

## **Chapter 22**

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**Part 1****Authority, Title and Purpose****§22-101. Authority.**

An Ordinance establishing the rules, regulations and standards governing the subdivision and development of land within the Borough of New Morgan, Berks County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Code, 53 P.S. §10501 *et seq.*, as amended, and setting forth procedures to be followed by the Municipal Planning Committee and the Borough Council in applying, administering and amending these rules, regulations and standards; and, prescribing penalties for the violation thereof. The basis for review and the approval or disapproval of any subdivision or land development plan shall lie solely within the jurisdiction of the Borough Council and shall be in accordance with the procedures and requirements of this Chapter.

(*Ord. 92-4, 7/9/1992, §101*)

**§22-102. Title.**

This Chapter shall be known, and may be cited as the “Borough of New Morgan Subdivision and Land Development Ordinance of 1992.”

(*Ord. 92-4, 7/9/1992, §102*)

**§22-103. Purpose.**

The purpose of this Chapter shall be to provide uniform standards to guide the subdivision, development and re-subdivision of land of the Borough in order to promote the public health, safety and convenience and general welfare of the Borough. It shall be administered to insure orderly growth and development, the conservation, protection and proper use of land; the proper distribution of population; and, to provide adequate provisions for traffic circulation, recreation, light, air, utilities and services.

(*Ord. 92-4, 7/9/1992, §103*)



**Part 2****Definitions****§22-201. Tense, Gender and Numbers.**

Words in the singular include the plural and those in the plural include singular; words in the present tense include the future tense; words in the masculine gender include the feminine and neuter.

(Ord. 92-4, 7/9/1992, §201)

**§22-202. General Terms.**

The words, “person,” “subdivider,” “land developer,” and “owner,” include a corporation, unincorporated association and partnership, or other legal entity, as well as an individual. The word, “street,” includes thorough fare, avenue, boulevard, court, expressway, highway, freeway, parkway, viaduct, lane, artery and road. The word, “building,” includes structures and shall be construed as if followed by the phrase, “or part thereof.” The word, “watercourse,” includes channel, creek, ditch, dry run, spring, stream and river. The words, “should” and “may” are permissive; the words, “shall” and “will” are mandatory and directive.

(Ord. 92-4, 7/9/1992, §202)

**§22-203. Terms or Words Not Defined.**

Where terms or words are not defined, they shall have their ordinary accepted meanings or such as the context may imply.

(Ord. 92-4, 7/9/1992, §203)

**§22-204. Specific Terms.**

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

*Accelerated erosion*—the removal of the surface of the land through the combined action of man’s activities and natural processes at a rate greater than would occur because of the natural processes alone.

*Alley*—a “service street,” being a minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

*Applicant*—a landowner or developer, as hereinafter defined, who has filed an application for development approval including his heirs, successors and assigns.

*Authority*—a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382 No. 164, known as the “Municipality Authority’s Act of 1945,” 53 P.S. §301 *et seq.*, as amended.

*Block*—a tract of land bounded by two or more streets, public parks, railroad rights-of-way, watercourses, boundary lines of a municipality, un-subdivided land or any combination thereof.

*Borough Council*—the Borough Council of the Borough of New Morgan, Berks

County, Pennsylvania.

*Building*—any combination of materials forming any structure designated or intended, or arranged for the housing, sheltering, enclosure or structural support of persons, animals or property of any kind.

*Building reserve (setback) line*—the line within a property defining the minimum required distance between any building or structure to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the street right-of-way line which abuts the property upon which said building or structure is to be located and shall be parallel to said right-of-way line.

*Cartway (roadway)*—the portion of a street right-of-way paved or unpaved, intended for vehicular use.

*Cistern*—an underground reservoir or tank for storage of water.

*Clear sight triangle*—an area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

*Common open space*—a parcel or parcels of land or water or combination of both, located within a development site and designed and intended for the use and enjoyment of residents of a subdivision or land development, but not including streets, required setbacks, off-street parking areas or areas set aside for public facilities, services, detention basins or other improvements.

*Conservation District*—the Berks County Conservation District.

*County*—the County of Berks, Commonwealth of Pennsylvania.

*County Planning Commission*—the Berks County Planning Commission.

*Crosswalk (interior walk)*—a publicly or privately owned right-of-way for pedestrian use, extending from a street into a block or across a block to another street.

*Culvert*—a pipe, conduit or similar structure, including appurtenant works, which carries surface water.

*Dedication*—a deliberate appropriation of land by its owner for any general or public use, reserving to himself no rights other than those that are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

*Design storm*—the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year) and duration (e.g., 24-hour), and used in computing stormwater management control systems.

*Detention basin*—a basin designed to retard stormwater run-off by temporarily storing the run-off and releasing it at a predetermined rate.

*Developer*—any landowner, agent or 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.

*Diversion terrace*—a channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and/or divert run-off.

*Drainage easement*—a right granted by a landowner to a grantee, allowing the



use of private land for stormwater management purposes.

*Dwelling unit*—any structure or part thereof designed to be occupied as living quarters for a single housekeeping unit.

*Easement*—a right-of-way granted, but not dedicated, for the limited use of a private land for a public or quasi-public purpose and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make other use of the land which is not inconsistent with the rights of the grantee.

*Endorsement*—the application of the Borough seal, together with the signatures of the Borough Council, upon the record plan.

*Engineer*—a licensed professional engineer, registered in the Commonwealth of Pennsylvania.

*Erosion*—the removal of soil particles by the action of water, wind, ice or other geological conditions.

*Forest management operations*—all activities connected with growing and harvesting of forest products including the site preparation, cultivation and logging of trees, and the construction and maintenance of roads.

*Governing body*—the Borough Council of the Borough of New Morgan, Berks County, Pennsylvania.

*Grade*—curb elevation; or, when curb elevation has not been established, the average finished ground elevation adjoining a building or structure.

*Groundwater recharge*—the replenishment of existing natural underground water supplies.

*Hydraulic grade line*—a line joining points whose vertical distance from the center of the cross section of the fluid flowing in a pipe are proportional to the pressure in the pipe at the joint.

*Hydraulic gradient*—the slope of the hydraulic grade line.

*Impervious surface*—any surface which retards the percolation of the water into the ground, including, but not limited to, asphalt, concrete, roofs, etc.

*Improvements*—those physical additions and changes to the land that may be necessary to provide useable, desirable lots.

*Infiltration structures*—a structure designed to direct run-off into the ground e.g., French drains, seepage pits, seepage trenches.

*Interior walk*—(see “crosswalk”).

*Land development*—any of the following activities:

(1) The improvement of one lot or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) 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.

(b) 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.

(2) A subdivision of land.

*Land disturbance activity*—any change in the existing contour of the land, e.g., grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land causing exposure to erosion.

*Land planner*—a recognized professional individual or firm affiliated with a registered engineer, architect or surveyor.

*Landowner*—the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

*Lot*—a designated parcel, tract or area of land established by a plat or otherwise 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, including space within all street rights-of-way and within all permanent drainage easements, but including the areas of all other easements.

*Maintenance guarantee*—the guarantee by the applicant that he shall maintain all improvements in good condition after completion of construction and installation of all improvements.

*Major property damage*—damage to property which either destroys or renders the property unusable.

*Marker*—a metal pipe or pin of at least ½ inch in diameter, and at least 24 inches in length above the surface of the ground.

*Mobile home*—a transportable, single/family dwelling intended for permanent (manufactured housing) 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 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 of contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

*Monument*—a stone or concrete monument with a flat top at least 4 inches in diameter or square, and at least 35 inches in length. Stone monuments shall contain an indented cross or drill hole. Concrete monuments shall contain a copper or brass dowel (plug). It is recommended that the bottom sides or radius be at least 2 inches greater than the top, to minimize movement caused by frost.

*Municipality*—the Borough of New Morgan, Berks County, Pennsylvania.

*Municipal Engineer*—a professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Borough Council, to represent the Borough in matters pertaining to this Chapter, and to act as

consultant.

*Municipal Solicitor*—an attorney-at-law, duly appointed by the Borough Council to serve as legal counsel to the Borough Council and to represent the Borough in matters pertaining to this Chapter.

*Municipal Zoning Ordinance*—the Zoning Ordinance of New Morgan Borough, Berks County, Pennsylvania [Chapter 27].

*Nursery*—a tract of land on which trees and plants are raised or stored for transplanting and sale.

*Peak discharge*—the maximum rate of flow of water at a given point and time resulting from a specified storm event.

*Performance guarantee*—a deposit with the Borough of financial security in the amount sufficient to cover the cost of all improvements. Without limitation as to other types of financial security which the Borough may approve. 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 purpose of this Chapter.

*Plan, final*—a complete and exact subdivision or land development plan, including all required supplementary data, prepared by a registered engineer, surveyor or architect.

*Plan, Official*—the comprehensive plan and/or official map and/or topographical survey and/or other plans, or portions thereof, as may have been adopted by the Borough pursuant to statute, for the area in which the subdivision or land development is located.

*Plan, preliminary*—a tentative subdivision or land development plan, including all supplementary data, prepared by a registered engineer, surveyor or architect.

*Plan, record*—a copy of the approved final plan which contains the original signatures of either the majority of the Borough Council or the original signatures of the President and the Secretary of the Borough Council and, the original endorsement of the Planning Committee together with the affixation of the Borough Seal. The record plan is intended to be recorded in the Berks County Court House at the office of the Recorder of Deeds, and shall be a blackline print.

*Planning Committee or Planning Commission*—the Planning Committee of New Morgan Borough, Berks County, Pennsylvania.

*Plat*—a map or plan of a subdivision or land development whether preliminary or final.

*Private entity*—a partnership, corporation homeowner's association, condominium association or any other similar association as distinguished from an individual lot owner.

*Public grounds*—includes: (1) parks, playgrounds, trails, paths or other recreational areas and other public grounds; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned and operated scenic or historic sites.

*Public hearing*—a formal meeting held pursuant to public notice by the Borough Council or Planning Committee, intended to inform and obtain public comment,

prior to taking action in accordance with the Chapter.

*Public notice*—notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

*Rational formula*—a rainfall to run-off relation used to estimate peak flow, expressed by the following formula:  $Q=CIA$ .  $Q$ =peak run-off rate in cfs;  $C$ =run-off coefficient;  $I$ =design rainfall intensity (in/hr) lasting for a critical time; and  $A$ =drainage area in acres.

*Reserve strip*—a parcel of ground in separate ownership separating a street from other adjacent properties, or from another street, either proposed or existing.

*Resubdivision*—any replatting or resubdivision of land, limited to changes in lot lines on the approved final plan or recorded plan. Other plattings shall be considered as constituting a new subdivision of land (see “subdivision”).

*Retention basin*—a basin designed to retard stormwater run-off by having a controlled discharge system.

*Reverse frontage lot*—a lot extending and having frontage on two generally parallel streets (excluding service streets), with vehicular access solely from one street.

*Review*—the process of inspecting and evaluating, by the Planning Committee, any plan which is brought before it for approval, and comparing the information provided on the plan with the requirements of this Chapter. During the review process, the Planning Committee has the authority to submit, or cause to be submitted a copy of the plan to the Berks County Planning Commission and any other applicable State, local or adjoining municipal agencies for their review.

*Right-of-way*—the total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.

*Roadway*—(see “cartway”).

*Run-off*—that part of precipitation which flows over the land.

*Sanitary sewage disposal system, community*—a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary or permanent central treatment and disposal plant, generally serving a neighborhood area.

*Sanitary sewage disposal system, on-site*—any structure designed to biochemically treat sanitary sewage within the boundaries of the individual lot.

