be covered by mortgage insurance, a warranty shall be obtained to assure satisfactory service. The distribution system to mobile home stands shall be installed underground, and in general accord with the placement of the electrical distribution system.

§120-56. Fire Protection.

All mobile home parks shall meet the following minimum requirements with regard to fire protection:

- A. Mobile home parks and each lot shall be kept free of litter, rubbish, and other flammable materials.
- B. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.
- C. Fire hydrants shall be installed throughout the mobile home park in accordance with the standards established in §120-41 of this chapter.

- D. That park operator shall require that a fire extinguisher of a type approved by the Township be maintained in each mobile home.

§120-57. Insect and Rodent Control.

- A. All mobile home parks shall be designed and maintained to meet the minimum requirements, with regard to insect and rodent control, of the Hamilton Township Property Maintenance Code.

§120-58. Signs and Lighting.

- A. Signs may be permitted subject to the approval by the Township for compliance to the Hamilton Township Zoning Ordinance, as enacted and amended.
- B. All means of ingress and egress, walkways, streets and parking lots shall be adequately lit in accordance with the Hamilton Township Street and Site Lighting Ordinance, as enacted and amended.

§120-59. Other Site Improvements.

- A. There shall be provided in each mobile home park such other improvements as the commission may require. Such requirements shall at all times be in the best interests of the park residents.
- B. An enclosure of compatible design and material 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.

§120-60. Management and Supervision.

Any application for a development of a mobile home park shall include the name and contact information of the park operator/manager. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this chapter, and shall provide adequate management and supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition. Further, the person to whom the mobile home park permit is issued shall:

- A. Supervise the placement of each mobile home on the mobile home stand. Such supervision shall include ensuring the stability of the mobile home and the installation of all utility connections.
- B. Provide the Township Supervisors and their representatives free access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspections.
- C. Maintain a register containing the names and addresses of all mobile home park occupants. Such register shall be available to any authorized person inspecting the mobile home park.
- D. Notify the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the mobile home park.
- E. Notify the park residents of all applicable provisions of this chapter and inform the residents of their duties and responsibilities relating to the need for sanitary conditions, the proper placement of mobile home units, the control of pets, the prior approval of porches, skirtings, awnings, and accessory structures, the periodic storage of garbage, and the maintenance of fire extinguishers.

§120-61. Revocation of Permit.

- A. Whenever, upon inspection of any mobile home park, the Township Supervisors determine that there are reasonable grounds to believe that conditions or practices exist which are in violation of any provision of this chapter, or of any regulations adopted pursuant thereto, the Township Supervisors or their representatives shall give notice in writing to the person to whom the permit to operate the mobile home park was issued, advising them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate shall be suspended.
- B. At the end of such period, such mobile home park shall be re-inspected and, if such conditions or practices have not been corrected, the Township Supervisors shall suspend the permit and give notice in writing of such suspension to the person to whom the permit to operate the mobile home park was issued.
- C. Whenever the Township Supervisors find that an emergency exists which requires immediate action to protect the public health, the Supervisors may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as the Supervisors may deem necessary to meet the emergency. Such action may include, but may not necessarily be limited to, the suspension of the permit to operate the mobile home park. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

**ARTICLE VII
ADMINISTRATION**

§120-62. Violations and Penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney 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 this chapter 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.
- B. The 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.
- C. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

§120-63. Preventive Remedies.

- A. In addition to other remedies, the Township 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.
- B. 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 of real property in violation of this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (1) The owner of record at the time of such violation.
 - (2) 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.
 - (3) 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.
 - (4) 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.

- C. 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 may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§120-64. Fees.

The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for the review of subdivision and land development plans, and other matters pertaining to this chapter. The Board of Supervisors shall adopt a schedule of fees by resolution, and shall post the schedule of fees, charges, and expenses in the Township office, and may be amended only by the Board of Supervisors. Such schedule of fees, charges, and expenses shall be incorporated into the overall fee schedule established by the Board of Supervisors for this chapter.

**ARTICLE VIII
LEGAL PROVISIONS**

§120-65. Severability.

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Subdivision and Land Development Chapter is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Subdivision and Land Development Chapter as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Subdivision and Land Development Chapter. The Board of Supervisors hereby declares that it would have adopted the Subdivision and Land Development Chapter and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and work thereof, irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

§120-66. Repealer.

All Hamilton Township Ordinances or parts thereof in conflict with this Subdivision and Land Development Chapter or inconsistent with the provision of this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.

§120-67. Effective Date.

This Subdivision and Land Development Ordinance shall take effect immediately upon adoption and publication, according to law, by the Board of Supervisors of the Township of Hamilton, County of Adams, Commonwealth of Pennsylvania.

Enacted and Ordained this _____ day of _____, 2018.

Board of Supervisors
Hamilton Township
Adams County, Pennsylvania

Attest:

By: _____

By: _____

By: _____

By: _____

By: _____