*Sanitary sewage disposal system, public*—a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a municipal treatment and disposal plant, generally serving a neighborhood area.

*Sediment*—solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

*Sediment basin*—a barrier, dam, retention or detention basin designed to retain sediment.

*Seepage pit (seepage trench or French drain)*—an area excavated in earth filled

with loose stone or similar material and into which surface water is directed for infiltration into the ground.

*Seepage tank*—a subsurface concrete tank surrounded by stone into which surface water is directed for infiltration into the ground.

*Semi-impervious surface*—a surface such as stone, rock or other materials which permits some vertical transmission of water.

*Septic tank*—a covered water-tight container designed so that raw sewage is biochemically changed into solid waste and gaseous states to facilitate further treatment and final disposal.

*Setback distance*—(see “building reserve line.”)

*Sight distance*—the required 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. Sight distance measurements shall be made from a point ½ foot to a point 4½ feet above the centerline of the road surface.

*Soil Conservation Service (SCS)*—Department of Agriculture, Soil Conservation Service.

*Soil-Cover Complex Method*— a method of run-off computation developed by SCR and found in its publication “Urban Hydrology for Small Watersheds.” Technical Release No. 55, SCS, Jan., 1975, latest revision (TR-55).

*Soil percolation test*—a field test conducted by the Sewage Enforcement Officer of the Borough 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.

*Storm frequency*—the number of times that a given storm “event” occurs or is exceeded on the average in a stated period of years.

*Storm sewer*—the conveyance system to carry stormwater from the point of catchment to the point of discharge.

*Stormwater*—the excess water from precipitation that does not percolate into the ground nor is absorbed by vegetation.

*Stormwater management plan*—the guidelines for managing stormwater run-off as per the provisions of this Chapter.

*Stormwater structures*—basins, catch basins, inlets, headwalls, pipe, swales, terraces, etc. designed and installed to collect, transport, detain and/or retain stormwater.

*Street*—a strip of land, including the entire right-of-way (i.e., not limited to the cartway), intended to provide access to more than one lot.

*Collector street*—a street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. Streets in historical, multi-family and commercial developments shall generally be considered collector streets.

*Cul-de-sac*—a minor street intersecting another street at one end, and terminating in a permanent vehicular turnaround.

*Half (partial) street*—a street generally parallel and adjacent to a property

line, having a lesser right-of-way width than normally required for improvement and use.

*Internal street*—a minor street, not required to meet the requirements of this Chapter, used for circulation and access within a development involving multi-residence, commercial or industrial use.

*Major street*—a street serving a large volume of comparatively high speed and long distance traffic, including all facilities classified as math and secondary highways by the Pennsylvania Department of Transportation.

*Marginal access street*—a minor street, parallel and adjacent to a major street, but separated from it by a reserve strip, which provides access to abutting properties and controls intersections with a major street.

*Minor street*—a street used primarily to provide access to abutting properties.

*Service street*—a minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

*Structure*—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

*Subdivider*—a property owner or agent of a property owner, who makes or causes to be made a subdivision of land by creating new property lines to be recorded.

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

*Substantially completed*—where, in the judgment of the Borough Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted), of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

*Surveyor*—a licensed surveyor in the Commonwealth of Pennsylvania.

*Swale*—a low lying stretch of land which gathers or carries surface water run-off.

*Tile disposal field*—a system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and evaporation.

*Time of concentration*—the time, in minutes, surface stormwater run-off takes to travel from the most distant point in the drainage basin to the point under design consideration. This time is the combined total of overland flow time in pipes or channels.

*Water distribution system, community*—a system for supplying and distributing water from a common source to two or more dwellings and other buildings within

a single development.

*Water distribution system, on-site*—a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

*Water distribution system, public*—a system for supplying and distributing water from a common source to dwellings and other buildings, owned and/or operated by a private water company, a municipality or a municipal authority.

*Wetlands*—lands classified by the Pennsylvania Department of Environmental Protection and/or the U. S. Army Corps of Engineers requiring special permits and restrictive controls. [Ord. 2015-4]

*Zoning Map*—the official Zoning Map of the Borough of New Morgan, Berks County, Pennsylvania.

*Zoning Officer*—the Borough of New Morgan Zoning Officer, Berks County, Pennsylvania.

(Ord. 92-4, 7/9/1992; as amended by Ord. 2015-4, 9/8/2015)





### Part 3

#### General Procedures

##### §22-301. Submission of Plans.

1. Prior to submitting a formal plan to the Planning Commission for review, the applicant is advised to come before the Planning Commission at a regularly scheduled meeting to discuss the applicant's intentions for subdividing or developing his property.

2. All formal plans shall be submitted to the Borough Secretary during regular business hours at least 14 days prior to a regularly scheduled meeting of the Planning Commission. The purpose of this regulation is to allow time for the members of the Planning Commission and the Borough Engineer to become familiar with the plan prior to a formal review and for the Borough Engineer to submit a written report of his findings to the Planning Commission concerning the plan in time for the meeting. If plans are not submitted in accordance with this requirement, the Planning Commission shall refuse to review the plan, and will retain it for review at a future meeting.

3. Unless otherwise instructed by the Planning Commission, the applicant shall submit a plan under the title of "preliminary plan" which shall contain all applicable information as required by this Chapter. It is during this stage of review that all details concerning the proposed subdivision or land development are considered by the Planning Commission.

4. Within 1 year of the Planning Commission and the Borough Council's approval of the preliminary plan, a final plan shall be officially submitted to the Borough by the applicant. An extension of time may be granted by the Borough Council upon written request by the applicant. Final plan submitted after the expiration of time and for which an extension had not been granted shall be considered as a new preliminary plan and shall be considered as a new subdivision or land development subject to all applicable fees.

5. The Planning Commission may permit submission of the final plan in sections or phases. Each section in any residential subdivision except the last section shall contain a minimum of 25 percent of the total number of dwelling units as depicted in the preliminary plan.

6. Plans shall be submitted on black line prints in the following scales and sheet sizes:

- A. Plans shall be clearly and legibly drawn to a scale of 1 inch equals 50 feet.
- B. If the average size of the proposed lots is 5 acres or larger, the plan may be drawn to a scale of 1 inch equals 100 feet.
- C. Plans and all submitted prints thereof shall be made on sheets either: 18 inches by 24 inches, 24 inches by 36 inches, 30 inches by 42 inches, or 36 inches by 48 inches.

7. In the event that the subdivision or land development cannot be drawn on one drawing, the applicant shall provide an additional plan of the entire property on one sheet, at a legible scale convenient to the applicant, showing the entire tract boundary and all significant topographical features, such as, but not limited to, roads, streams,

tree masses, etc.

(Ord. 92-4, 7/9/1992, §301)

**§22-302. Distribution of Plans and Supplementary Forms and Data.**

1. **Minor Subdivision or Resubdivision Plan.** Twelve plans; two applications; three copies of all supplementary data.

Three plans	One each to Planning Commission members
One plan; One application; One supplementary	to Borough Engineer
One plan	to Zoning Officer
One plan	to Borough Council
Two plans; One Berks County Review Form; One supplementary	to Berks County Planning Commission
One plan	to adjoining municipality, if applicable
One plan; One application; One supplementary	for Borough file
Two plans; for submission to other regulatory agencies as required	

2. **Preliminary Plan, Initial Submission.** Fourteen plans; two applications; three copies of all supplementary data.

Three plans	One each to Planning Commission members
One plan; One application; One supplementary	to Borough Engineer
One plan	to Zoning Officer
One plan	to Borough Council
Two plans; One Berks County Review Form; One supplementary	to Berks County Planning Commission
One plan	Fire Marshall
One plan	Sewage Enforcement Officer
One plan	School District (if applicable)
One plan	to adjoining municipality if applicable
One plan; One application; One supplementary	for Borough file
Two plans; for submission to other regulatory agencies as required	

3. **Preliminary Plan, Subsequent Submissions, and All Other Plans.** Eight plans; two applications.

Three plans	One each to Planning Commission members
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One plan; One application	to Borough Engineer
One plan	to Zoning Officer
One plan; One application	to Borough file
Two plans; for submission to other regulatory agencies	

4. *Final Plan.* Thirteen plans; two applications.

Three plans	One each to Planning Commission Members
Three plans; Three applications	to Borough Engineer, Zoning Officer, Borough file
Three plans (blackline print)	to be returned to the applicant following approval, for purposes of recording
Two plans; for submission to other regulatory agencies.	

5. Any preliminary plan showing a subdivision or land development consisting of a newly created system of streets and/or consisting of the development of multi-residential, commercial or industrial buildings, shall be submitted to the local Fire, Police and Road Departments for their comments. Agents of these departments may either appear at the Planning Commission meeting at which the plans are reviewed to offer their comments, or they may submit written comments, relative to their specific interests.

(Ord. 92-4, 7/9/1992, §302)

**§22-303. Review of Plans by the Planning Commission.**

1. All subdivision and land development plans within the Borough shall be reviewed by the Planning Commission at a regularly scheduled or special meeting.

2. During the review process and prior to the approval of any plan, the Planning Commission shall receive and consider comments from the Berks County Planning Commission concerning the plan provided that the comments are received within 30 days from the time the plan was mailed to County Planning Commission. If, after 30 days, the Berks County Planning Commission comments are not received by the Borough, the Planning Commission shall review and act upon the plan without regard to this Section.

3. During the review process, the Planning Commission may invite the Borough Council, or any State, Federal or local agency to review the plan, and consider comments and opinions concerning the plan. This action may be taken by the Planning Commission if the plan may have an impact on the health, safety or welfare of the citizenry.

4. The Planning Commission may hold a public hearing concerning any plan. The hearing shall be held pursuant to public notice.

5. In the event the Planning Commission determines it cannot adequately study the plan before its regular meeting, the Commission may decline to review the plan at that time and the plan shall be retained until a future meeting for a formal review.

6. The Planning Commission shall not approve the preliminary plan of any

subdivision or land development which requires a review by the Borough water and/or sewer authorities; if such exist, the Fire Marshall; the Zoning Officer; the Pennsylvania Department of Environmental Protection; the Pennsylvania Department of Transportation; or any other affected State, Federal or local agency until such time as the requirements of those agencies have been met by the applicant in writing and so noted on the plan, or in the case of certain local agencies, comments have been considered by the Planning Commission. [Ord. 2015-4]

(Ord. 92-4, 7/9/1992, §303; as amended by Ord. 2015-4, 9/8/2015)

#### **§22-304. Approval of Plans.**

1. All subdivision and land development plans with the Borough shall be approved by the Borough Council; provided, that the plans have met the requirement of this Chapter. The approval by the Borough Council is required at each stage of review.

The Borough Council shall render its decision in writing to the applicant no later than 90 days following the date of its regular meeting next following the date the application was filed, provided that, should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the 30<sup>th</sup> day following the day the application had been filed. Failure of the Borough Council to render a decision within the time and in the manner required here, shall be deemed an approval unless the applicant has agreed, in writing, to an extension of shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision. When the application is not approved in terms as filed, the decision shall specify requirements which have not been met and shall, in each case, cite to the provision of the statute or ordinance relied upon.

2. Approval of a preliminary plan shall not constitute acceptance of a subdivision or land development for recording. Approval is only an expression of approval of the plan to be used in preparing the final subdivision or land development plan for final approval and recording upon fulfillment of all requirements of this Chapter.

3. When a preliminary plan is approved, or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision and land development or other Borough ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved subdivision or land development in accordance with the terms of such approval within 5 years of such approval.

4. Following the approval of the final plan, the Planning Commission and Borough Council shall sign the plan, either by a majority of its members or by the President and Secretary. The date of the approval shall be so noted on the plan.

(Ord. 92-4, 7/9/1992, §304)

#### **§22-305. Borough Council Endorsement and Recording of Plan.**

1. Following review of the final plan by the Planning Commission, the plan shall be submitted to the Borough Council at its next regularly scheduled meeting following that of the Planning Commission.

2. The Borough Council shall sign the plan, either by a majority of its members or by the President and Secretary; and shall affix the Borough seal upon the plan. No subdivision or land development plan may be legally recorded unless it bears the Borough approvals and the Borough seal.

3. The applicant shall file the plan with the Berks County Recorder of Deeds within 90 days of the date of the Borough Council endorsement. Two copies of the plan, showing the Recorder of Deeds certification, including Plan Book Volume and Page Number(s), shall be returned to the Secretary and Zoning Officer.

4. If the applicant fails to record the plan within the 90-day time frame, the action of the Borough Council shall be null and void, unless an extension of time is granted in writing by the Borough Council after written request to do so is received from the applicant.

*(Ord. 92-4, 7/9/1992, §305)*



**Part 4****Plans and Procedures****§22-401. Informal Sketch Plan.**

1. In the event that any Borough property owner intends to subdivide or to develop his property, and is unsure of the necessary procedures required by the Borough for such a subdivision or land development; or, when the property owner wishes to inquire as to the feasibility of such a subdivision or land development, he may submit an informal sketch plan to the Planning Commission at a regularly scheduled meeting, for informal discussion concerning the plan.

2. The Planning Commission, in its findings, may determine that the sketch plan requires further study and evaluation, and may request the property owner to provide additional copies of the plan to be distributed to all Commission members; and, the Planning Commission may require the plan to be held until the next regular meeting, thus allowing Commission members the opportunity to further evaluate the plan.

3. In order for the Commission members to understand the intent of the subdivision or land development, the applicant is advised to show the following information on the informal sketch plan.

- A. North point.
- B. Tract boundaries, including all proposed lots.
- C. Significant topographical and physical features; such as, ponds, streams, quarries, trees masses, railroad tracks, existing buildings, driveways and floodplain areas.
- D. A statement of the existing and proposed uses for each lot.
- E. A statement indicating what methods of water supply and sewage disposal will be used to serve the subdivision or land development.
- F. The zoning district(s) in which the proposed subdivision or land development is located.

4. At such time as the property owner or developer has prepared his informal sketch plan in accordance with the above-mentioned suggestions, he shall contact the Borough Secretary for the plan to be placed on the Planning Commission agenda for the next meeting. No formal action by the Planning Commission shall be taken on the plan, and all proceedings concerning sketch plans are non-binding.

(*Ord. 92-4, 7/9/1992, §401*)

**§22-402. Minor Subdivision Plan.**

Where the intent of the subdivider is to create no more than two parcels, Lots or tracts of land from the original tract and the land fronts on an existing improved Borough or State road, the Planning Commission may permit the subdivider to prepare a minor subdivision plan. This plan shall show the simple subdivision including the required data as outlined below. (For convenience, the requirements have been compiled in the form of a checklist to ensure that all applicable requirements are indicated on the plan.)

	A.	The title of the plan (minor subdivision).
	B.	Name of the record owner of the property, and the name of the Borough.
	C.	Name and seal of the registered engineer, surveyor or architect responsible for the plan.
	D.	North point; graphic sales; written scale and date; include the month, day and year that the original drawing was completed; and, if applicable, the month, day and year that the original drawing was revised for each revision.
	E.	The source(s) of title to the land being subdivided, as shown by the Recorder of Deeds.
	F.	The location map, down to a scale of 1 inch = 800 feet, with sufficient information to enable the Planning Commission to locate the property being subdivided.
	G.	A Certification of Ownership and Acknowledgment of Plan shall be lettered on the plan, using the specified form in Appendix 22-C of this Chapter.
	H.	A Certificate of Borough Approval to be signed by the Planning Commission, and a Certificate of Borough Approval to be signed by the Borough Council as shown in Appendix 22-E of this Chapter.
	I.	A Certificate of Accuracy to be signed and sealed by the registered engineer, surveyor or architects responsible for the plan, as shown in Appended 22-B of this Chapter.
	J.	A blank space measuring 3 inch square shall be left along the lower edge of the plan, in order that the Berks County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
	K.	A blank space measuring 3½ inches by 6 inches shall be left along the lower edge of the plan, preferably adjacent to the Borough's certification, in which the appropriate stamp of the Berks County Planning Commission may be applied.
	L.	Zoning data, including yard, setback and height requirements for each zoning district in which the property is located.
	M.	Tract boundaries, accurately labeled.
	N.	Significant topographical and physical features (i.e, water bodies, floodplain, quarries, tree masses, railroad tracks, wetlands, etc.).
	O.	A statement indicating what methods of water supply and sewage disposal will be used to serve the subdivision.
	P.	Indicate the location (s) of soil percolation test holes, if application.
	Q.	Approvals from the Borough water and/or sewer authorities, or the Borough's Sewage Enforcement Officer.
	R.	All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroad tracks, water courses, floodplain areas based on a 100-year storm; and, other significant man-made or natural features within the proposed subdivision and within 50 feet from the boundaries of the proposed subdivision.
	S.	Indicate all easements and/or right-of-way existing and proposed.



T.	A statement indicating the proposed use of each lot.
U.	Show the proposed building setback line for each lot, including the right-of-way for each road on which the property abuts.
V.	Include the names of all abutting subdivisions, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplatted land, if any, and the book and page numbers where recorded.
W.	Lots shall be numbered consecutively.
X.	Location, size and invert elevations of all sanitary and/or storm sewers and Borough water lines.
Y.	Contour lines at vertical intervals not more than 2 feet for land with average natural slope of 4 percent or less at intervals not more than 5 feet for land with average natural slope exceeding 4 percent.
Z.	Location and elevation of datum to which contour elevations refer; where reasonably practical, datum used shall be a known, established bench mark.
AA.	All existing buildings and other structures, and the approximate location of large individual trees.
BB.	All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway widths and approximate grades.
CC.	Such private deed restrictions, including setback lines, as may be imposed upon the property as condition of sale, together with a statement or any restrictions previously imposed which may affect the title of land being subdivided.
DD.	All lot lines shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds, length of arc and radius. All angles of each lot shall be shown in degrees, minutes and seconds. Each lot shall be balanced to an accuracy of 1 foot for every 10,000 feet. All internal angles within the lots shall be designated to the closest seconds.
EE.	Include a statement indicating that a Highway Occupancy Permit is required for any proposed driveway which will access to either a State or Borough road.

(Ord. 92-4, 7/9/1992, §402)

**§22-403. Preliminary Plan.**

The Planning Commission shall require a preliminary plan to be submitted by the subdivider or land developer for any ground within the boundaries of the Borough. The applicant may elect to but shall not be required to submit a preliminary plan and proceed directly to final plan approval if:

- A. The application is for a minor subdivision.
- b. Site plans and specifications for onsite and offsite improvements have been finally approved by an agency of the Commonwealth of Pennsylvania in the exercise of such agency’s primary jurisdiction over the development.

(Ord. 92-4, 7/9/1992, §403)

**§22-404. Preliminary Plan Requirements.**

The following items, if applicable, are required on all preliminary plans. (For convenience, the requirements have been compiled in the form of a checklist to ensure that all applicable requirements are indicated on the plan).

A. Name of the proposed subdivision or land development, and the name of the Borough.

B. North point, graphic scale, written scale and date, including the month, day and year the original drawing was completed. If revised plans are submitted, include the month, day and year the original drawing was revised, for each revision.

C. Name and address of the record owner of the tract, source of title to the land in question as shown by the records of the Recorder of Deeds.

D. The name, address and seal of the registered engineer or surveyor responsible for the plan.

E. The names of all abutting subdivisions and land developments, if any, with the book and page number where recorded; and the names of the owners of all adjacent unplatted land with the book and page number where recorded.

F. A key map for the purpose of convenience in locating the property in question, drawn to a scale of not less than 1 inch equals 800 feet, and showing the relation of the property, differentiated by tone or pattern to adjacent property and to all streets, roads, zoning districts, water courses and Borough boundaries within 1,000 feet of the subdivision or land development. In addition, a scale and north point shall be indicated.

G. The tract boundaries of the property showing bearings and distances and a statement of total acreage of the property.

H. Any planned development shall meet the additional requirements, if any, of those Sections of the New Morgan Borough Zoning Ordinance [Chapter 27].

I. All lot lines, with approximate dimensions.

J. Lots shall be numbered consecutively; and, the total number of lots, parcels and dwelling units shall be included.

K. The proposed building setback line for each lot, plus the right-of-way for each road abutting the property.

L. A statement of the intended use for all nonresidential lots, with reference to restrictions of any type which exist, or will exist, in the deed for the lots contained in the subdivision or land development; and, if recorded, County recording information.

M. All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, water courses, 100-year floodplain areas, wetlands and other significant man-made or natural features within the proposed subdivision or land development, and within 50 feet from its boundaries.

N. If fire hydrants are not already existing, indicate the closest source(s) of water for firefighting purposes.

O. All existing buildings and other structures, and the approximate location of all existing tree masses and large individual trees and rock outcrops on the land.

P. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway widths and approximate grades.

Q. Sanitary and/or stormwater and other drainage facilities, with the size and material of each indicated, plus water mains and any proposed connections to existing facilities.

R. Parks, playgrounds and other areas to be dedicated to the Borough shall be noted. Areas to be reserved for public use, but not to be dedicated, shall be noted and any conditions governing such use, and arrangements to be made for the maintenance of these areas shall also be noted.

S. Zoning data, including the following: zoning district lines, area, yard and bulk regulations.

T. The proposed placement of each building in the land development in accordance with the Zoning Ordinance [Chapter 27].

U. The name, number and cartway widths of all existing public streets, and the name and location of all other roads within the property.

V. All existing or proposed easements or right-of-ways where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Proposed easements shall be located in cooperation with the appropriate public utilities.

W. Location, size and invert elevations of all sanitary and/or storm sewers, and location of all manholes, inlets and culverts.

X. Contour lines at vertical intervals not more than 2 feet for land with average natural slope of 4 percent or less, and at intervals not more than 5 feet for land with average natural slope exceeding 4 percent.

Y. Location and elevation of the datum to which contour elevations refer; where reasonably practical, datum used shall be a known, established benchmark.

Z. Location of probes and soil percolation test holes, if applicable:

(1) Soil percolation tests shall be performed for all subdivisions or land developments wherein buildings at the time of construction will not be connected to a live public or community sanitary sewage disposal system.

(2) Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection, and under the jurisdiction of the Borough's Sewage Enforcement Officer. [*Ord. 2015-4*]

AA. Location and width of all existing and proposed streets, private and public Easements; and, a statement of any conditions governing their uses, and suggested types (i.e., collector).

BB. Suggested names for all proposed streets.

CC. The following data shall be shown for the cartway edges and right-of-way lines, and, if required, the ultimate right-of-way for all existing streets, recorded streets except those to be vacated and/or proposed streets within or abutting the property to be subdivided or developed. Also include the length and width, in feet

to the second decimal point, of all straight lines and the radii of the arc or chord of all curved lines, the length of all arcs, in feet to the second decimal point, and the central angle in degrees, minutes and seconds.

DD. All streets shall be monumented, preferable on the right-of-way line, at the following locations, or 5-foot distance there from:

- (1) At least one monument at each street intersection.
- (2) At changes in direction of street lines excluding curb arcs at intersections.
- (3) At each end of each curved street line, excluding curb arcs at intersections.
- (4) At intermediate points wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
- (5) At such other places along the line of streets as may be determined by the Borough Engineer to be necessary so that any street may be readily defined in the future.

EE. The location and elevation, if established, of all existing and proposed street monuments.

FF. The preliminary plan shall be accompanied by the following supplementary data, as applicable:

- (1) Typical cross-section drawings for all proposed streets. Cross-section drawings may be shown on either the preliminary plan or on the profile sheets as noted in the next subsection.
- (2) Tentative profiles along the top of cartway edges or along the top of curb for both sides of each proposed street shown. Such profiles shall show existing and proposed grades at one of the following sets of scales or any combination thereof:
  - (a) 1 inch–10 feet horizontal and 1 inch–1 foot vertical.
  - (b) 1 inch–20 feet horizontal and 1 inch–2 feet vertical.
  - (c) 1 inch–40 feet horizontal and 1 inch–4 feet vertical.
  - (d) 1 inch–50 feet horizontal and 1 inch–5 feet vertical.

GG. A plan for the surface drainage of the tract in accordance with Parts 8 and 9 hereof. Such plan shall include stormwater run-off calculation for the entire parcel and all property located at a higher elevation in the same watershed when fully developed, and shall show the proposed method of accommodating the anticipated run-off.

HH. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation and any other applicable State or Borough agencies. All designs shall be subject to approval by the Borough. [*Ord. 2015-4*]

II. A site investigation and percolation test report whenever soil percolation tests are required, and applicable planning module.

JJ. Where a preliminary plan shows the proposed subdivision or land

development of only a part of the total property, the plan shall be accompanied by a plan of the proposed street system for the remainder of the property so that the street system in the submitted portion can be considered in relation to future connections in the unsubmitted portion. In the case of extremely large properties, the Planning Commission may limit the area for which a prospective street system on adjacent property must be shown. The developer shall also include a statement indicating proposed land use for the unsubmitted portion of the property.

KK. The location and types of erosion sediment control measures as outlined in this Chapter (§22-512).

LL. A statement that a highway occupancy permit is required before driveway or road access to a State or Borough road is permitted.

MM. The Planning Commission may require a subdivider or developer to submit a separate landscape plan showing the number, location, size and species of all trees and shrubbery that will be planted.

(Ord. 92-4, 7/9/1992, §404; as amended by Ord. 2015-4, 9/8/2015)

**§22-405. Final Plan.**

The applicant shall submit a final plan for review provided that the Planning Commission has instructed the applicant to do so based on all applicable preliminary plan requirements having been met at the time of the preliminary plan review, and any subsequent requirements as deem necessary by the Planning Commission.

(Ord. 92-4, 7/9/1992, §405)

**§22-406. Final Plan Requirements.**

The final plan shall include the following requirements if applicable to be included on the plan: (For convenience, the requirements have been compiled in the form of a checklist to ensure that all applicable requirements are indicated on the plan.)

	A.	The total tract boundary lines of the area being subdivided or developed shall be shown with accurate distances to hundredths of a foot and bearings to ¼ of a minute. These boundaries shall be determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed 1 foot in 10,000; provided that, the boundaries adjoining additional unplatted land of the applicant are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary or perimeter monuments shall be indicated, along with a statement of the total area of the property being subdivided or developed.
	B.	All lot lines shall be completely dimensioned in feet to the second decimal point, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. All angles of each lot shall be shown in degrees, minutes and seconds. Each lot shall be balanced to an accuracy of 1 foot for every 10,000 feet. All internal angles within the lots shall be designated to the closest second.
	C.	All approved items and detail as shown on the approved preliminary plan.
	D.	A Certificate of Borough Approval to be signed by the Borough Council (Appendix 22-E).

	E.	A Certificate of Approval to be signed by the Borough Planning Commission (Appendix 22-E).
	F.	A Certificate of Ownership and Acknowledgment of Plan and an Offer of Dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner of the property before a Notary Public (Appendix 22-C).
	G.	A blank space measuring 3½-inch square shall be left along the lower edge of the plan, in order that the Berks County Recorder of Deeds may acknowledge receipt and record the plan when it is presented.
	H.	A blank space measuring 3½ inch by 6 inch shall be left, preferable adjacent to the Borough's certification, in which the appropriate stamp of the County Planning Commission may be applied.
	I.	Any subsequent requirements as deemed by the Planning Commission or Borough Council and in accordance with this Chapter.
	J.	A Certificate of Accuracy to be signed and sealed by a registered engineer, architect or surveyor responsible for drawing the plan (Appendix 22-D).

(Ord. 92-4, 7/9/1992, §406)

**§22-407. Resubdivision.**

Any replatting or resubdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with all preliminary and final plan requirements of this Chapter; except that if said changes are proposed within 1 year from the date of recording of final plan.

A. Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:

- (1) No tract of land shall be created or sold that is smaller than the minimum dimensions required by the Borough Zoning Ordinance [Chapter 27].
- (2) Easements or rights-of-way reserved for drainage shall not be changed.
- (3) Street locations and block size shall not be changed.
- (4) No lot shall be created which does not abut a street.
- (5) The character of the area shall be maintained, keeping lot sizes and land uses, dimensions and proportions relatively close to those of the contiguous development.

B. In every case where lot lines are changed as permitted above, at the completion of each section the subdivider shall:

- (1) Submit to the Borough copies of the final plan revised to show such changes. After this submission the Borough Planning Commission will in writing advise the subdivider and the Borough Council if the revised plan complies with paragraph .A.
- (2) When the plan does comply with paragraph .A, the subdivider shall submit the record plan to the Borough for the endorsements of the Borough Planning Commission and the Borough Council. The subdivider shall after approval by the Borough submit the record plan to the County Planning

Commission for its endorsement (which shall specifically identify the previous record plan as superseded) and then record the plan.

(3) The record plan shall be a clear and legible black-on-white print on linen.

C. When on-site sanitary sewage disposal is intended to be utilized, a copy of the final plan shall be submitted to the Pennsylvania Department of Environmental Protection for review, and a report from the Department received by the Borough prior to endorsement of the record plan. [*Ord. 2015-4*]

(*Ord. 92-4, 7/9/1992, §407; as amended by Ord. 2015-4, 9/8/2015*)





**Part 5****Design and Improvement Standards****§22-501. General Requirements.**

1. The standards and requirements contained in this Part are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Planning Commission and Borough Council in reviewing all subdivision and land development plans.

2. Whenever other Borough ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of this Chapter shall apply.

3. Land which is subject to hazards of life, health or property, such as may arise from fire, floods, disease or other causes, shall not be subdivided or developed for building purposes unless such hazards have been eliminated or unless the subdivision or land development plan shall show adequate safeguards against such hazards, and shall be approved by the appropriate regulatory agencies.

4. Subdivision and land development plans shall give due recognition to the Comprehensive Plan of the Borough and of the County, or to such parts thereof as may have been adopted pursuant to statute.

5. Land proposed for subdivision or 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 adequate provisions for minimizing erosion and sediment are provided as per criteria contained in 25 Pa.Code, Chapter 102, and the requirements of this Chapter.

6. Physical improvements of the property shall be provided, constructed and installed as shown on the record plan, in accordance with the requirements of this Chapter or other Borough ordinances or regulations whichever are more restrictive.

7. As a condition to approval of a final plan by the Borough Council, the applicant shall agree with the Borough as to the installation of all improvements shown on the plan and required by this Chapter or other Borough ordinance or regulations. Before the record plan is endorsed by the Planning Commission and Borough Council, the applicant shall submit a completed original copy of the Subdivision and Land Development Improvements Agreement (Appendix 22-G).

8. All improvements installed by the subdivider or land developer shall be constructed in accordance with the design specifications of the Borough, including any promulgated by the Borough water or sewer authority if such exist. Where there are no Borough specifications, improvements shall be constructed in accordance with specifications furnished by the Borough Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Soil Conservation District or such other County or State agency, as applicable. If there are no applicable Borough, County or State regulations, the Borough Council may authorize that specifications be prepared by the Borough Engineer or an engineering consultant. [*Ord. 2015-4*]

9. Supervision of the installation of the required improvements shall in all cases by the responsibility of the Borough or of the appropriate State regulatory agency. (Ord. 92-4, 7/9/1992, §501; as amended by Ord. 2015-4, 9/8/2015)

**§22-502. Streets.**

1. *General Standards.*

A. The location and width of all streets shall conform this Chapter or to such other regulations as may have been adopted by the Borough Council.

B. The proposed street system shall extend existing or proposed streets as described by other ordinances of the Borough regulating streets and their construction, at the same or greater width in no case at less than the required minimum width in subsection .3.

C. Where, in the opinion of the Borough, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.

D. New minor streets shall be so designed as to discourage through traffic, but the applicant shall give adequate consideration to provisions for the extension and continuation of major and collector streets into and from adjoining properties.

E. Where a subdivision of land development abuts or contains an existing street of improper width or alignment, the Borough may require the dedication of land sufficient to widen the street or correct the alignment.

F. Private streets (streets not to be offered for dedication) are prohibited unless they meet the design and improvement standards of this Chapter.

2. *Partial and Half Streets.* New partial or half streets shall be prohibited except where essential to reasonable subdivision or land development of the tract in conformity with other requirements and standards of this Chapter and where satisfactory assurance for dedication of the remaining part of the street can be obtained.

3. *Street Widths.* Minimum street right-of-way and payment widths shall be as shown in other ordinances of the Borough regulating streets, sidewalks and curbs, or, if not shown in such ordinances, shall be as follows:

Street Type	Required widths (in feet)
Minor street right-of-way	53
Major street right-of-way	33
Collector street right-of-way	60
Collector street cartway	36
Major street right-of-way	See Note (a)
Major street cartway	See Note (b)
Permanent cul-de-sac right-of-way	53
Permanent cul-de-sac cartway	33
Marginal access street right-of-way	See Note (c)

Street Type	Required widths (in feet)
Marginal access street cartway	26
Service street right-of-way	34
Service street cartway	24
(a) Note—as specified by ordinance of the Borough or determined after consulting with the Borough, the County Planning Commission and/or the Pennsylvania Department of Transportation.	
(b) Note—variable depending upon the width of the right-of-way, but not less than 36 feet.	
(c) Note—variable depending upon the width of the adjacent right-of-way, but not less than 36 feet.	
(d) Note—street cartway and right-of-way widths may be varied depending upon the nature of the proposed development, and must be approved by Borough Council.	

4. *Restrictive Area.* Whenever a subdivision or land development abuts or contains an existing or proposed street with an ultimate right-of-way of 80 feet or more, or contains or abuts an existing or proposed collector street, the Borough Council may require restriction of access to said street by:

A. Provision of reverse frontage lots.

B. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.

C. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be placed within the jurisdiction of the Borough under an agreement, meeting the approval of the Borough.

D. Except as specified under paragraph .C, above, reserve strips shall be prohibited.

5. *Street Grades.*

A. There shall be a minimum centerline grade of  $\frac{3}{4}$  percent.

B. Centerline grades shall not exceed the following:

(1) Minor street—10 percent.

(2) Collector street—6 percent.

(3) Major street—6 percent.

(4) Street intersection—5 percent.

C. Grades up to 12 percent may be permitted on a through minor street where access to the street is possible over streets with grades of 10 percent or less.

D. All streets shall be graded to the full right-of-way width.

6. *Cartway Paving.* All streets shall be paved to the full cartway width as shown on the final plan.

7. *Curbs.* Curbs may be required to be installed along both sides of all streets, except along service streets, in accordance with Borough requirements.

8. *Horizontal Curves.*

A. Whenever street lines are deflected in excess of 5 degrees, connection shall be made by horizontal curves.

B. To insure adequate sight distance minimum centerline radii for horizontal curves shall be as follows:

- (1) Minor streets—150 feet.
- (2) Collector streets—300 feet.
- (3) Major streets—500 feet.

C. A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and major streets.

D. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

9. *Vertical Curves.* At all changes of street grades where the algebraic difference exceeds 1 percent, the following vertical curves shall be provided to permit minimum sight distances:

- A. Minor streets—200 feet.
- B. Collector streets—300 feet.
- C. Major streets—400 feet.

10. *Intersections.*

A. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 60 degrees or more than 120 degrees.

B. No more than two streets shall intersect at the same point.

C. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least 150 feet between centerlines measured along the centerline of the street being intersected.

D. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 5 percent within 50 feet of the intersection of the nearest right-of-way line.

E. Intersections with major streets shall be located not less than 1,000 feet apart measured from centerline to centerline along the centerline of the major street.

F. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

- (1) Twenty feet for intersections involving only minor streets.
- (2) Thirty feet for all intersections involving a collector street.
- (3) Forty feet for all intersections involving a major street.
- (4) Ten feet for all intersections involving only service streets.

G. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

11. *Sight Distance at Intersections.*

A. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles, street lights,

street signs or traffic signs shall be permitted which obscures vision above a height of 30 inches and below 10 feet, measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

(1) Seventy five feet from the point of intersection of the centerlines, except that.

(2) Clear sight triangles of 150 feet shall be provided for all intersections with collector or major streets.

B. Wherever a portion of the line of such triangle occurs behind (i.e., from the street) the building reserve line, such portion shall be shown on the preliminary plan of the subdivision or land development, and shall be considered a building setback (reserve) line.

#### 12. *Cul-de-sac Streets.*

A. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

B. Any temporarily dead-ended street shall be provided with a temporary all-weather turnaround, within the subdivision or land development, until such time as the street is extended.

C. Cul-de-sac streets, permanently designed as such, shall be a minimum of 250 feet, and a maximum of 500 feet, measured from the center of the turnaround to the center of the intersecting street and shall not furnish access to more than twenty dwelling units. The Borough Council may permit lengths in excess of 500 feet or cul-de-sac streets serving more than twenty dwelling units where ridge lines, steep valleys or other physical features allow no alternative road system.

D. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary line to permit extension of the street at full width.

E. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided t the closed end with a fully paved turnaround. The minimum radius of the pavement edge or curb line shall be 50 feet and the minimum radius of the right-of-way line shall be 60 feet.

F. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.

G. The centerline grade on a cul-de-sac shall not exceed 8 percent, and the grade of the diameter of the turnaround shall not exceed 5 percent.

#### 13. *Street Names.*

A. Proposed streets which are in alignment with others already existing and named, shall bear the names of the existing streets.

B. In no case shall the name of a proposed street be the same as or similar to an existing street name in the Borough and in the same postal district irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

C. All street names shall be subject to approval by the Borough Council and the postmaster having jurisdiction.

14. *Service Streets (Alleys).*

A. Service streets may be permitted, provided that the applicant produces evidence satisfactory to the Planning Commission of the need for such service streets, and such service streets are not the primary means of access.

B. No part of any dwelling, garage or other structure shall be located within 20 feet of the centerline of a service street.

C. Dead-end service streets shall be avoided, but where approved by the Planning Commission such service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of 50 feet).

D. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners in excess of 5 degrees shall be rounded by means of horizontal curves.

15. *Sidewalks.* Sidewalks having a minimum width of 4 feet may be required to be installed in accordance with Borough requirements along both sides of existing or proposed streets, except that no sidewalks shall be required along service streets.

16. *Street Signs.* Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Borough and all costs shall be borne by the applicant.

17. *Street Lights.* In accordance with conditions to be agreed upon by the applicant, the Borough and the appropriate public utility street lights are required to be installed in all subdivisions and land developments. The applicant shall provide utility easements for future street lighting installation upon consultation with the public service utility company involved in the event street lights are not required to be installed initially.

18. *Driveways.*

A. Private driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street curb line.

B. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed 15 percent.

C. Driveways shall be installed in accordance with Borough requirements.

(Ord. 92-4, 7/9/1992, §503)

**§22-503. Blocks.**

1. *Layout.* The length, width and shape of blocks shall be determined with due regard to:

A. Provisions of adequate sites for buildings of the type proposed.

B. Zoning requirements.

C. Topography.

D. Requirements for safe and convenient vehicular and pedestrian circulation including the reduction of intersections with major streets.

2. *Length.*

A. Blocks shall have a maximum length of 1,600 feet and a minimum length

of 500 feet; provided, however, that the Borough may increase the maximum and/or decrease the minimum lengths of blocks if topography of the land in question and/or surface water drainage conditions warrant such a change.

B. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

C. Where practical, blocks along major and collector streets shall not be less than 1,000 feet in length.

3. *Crosswalks.*

A. Crosswalks shall be required whenever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over 1,000 feet in length.

B. Crosswalks shall have a width of not less than 10 feet, and a paved walk of not less than 4 feet.

4. *Depth.* Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions or other inherent conditions of the property, in which case, the Borough may approve a single tier of lots.

5. *Commercial and Industrial Blocks.* Blocks in commercial and industrial areas may vary from the elements of design detailed above as required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas, as well as for traffic circulation and parking for employees and customers.

(Ord. 92-4, 7/9/1992, §503)

**§22-504. Lots and Parcels.**

1. *General Standards.*

A. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

B. Where feasible, lot lines should follow Borough boundaries, rather than crossing them, in order to avoid jurisdictional problems.

C. The depth of a residential lot shall not be less than 1, nor more than 2½ times its width.

D. 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 etc.

E. If, after subdividing, there exist remnants of land, they shall be either:

(1) Incorporated in existing or proposed lots.

(2) Legally dedicated to public use, if acceptable to the Borough.

2. *Lot Frontage.*

A. All lots shall front on a public street, existing or proposed, or on a private street, if it meets the requirements of this Chapter.

B. Double or reverse frontage lots shall be avoided except where required to provide separation or to overcome specific disadvantages of topography or orientation.

C. All residential reverse frontage lots shall have a rear yard with a minimum depth of 75 feet measured at the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall have within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least 10 feet in width, across which there shall be no right of access.

D. At the street lines of both streets, all reverse frontage lots shall have the minimum lot width as required by the Borough Zoning Ordinance [Chapter 27].

(*Ord. 92-4, 7/9/1992, §504*)

### **§22-505. Sanitary Sewage Disposal.**

1. All lots shall be connected to an approved public sanitary sewage disposal system, if accessible. Where public sewer is not accessible but is planned for extension to the subdivision or land development, the applicant shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot or building when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision or land development, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site sanitary sewage disposal systems shall also be provided. Design of capped sewer systems shall be subject to approval by the Borough Sewer Authority, if such exists.

2. Sanitary sewers shall be designed and constructed in strict accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Borough sewer authority, if such exists. A letter of the approval of such systems, or a copy thereof, shall be submitted with the preliminary plan. [*Ord. 2015-4*]

3. Sanitary sewers shall not be used to carry stormwater.

4. All principal uses and lots which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction, shall be provided with a sanitary sewage disposal system meeting the design standards of 25 Pa.Code, Chapter 73, and any applicable Borough standards.

5. If an on-site sanitary sewage disposal system is to be utilized, the Planning Commission may require the applicant to submit an economic feasibility report. Such report shall compare the cost of providing on-site facilities and the cost of a community sanitary sewage disposal system with a temporary sewage treatment plant, and the cost of connecting to the public system. Based on the analysis of this report, the Planning Commission may require the installation of a community sanitary sewage disposal system or connection to the public system.

6. Each on-site sanitary sewage disposal system shall be located entirely within the boundaries of the lot it serves.

7. Where an on-site sanitary sewage disposal system is to be utilized, each lot so served shall be a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than, the proposed building in accordance with municipal and State regulations.

8. The proposed method of sanitary sewage disposal shall be in accordance with the Act 537 Sewage Facilities Plan of the Borough.

9. Whenever, according to 25 Pa.Code, a revision is necessary to the Act 537 Borough Sewage Facilities Plan the procedures set forth in those rules and regulations



shall apply.

10. Whenever an applicant proposes that individual on-site sanitary sewage disposal systems shall be utilized, the applicant shall obtain approval for each lot from the Department of Environmental Protection or the Borough's Sewage Enforcement Officer. [Ord. 2015-4]

11. In all cases where the applicant proposes to provide a community or public sanitary sewage disposal system, the design and installation of such system shall be subject to the approval of the Borough sewer authority if such exists, and shall be subject to the approval of the Pennsylvania Department of Environmental Protection. Such system shall be further subject to satisfactory provision for the maintenance thereof. [Ord. 2015-4]

12. Where studies by the Borough or the Borough Sewer Authority indicate that construction or extension of sanitary truck sewers to serve the property being subdivided or developed appear probable within a reasonably short time (up to 5 years), the Borough Council shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, on-site sanitary sewage disposal systems.

(Ord. 92-4, 7/9/1992, §505; as amended by Ord. 2015-4, 9/8/2015)

#### **§22-506. Soil Percolation Test Requirements.**

1. Soil percolation tests and probes shall be performed for all lots within the subdivision or land development wherein principal uses, at the time of construction, will not be connected to a public or community sanitary sewage disposal system in operation.

2. Soil percolation tests and probes shall be made by the Borough's Sewage Enforcement Officer in accordance with the procedure required by the Pennsylvania Department of Environmental Protection. [Ord. 2015-4]

3. Copies of the site investigation and percolation test report shall be submitted with the preliminary plan. Where the approval of the proposed sanitary sewage disposal system is otherwise required by the Pennsylvania Department of Environmental Protection, two copies of the report of investigation and approval may be submitted in lieu of the site investigation and percolation test report. [Ord. 2015-4]

4. The results of the soil percolation tests and probes shall be analyzed in relation to the physical characteristics of the tract and of the general areas surrounding the tract, and the final plan layout shall be based on this analysis.

(Ord. 92-4, 7/9/1992, §506; as amended by Ord. 2015-4, 9/8/2015)

#### **§22-507. Trench Standards for Proposed Dedicated Streets.**

1. Trench backfill cross-sections shall be shown on the preliminary plan. The plan shall show the type and length of each type of trench backfill.

2. *Underground Utilities.* All streets intended for dedication to public use shall have all trenches within the proposed public right-of-way backfilled as follows:

A. Only material approved by the Borough Engineer shall be used for backfilling along the sides of the pipe, and to a height of 1 foot above the top of the pipe.

B. All water mains, force mains, sanitary sewers and storm sewers shall be bedded on 6 inches of AASHTO No 8. All pipes shall be covered to a depth of 1 foot above the top of the pipe with AASHTO No. 8 stone. The remainder of the trench shall be backfilled in lifts with AASHTO Select Granular material as required.

C. All underground direct buried or conduit enclosed cables shall be a minimum of 36 inches below finished grade. The cable or conduit bed shall consist of 3 inches of AASHTO No. 8 stone covered with a 2-inch sand bed. The cables or conduits shall be covered with a 2-inch sand cover. The remainder of the trench shall be backfilled. As required by the Borough Engineer, marker tape shall be laid in the trench backfill, 24 inches above the cables or conduit.

(*Ord. 92-4, 7/9/1992, §507*)

**§22-508. Water Supply.**

1. Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision or land development, a distribution system shall be designed to furnish an adequate supply of water to each lot or principal use, with adequate main sizes and fire hydrants located to meet the specifications of the Borough or the Borough water authority, if such exists. A letter of approval of such system by the Borough Water Authority shall be submitted with the preliminary plan. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such a distribution system.

2. Whenever water supply is proposed to be provided by means other than by private wells owned and maintained by individual lot owners within a subdivision or land development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association, authority or utility.

3. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certification, a cooperative agreement or a commitment or agreement to serve the area in questions, whichever is appropriate, shall be acceptable evidence.

4. Wherever feasible, the tract shall be provided with a complete public or community water distribution system. The design and installation of such systems shall be subject to the approval of the Borough and of the Pennsylvania Department of Environmental Protection. Such system shall be further subject to satisfactory provision for the maintenance thereof. [*Ord. 2015-4*]

5. Where such systems are not accessible, and where on-site sanitary sewage disposal systems are to be used, a community water system may be required. A community water supply system shall be designed in accordance with the Pennsylvania Safe Drinking Water Act, 35 P.S. §721.1 *et seq.*, approved by the Pennsylvania Department of Environmental Protection, and appropriate measures shall be provided to insure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system. [*Ord. 2015-4*]

6. Where individual on-site water supply systems are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, and the wells shall be placed uphill from sewage disposal systems and shall not be within 100 feet of any part of the absorption (tile) field of any on-site sanitary sewage disposal system and

not within 50 feet of any lakes, streams, ponds, quarries, etc.

7. Where individual on-site water supply systems are to be utilized, it is recommended that the applicant provide at least one test well for each ten proposed dwelling units. Such wells should be drilled, cased and grout-sealed into bedrock at least 50 feet deep having a production capacity of at least 5 gallons per minute of safe, potable drinking water, as certified by State regulations.

(*Ord. 92-4, 7/9/1992, §508; as amended by Ord. 2015-4, 9/8/2015*)

**§22-509. Fire Protection.**

1. Wherever a public or community water system is provided, fire hydrants suitable for the coupling of equipment serving the Borough shall be installed within 600 feet of all existing and proposed structures, measured by way of accessible streets (as specified by the Middle Department Association of Fire Underwriters). Locations of hydrants shall be approved by the fire company officials serving the Borough and the Borough Engineer.

2. In all other cases involving the construction of 20,000 square feet of gross floor area for any commercial or industrial structure or the creation of ten or more lots or the construction of ten or more dwelling units, from or on a tract of land existing at the time of the adoption of this Chapter, regardless of timing or phasings of development, the developer or subdivider shall provide cisterns for fire protection.

A. Cisterns shall be installed as part of the Borough improvements and shall be installed or guaranteed through an improvements agreement.

B. Cisterns shall be located so that the maximum distance, measured along the centerline of the street(s) beginning at the pumping nozzle to the nearest lot line of the furthest lot or to the furthest structure, in the case of land developments, does not exceed 1,000 feet.

C. Cisterns shall have a minimum capacity of 30,000 gallons available through the suction piping systems.

D. Suction piping system shall be capable of delivering 1,000 gpm for three-quarters of the system capacity.

E. All construction shall be in accordance with the details contained in Appendix 22-F of this Chapter. Option A is a single shell fiberglass tank meeting PS-15 and ASTM D-3299, Option B is a precast concrete tank meeting American Concrete Institute 344-T, and Option C shall be a poured in place, reinforced concrete tank meeting American Concrete Institute 301, all latest revisions. All plans, details and specifications shall be signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania.

F. Each cistern shall have a level indicator system installed that shall indicate the following:

- (1) Yellow light—300 gallons low.
- (2) Red light—600 gallons low.

This indicator system shall be battery operated with a solar powered charging system. The level probes shall be tethered float level probes and shall only light the appropriate light when the level falls below the predetermined amount. The system

shall be a 12 volt D.C. system and the solar charger shall be as manufactured by Integrated Power Corp., Rockville, Maryland, or equal. All conduits shall be steel conduits. The solar charging unit shall be on a pole that will also support the batters and the indicator lights as shown on the drawing.

A pump down test must be completed at least 2 months prior to issuance of the first occupancy permit. The pump down test shall consist of filling the cistern with Borough Water Authority water paying prevailing rates. The tank shall rest full for 1 month to test for leaks. Then test for low alarms and pump down test of 1,000 gpm for 20 minutes shall be performed by the Borough. All costs for filling, testing and re-filling shall be born by the developer. Tank must then sit full for (1) additional month and, if no leaks occur, the cistern will be accepted.

G. All fire protection plans shall be submitted by the applicant to the appointed Borough Fire Marshall who shall review and approve the fire protection plan to ensure that it meets with these requirements.

(Ord. 92-4, 7/9/1992, §509)

**§22-510. Storm Drainage.**

1. Storm sewers, culverts and related installations shall be designed and installed, as necessary, to:

- A. Permit unimpeded flow of natural water courses.
- B. Insure adequate drainage of all low points along a line of streets.
- C. Intercept stormwater run-off along streets at intervals related to the extent and grade of the area drained.
- D. Provide positive drainage away from on-site sewage disposal facilities.

2. Storm sewers and related installations shall be required when in the opinion of the Borough Engineer, the run-off of stormwater cannot be satisfactorily handled within the street cartway. Design criteria and guidelines are contained in this Chapter under Part 9, "Stormwater Management Requirements."

3. Where existing storm sewers are reasonable accessible, proposed subdivisions and land developments shall be required to connect therewith, if necessary.

4. In the design of stormwater facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of stormwater run-off onto adjacent properties.

5. Storm drainage facilities should be designed to handle the anticipated peak discharge from the property being developed.

6. Where a subdivision or land development is traversed by a water course, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, etc., which shall be of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. The owner shall properly grade and seed slopes and shall fence any open ditches when it is deemed necessary by the Borough Council. Any changes in the existing drainageway shall be subject to the approval of the Pennsylvania Department of Environmental Protection or any succeeding department or agency as applicable laws

and/or regulations shall require. [Ord. 2015-4]

7. All streets shall be so designated as to provide for the discharge of surface water from the rights-of-way.

8. Adequate facilities shall be provided at low points along streets and where necessary to intercept run-off.

(Ord. 92-4, 7/9/1992, §510; as amended by Ord. 2015-4, 9/8/2015)

**§22-511. Public Use and Service Areas.**

1. *Public Open Spaces.*

A. In reviewing subdivision and land development plans the Planning Commission shall consider whether community facilities in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision or land development, and shall make any recommendations thereon to the Borough Council as deemed necessary in the public interest.

B. Applicants and the Planning Commission shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings, parks, playgrounds and playfields, shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed, and shall be suitably prepared for this use at the expense of the subdivider or developer. Prior to the preparation of plans, subdividers and developers of large tracts of land should review with the Planning Commission the minimum standards for various community facilities applicable to the tract.

C. The Planning Commission shall consider the need for suitable common open space for recreating and shall make a determination thereon. Standards for calculating open space and recreation areas are detailed in the Borough Zoning Ordinance [Chapter 27].

D. When required by paragraph .C above, the subdivider or land developer shall be required to dedicate the open space to the Borough and shall be required to expend \$200 per dwelling unit for recreational improvements to the open space to be dedicated. The Borough may, at its option, accept \$500 per dwelling unit in lieu of the subdivider or developer providing the improvements or of the private reservation of the land to be dedicated. The fee, in lieu of the dedication and/or improvement of land for recreational use, shall be held by the Borough and utilized in accordance with §503(11) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(11), as amended.

2. *Community Assets.* Consideration shall be shown for all natural features such as large trees, water courses, historic sites and areas, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the tract and surrounding areas.

3. *Shade Trees.* Effort shall be made by the applicant to preserve existing shade trees and, in addition, deciduous hardwood trees with a minimum caliper of 1½ inches should be provided in accordance with conditions to be agreed upon by the Borough, and, if necessary, the appropriate public utility. Where provided, such trees should be

planted between the street right-of-way line and the building setback line, and at least 10 feet from the public street right-of-way. No trees or shrubs shall be planted between the sidewalk and the right-of-way line.

A. Any tree planted in commercial or industrial areas shall have a minimum caliper of 3 inches.

B. Street tree plan shall be furnished for approval by the Borough as to kind, size and location of trees.

4. *Utility Easements.*

A. All electric distribution lines shall be installed underground in all residential developments (including mobile home parks) of five or more family units, as per Public Utility Commission requirements. In compliance with this requirement and with the cooperation of local utility companies, the following procedure will be followed in reviewing plans subject to underground electric service:

(1) Upon filing of a preliminary plan for review, the applicant will forward to the appropriate utility company a copy of the plan.

(2) Upon receipt of the approved preliminary plan, the applicant is directed to contact the utility company and secure an approval of plans for an underground electric system. Receipt of a letter from the utility company indicating receipt of plans will be required prior to Borough endorsement of any plan for recording. Securing the approval and coordinating the plan with the utility company is the applicant's responsibility.

B. Easements with a minimum width of 20 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and hear mains and/or other utility lines intended to serve abutting lots or buildings. No structures or trees shall be placed within such easements.

C. Easements shall be centered on or adjacent to rear or side lot lines.

D. There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission lines which traverse the subdivision or land development.

E. Applicants are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

F. Petroleum products or natural gas transmission lines shall be located in a 50-foot minimum right-of-way, such lines to be installed in the center of the right-of-way. The applicant shall provide a 50-foot right-of-way for all existing transmission lines within the subdivision or land development.

G. Utility service for residential development not subject to the regulations of the Pennsylvania Public Utility Commission is recommended to be provided through the use of underground facilities in accord with the standards and approval of the utility company having appropriate jurisdiction.

(Ord. 92-4, 7/9/1992, §511)

**§22-512. Erosion and Sediment Controls and Guidelines.**

1. Erosion and sediment control measures shall meet the requirements of 25 Pa.Code, Chapter 102, or the County Conservation District standards and specifications, as applicable.

2. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating or by the removal or destruction of the topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided by the plan.

3. Unless there has been a waiver approved by the Borough Council; erosion and sediment control, as approved, shall be installed to implement the plan or shall be guaranteed before final plan approval.

4. The following guidelines shall be applied in developing erosion and sediment control measures:

A. Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be done in such a way as to minimize erosion.

B. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

C. The disturbed area and the duration of exposure shall be kept to a practical minimum.

D. Disturbed soils shall be stabilized as quickly as practical.

E. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

F. The permanent vegetation and mechanical erosion control and drainage measures shall be installed as soon as practical.

G. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. where necessary, the rate of surface water run-off will be mechanically retarded.

H. Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

5. The following guidelines shall be applied in excavation and full as part of erosion and sediment controls:

A. All lots, tracts or parcels of land shall be graded to provide positive drainage away from buildings, without ponding.

B. Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard and to adequately handle the surface run-off.

C. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing.

D. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

E. Cut and fill shall not endanger adjoining properties.

F. Fill shall be placed and mechanically compacted to minimize sliding or erosion of the soil.

G. Fill shall not encroach on natural water courses or constructed channels.

H. Fill placed adjacent to natural water courses or constructed channels shall have suitable protection against erosion during periods of flooding.

6. The following guidelines shall be applied to establishing easements as part of erosion and sediment control measures:

A. Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area shall be kept as lawn.

B. Where stormwater or surface water will be gathered within the subdivision or land development, and discharged or drained in volume over land within or beyond the boundaries of the subdivision or land development, the applicant shall reserve or obtain easements over all lands affected thereby. Easements shall be adequate for such discharge or drainage and for the carrying off of such water and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles, machinery or other equipment for such purposes, and which shall be sufficient width for such passage and work. The owner shall grant, free of charge or cost, such easements to the Borough upon demand.

(Ord. 92-4, 7/9/1992, §512)

### **§22-513. Monuments.**

1. Monuments shall be accurately placed at the intersection of all lines forming right angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided developed. The applicant shall notify the Borough in order that an inspection may be made of the placement of the monuments before they are covered.

2. All monuments shall be placed by a registered surveyor so that the scored (by an indented cross or drill hole) point shall coincide exactly with the point of intersection of the lines being monumented.

3. Monuments shall be set with their tops level with the finished grade of the surrounding ground, except:

A. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath sidewalks) that their tops will not be affected by lateral movement of the sidewalks.

B. Where monuments are located beneath the sidewalks, proper access shall be provided for their use.

4. All streets shall be monumented at the right-of-way lines of the street, or 5 feet distant there from and at the following locations:

A. At least one monument at each intersection.

B. At changes in direction of street lines, excluding curb arcs at intersections.

C. At each end of each curbed street line, excluding curb arcs at intersections.

D. At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.

E. At such other places along the line of streets as may be determined by the



Planning Commission to be necessary so that any street may be readily defined in the future.

*(Ord. 92-4, 7/9/1992, §513)*

**§22-514. Markers.**

Metal markers shall be accurately placed at all lot corners; and, alongside each marker, a flagged wooden or metal stake with a vertical dimension of 4 feet above ground, shall be securely but temporarily placed for inspection of lot lines by Borough personnel. Stakes shall remain in place until such time as a use and occupancy permit will have been issued to the property owner.

*(Ord. 92-4, 7/9/1992, §514)*

**§22-515. Lot Identification Numbers.**

All lots shall bear lot identification numbers, corresponding with lot numbers as identified on the approved final plan. Lot identification numbers shall be clearly visible from the road and placed at the front lot line until such time as a use and occupancy permit will have been issued to the individual property owner.

*(Ord. 92-4, 7/9/1992, §515)*



**Part 6****Mobile Home Parks****§22-601. General Requirements.**

Mobile home parks shall be subject to all plan requirements, design standards and improvement specifications contained in this Chapter, if same has been adopted prior to a submission of plans for a mobile home park.

(*Ord. 92-4, 7/9/1992, §601*)

**§22-602. Mobile Home Requirements.**

1. All mobile homes must bear proof of State approval prior to placement within the mobile home park.

2. Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile home stand shall be equipped with approved utility connections. The space between the mobile home stand and the mobile home floor shall be permanently enclosed to conceal all supports and utility connections. The stand shall be located at such elevations, distance and angle in relation to the access street and mobile home accessway that the placement and removal of the mobile home is practical.

3. Each mobile home shall be provided with a patio, the minimum size of which shall be 200 square feet. The patio shall be located conveniently to the entrance of the mobile home.

(*Ord. 92-4, 7/9/1992, §602*)

**§22-603. Service and Accessory Buildings.**

1. All service and accessory buildings including management offices, storage areas, laundry buildings and indoor recreation areas shall conform to the requirements of the Borough's Building Code. Attachments to mobile homes in the form of sheds and lean-tos are prohibited.

2. The mobile home park shall have a structure designed and clearly identified as the office of the Mobile Home Park Manager.

3. Occupants of each mobile home unit shall be provided with a minimum of 150 cubic feet of storage space in a common storage building within the mobile home park.

4. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the same or their guests.

(*Ord. 92-4, 7/9/1992, §603*)

**§22-604. Walks.**

1. All mobile home parks shall provide pedestrian walks which shall provide access between individual mobile homes, service and accessory buildings and public rights-of-way.

2. All pedestrian walks shall have a minimum width of 4 feet.
3. An pedestrian walks shall be constructed of hard surfaced material in accordance with Borough specifications.
4. All pedestrian walks shall be provided with lighting units spaced, equipped and installed to conform with Township specifications to allow safe movement of pedestrians at night.

*(Ord. 92-4, 7/9/1992, §604)*

**§22-605. Landscaping.**

Ground surfaces in all parts of a mobile home park shall be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and emanation of dust.

*(Ord. 92-4, 7/9/1992, §605)*

**Part 7****Improvements Guarantee****§22-701. Methods.**

Prior to final approval of the final plan, the subdivider or land developer shall guarantee the installation of all required improvements by one of the following methods:

A. By installing the improvements required by Part 5 of this Chapter to the satisfaction of the Borough Engineer and the Borough Council, and obtaining a certificate from the Borough Engineer that all improvements have been installed in accordance with the standards and requirements of this Chapter or other requirements of the Borough.

B. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the subdivider or developer may deposit with the Borough financial security in an amount sufficient to cover the costs of any improvements or 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.

C. When requested by the subdivider or land developer, the Borough Council will furnish a signed copy of a resolution indicating approval of the final plan contingent upon obtaining financial security. The contingent approval shall expire and be deemed to be revoked if a financial security agreement is not executed within 90 days.

D. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institutions irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for purposes of this Section.

E. Such financial security shall be posted with a bonding company of 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 said business within the Commonwealth.

F. Such bond, or other security, shall provide 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.

G. The amount of financial security to be posted for completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the subdivider or developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90<sup>th</sup> day after either the original date scheduled for completion or a

rescheduled date of completion. Subsequent to said adjustment, the Borough may require the subdivider or developer to post additional security in order to assure that financial security equals said 110 percent. Any additional security shall be posted by the subdivider or developer in accordance with this subsection.

H. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the subdivider or developer, and prepared by a professional engineer and certified by such engineer to be a fair and reasonable estimate of such costs. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the subdivider or developer and the Borough are unable to agree upon an estimate, the estimate shall be recalculated and recertified by another professional engineer chosen mutually by the Borough and the subdivider or land developer. The third engineer's certified estimate shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for services of said engineer shall be paid equally by the Borough and the subdivider or developer.

I. If the party posting the financial security requires more than 1 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 percent for each 1-year period beyond the first anniversary date from posting of the financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding 1-year period by using the above bidding procedure.

J. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development.

K. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request shall be in writing addressed to the Borough Council; and the Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within the 45-day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10 percent of the estimated cost of the aforesaid 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 Borough Water or Sewer Authority separate and distinct from the Borough, financial security to assure proper

completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Borough 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 a condition for the final approval of a plat, as set forth in this Section, the Borough 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 upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building(s) to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building(s) to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot(s) or beyond the lots) in question, if such improvements are necessary for the reasonable use of or occupancy of the buildings(s).

N. 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 plat, the Borough Council may 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 Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development, and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

(*Ord. 92-4, 7/9/1992, §701*)

**§22-702. Release of Improvements Guarantee.**

1. When the subdivider or land developer has completed all of the necessary and appropriate improvements, he or she shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the subdivider or land developer by certified or registered mail.

2. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council. 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 or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

3. The Borough Council shall notify the subdivider or developer within 15 days

of receipt of the Engineer's report, in writing, by certified or registered mail of their action.

4. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the subdivider or developer shall be released from all liability, pursuant to his performance guaranty bond or other security agreement.

5. In any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the subdivider or developer shall proceed to complete the same, and upon completion, the same procedure of notification as outlined herein shall be followed.

6. The subdivider or developer shall reimburse the Borough for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a fee schedule established by the Borough. Any dispute in connection with such fees shall be resolved in accordance with §510(g) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10510(g), as amended.

7. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council 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 specification as depicted on the final plat 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 Chapter with regard to installation of such improvements, and the amount of the financial security shall not exceed 15 percent of the actual cost of installation of said improvements.

*(Ord. 92-4, 7/9/1992, §702)*



**Part 8****Stormwater Management Controls****§22-801. Stormwater Management Controls.**

1. *Controls.* All stormwater management controls must be shown on a plan and described, including:

A. Groundwater recharge facilities such as seepage pits, seepage tanks, beds or trenches. When such structures are used, the location of septic tank infiltration areas and wells must be shown, and a cross section shall be provided.

B. Other control devices or methods such as roof-top storage, semi-impervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention basins, storm sewers, etc.

C. Schedule for installation of the control measures and devices.

D. All calculations, assumptions and criteria used in the design of control devices or other method proposed must be shown.

E. Construction details of all stormwater facilities shall be shown in sufficient clarity for construction to proceed from details provided. The details shall be shown or plans accompanying the stormwater management control plan.

2. *Maintenance Program.* A maintenance program for all stormwater management control facilities shall be included. This program must include the proposed ownership of the facilities and shall detail the financial responsibility for any required maintenance. The following methods for facility ownership and maintenance may be utilized:

A. The facilities may be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with recorded deed restrictions. Such deed restrictions shall include necessary maintenance requirements by the lot owner. Owners of multi-family, commercial or industrial properties shall own and be responsible for maintenance in accordance with the agreement covering said plan approval.

B. Ownership and maintenance may be the responsibility of a homeowners association. The stated responsibilities of the homeowners association for ownership and maintenance of stormwater management facilities shall be submitted to the Borough for determination of adequacy, and upon approval shall be recorded with the Recorder of Deeds, Berks County, Pennsylvania. In addition, the approved plan and all deeds shall contain a condition that it shall be mandatory for the owner or owners of the property to be members of the homeowners association.

C. Stormwater management facilities may be dedicated to the Borough if acceptable to the Borough.

3. *Plan Submission.* The applicant shall submit one copy of the plan and other supporting documentation to the Berks County Conservation District for review and approval.

4. *Inspections.* The Borough Engineer shall inspect all phases of the work

including, but not limited to:

A. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary stormwater management and erosion control facilities.

B. Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground cover.

C. During construction of the permanent stormwater facilities at such times as deemed necessary by the Borough Engineer.

D. Upon completion of installation of permanent stormwater management facilities, and soil erosion controls including established ground cover and plantings.

E. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved plan.

5. *Responsibility.*

A. It shall be the responsibility of the applicant to notify the Borough Engineer 72 hours in advance of the completion of each identified phase of development.

B. Any portion of the work which does not comply with the approved plan must be corrected by the applicant. No work may proceed on any subsequent phase of the stormwater management facility until the required corrections have been made.

C. If at any stage of the work, the Borough Engineer determines that the soil or other conditions are not as stated or shown in the approved application or plan, he may refuse to approve further work until a revised plan is submitted and approved in accordance with this Chapter.

(Ord. 92-4, 7/9/1992, §801)

**§22-802. Project Completion.**

1. Within 48 hours after completion of the work, the applicant shall notify the Borough Engineer of the completion of the work so that the Engineer may conduct a final inspection. If the work has not been performed in accordance with the drawings and specifications as approved, the applicant shall be directed by the Borough Engineer in writing, to correct the work so that it complies with the approved drawings and specifications.

2. The applicant must submit with his request for final inspection a certification by a registered professional engineer certifying that all elements of the approved plan have been constructed as designed and approved.

(Ord. 92-4, 7/9/1992, §802)

**§22-803. As-Built Drawings.**

Following construction and final approval of all stormwater management facilities which are to be dedicated to the Borough, the applicant shall submit drawing(s) bearing the seal of a registered professional engineer showing "as-built" improvements which had been proposed in the application and approved plan.

(*Ord. 92-4, 7/9/1992, §803*)

**§22-804. Modification of Plans.**

A modification to an approved stormwater management plan which involves a change in control methods or techniques, or which involves the relocation or design of control measures, or which is necessary because soil or other conditions are not as stated on the approved application shall be considered after resubmission and reapproval of the plan under the procedures contained in this Chapter.

(*Ord. 92-4, 7/9/1992, §804*)



**Part 9****Stormwater Management Requirements****§22-901. Requirements.**

1. *Method of Computation.* Computations for determining stormwater run-off and peak discharge for the design of stormwater management facilities shall be based upon the Soil Cover Complex Method described in TR-55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service Engineering Field Manual; or TR-20, where appropriate; excepting that the Rational Method may be used for computing roof and driveway water run-off figures for seepage trench, seepage tank, seepage pit use, etc., for individual residences or drainage areas less than 10 acres.

2. *Rainfall Frequency Data.* The frequency of rainfall shall be a 2-year base frequency; a 5-year base frequency; a 10-year base frequency; a 25-year base frequency; and a 50-year base frequency.

3. *Maintenance of Natural Drainageways.* All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless a modification is approved by the Borough. All encroachment activities shall comply with 25 Pa.Code, Chapter 105, "Water Obstructions and Encroachments," latest revision.

4. *Methods of Stormwater Run-Off Detention and Control.* The following is a list of detention and control methods suitable for stormwater management systems:

- A. Seepage pits, trenches, seepage tanks or other infiltration structures.
- B. Detention and/or retention structures.
- C. Cisterns and underground reservoirs.
- D. Grass channels and vegetative strips.
- E. Routed flow over grass.
- F. Decreased impervious area coverage.
- G. Porous pavement and concrete lattice block surface.
- H. Roof top storage.
- I. Parking lot and street ponding.
- J. Other control methods which meet the criteria of this Section, when approved by the Borough Engineer.

(Ord. 92-4, 7/9/1992, §804)

**§22-902. Design Criteria.**

1. *Total System Requirements.* All pre-development calculations shall be based upon existing land use features, however, agricultural lands shall be considered as using conservation treatment or in good condition irrespective of the current use. Pre-development stormwater run-off shall be calculated for all storm frequencies.

- A. Release rates shall be based on the run-off from 2-year pre-development

storm event.

B. Storage structures shall be designed that the post-development 10-year peak discharge will not exceed the pre-development 2-year peak discharge. Twenty five-year, and a 50-year peak discharge rates shall not exceed the pre-development peak discharge for that storm event. The height of the impoundment embankment shall be at least 2 feet above the discharge elevation of the emergency spillway.

Detention or retention basins in carbonate areas shall be lined so that the permeability of all wetted areas shall not exceed a permeability factor of  $K=1 \times 10^{-9}$ .

Basins designated to be “wet bottom” ponds shall have sufficient constant flow to eliminate stagnation and health hazards. Alternate mechanical means will be deemed suitable if approved by the Borough Engineer.

C. All storage structures or facilities will be designed with emergency spillways sufficient to handle the 100-year post-development storm event without causing major property damage even when the principal spillway is completely blocked. The emergency spillway shall be at least 6 inches above the principal spillway.

D. Culverts, pipes and other water carrying structures shall be designed to handle the peak discharge from the 25-year post-development storm event. All pipes shall be provided with end section or end wall.

E. All storage structures shall be designed so that the post-development 25-year and a 50-year peak discharges will not exceed the equivalent pre-development peak discharge.

2. *Stormwater Run-Off/Volumes.*

A. Stormwater run-off shall be based on the following 24-hour storm events; or other valid data as deemed suitable by the Borough Engineer:

Storm Frequency	Storm Volume in Inches of Rainfall
2-year	3.1 inches
5-year	4.1 inches
10-year	4.9 inches
25-year	5.5 inches
50-year	6.1 inches

B. *Rational Method.* Storm volumes shall be in accordance with PennDOT Field Manual, Storm Intensity Duration, Frequency Charts, last revision for Region 5.

3. *Stormwater Inlets.* The maximum spacing between stormwater inlets shall be designed according to the 25-year storm flow and the capacity of the inlets, taking into account maximum allowable street flooding and drainageway capacity. When a possibility of clogging of grates, side opening or combination inlet s exists, the capacity reduction factors shown in Table 22-903-1 must be applied to the theoretical capacity of the inlet. The maximum amount of water that shall be bypassed on to the next downstream inlet or inlets or continuous grades is 10 percent.

4. *Pipes.* The minimum allowable pipe diameter shall be 15 inches unless reduced pipe size is approved by the Borough Engineer. Horizontal and vertical curves with radii of 100 feet or greater are allowed for all pipe sizes 30 inches in diameter or greater. Friction losses in the pipe shall be calculated using the Manning formula. Values for “n” are shown in Table 22-904-1. The minimum value for “v” in pipes shall be 3.0 feet per second. The maximum value for “v” in pipes shall be based on engineering judgment and experience. Pressure flow is permitted in storm sewers. The elevation of the hydraulic gradient shall be at least 1 foot below ground level. Pressure heads up to 25 feet can be used with concrete pipe with rubber gasketed joints.

5. *Spacing of Structures.* The maximum allowable spacing between structures to be used for inspecting and cleaning storm sewers shall be based on the pipe size and spacing shown in Table 22-905-1. Manholes, catch basins or junction boxes shall be installed at all changes in grade or horizontal alignment except as noted in subsection .4.

6. *Open Crawls.* Maximum allowable velocities of flow in swales, open channels, and ditches as relating to slope and grass cover are shown in Pennsylvania Department of Environmental Protection Soil Erosion and Sedimentation Control Manual, latest version. Higher velocities require invert stabilization. Velocity dissipaters may be used, if approved by the Borough Engineer. [Ord. 2015-4]

7. *Seepage Pits.* Where seepage pits, seepage tanks, seepage trenches and/or French drains are proposed, the applicant shall include an analysis of the potential for accelerated sinkhole development in the specific geology of the site due to the concentration of water introduction to the subsurface.

8. *Seepage Report.* The applicant shall submit a seepage report containing a test pit soils analysis, prepared by a soil scientist, and percolation test results. The bottom of the test pits shall be the elevation at which the soil/seepage interface is designed, i.e., the bottom of the trench, pit, etc. Percolation rates shall be run at this interface. Percolation rates shall be 15 minutes per inch maximum and 90 minutes per inch minimum.

9. *Equivalent Discharge.* Alternative means of stormwater discharge and retention, resulting in the equivalent discharge as required by this Chapter, may be permitted when approved by the Borough Engineer.

(Ord. 92-4, 7/9/1992, §902; as amended by Ord. 2015-4, 9/8/2015)

**§22-903. Inlet Capacity Reduction Factors.**

Table 22-903-1 Inlet Capacity Reduction Factors Assuming Partion Clogging		
Condition	Inlet Type	Reduction Factors*
Sump	Side Opening	0.80
Sump	Grate	0.50
Sump	Combination	0.65
Continuous Grade	Side Opening	0.80

<b>Table 22-903-1 Inlet Capacity Reduction Factors Assuming Partion Clogging</b>		
<b>Condition</b>	<b>Inlet Type</b>	<b>Reduction Factors*</b>
Continuous Grade	Side Opening with Deflector	0.75
Continuous Grade	Longitudinal Bars	0.60
Continuous Grade	Transverse Bars	0.50
Continuous Grade	Combination	0.60
*Percentage of theoretical capacity		

(Ord. 92-4, 7/9/1992, §903)

**§22-904. “n” Values for Manning Formula.**

<b>Table 22-904-1 “n” Values for Manning Formula</b>	
<b>Type of Pipe</b>	<b>“n” Value*</b>
Concrete culvert pipe	0.013
Concrete sewer pipe	0.013
Cast/ductile/steel iron	0.013
Corrugated metal (plain)	0.024
Corrugated metal (coated)	0.021
Corrugated metal (lined)	0.013
Plastic	0.011
Verified clay	0.013
*Adjustments for specific conditions shall be based on engineering experience and judgment, and submitted to the Borough Engineer for approval.	

(Ord. 92-4, 7/9/1992, §904)

**§22-905. Spacing of Inspection and Cleanout Structures for Storm Sewers.**

<b>Table 22-905-1 Spacing of Inspection and Cleanout Structures for Storm Sewers</b>	
<b>Size of Pipe (inches)</b>	<b>Maximum Allowable Spacing (Feet)</b>
15	400
18–36	500
42–60	700



<b>Table 22-905-1 Spacing of Inspection and Cleanout Structures for Storm Sewers</b>	
<b>Size of Pipe (inches)</b>	<b>Maximum Allowable Spacing (Feet)</b>
66 or larger	unlimited

(Ord. 92-4, 7/9/1992, §905)



**Part 10****Administration****§22-1001. Modifications.**

1. The Borough Council may grant a modification of the requirements of one or more provisions of this Chapter, if the literal enforcement of such requirement 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 this Chapter is observed.

2. All requests for modification 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 this Chapter involved and the minimum modification necessary.

3. The Borough Council shall keep a written record of all action on all requests for modification.

(Ord. 92-4, 7/9/1992, §1001)

**§22-1002. Violations and Remedies.****1. Preventive Remedies.**

A. In addition to all other remedies, the Borough may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations of this Chapter, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure or premises.

B. The Borough 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 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 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.

As an additional condition for issuance of a permit or the granting of an approval to any owner; current owner, vendee or lessee for the development of any such real property, the Borough 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 estate.

2. *Enforcement Remedies.* Any person, partnership or corporation who or which has violated the provisions of this Chapter shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs including reasonable attorneys' fees incurred by the Borough as of result thereof. Each day that a violation continues shall constitute a separate violation. Magisterial district justices shall have initial jurisdiction in proceedings brought under this Section. The commencement, imposition and enforcement of actions for violations shall be governed by the provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended. [*Ord. 2015-4*]

3. *Fees.* The Borough Council shall establish by resolution a collection procedure and schedule of fees to be paid by the subdivider or land developer at the time of filing a subdivision or land development plan. The schedule of fees may be obtained in the office of the Borough Secretary, and shall be posted therein and in such other places as the Borough Council may designate. No final plan shall be approved unless and until all fees and charges have been paid in full.

4. *Conflicts.* Whenever there is a difference between the minimum standards specified herein and those included in other official Borough regulations the more stringent requirements shall apply. All existing ordinances or parts of ordinances which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

(*Ord. 92-4, 7/9/1992, §1002; as amended by Ord. 2015-4, 9/8/2015*)

**Appendix 22-A**

**APPLICATION FOR REVIEW OF PRELIMINARY,  
MINOR OR RESUBDIVISION PLAN**

1. Name of Subdivision/Land Development \_\_\_\_\_
2. Date of Original Plan or Latest Revision: \_\_\_\_\_
3. County Record Book No. \_\_\_\_\_
4. Page No. \_\_\_\_\_
5. Name of Property Owner(s): \_\_\_\_\_
6. Individual to Contact: \_\_\_\_\_
7. Address: \_\_\_\_\_
8. Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_
9. Name of Applicant (if other than owner) \_\_\_\_\_
10. Address: \_\_\_\_\_
11. Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_
12. Applicant's Interest (if other than owner): \_\_\_\_\_
13. Engineer, Architect or Surveyor: \_\_\_\_\_
14. Address: \_\_\_\_\_
15. Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_
16. Total Acreage: \_\_\_\_\_
17. Total Number of Lots: \_\_\_\_\_
18. Acreage of Adjoining Land in Same Ownership, if any: \_\_\_\_\_
19. Water Supply Proposed: \_\_\_\_\_
20. Sanitary Sewage Disposal Proposed: \_\_\_\_\_
21. Type of Development: Single-Family \_\_\_\_\_ Two Family \_\_\_\_\_  
Multi-Family \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial \_\_\_\_\_  
Other \_\_\_\_\_
22. Are Streets Proposed for Dedication? \_\_\_\_\_

23. If so, List Streets: \_\_\_\_\_

24. Acreage Proposed for Open Space, Public or Semi Public Use:  
\_\_\_\_\_

25. Have Appropriate Public Utilities been Consulted? \_\_\_\_\_

26. Material Accompanying this Application:

<u>Number of Copies</u>	<u>Item</u>
(a) _____	Preliminary Plan
(b) _____	Minor Subdivision Plan
(c) _____	Resubdivision Plan
(d) _____	Copies of Deed Restrictions
(e) _____	Street Cross-Sections
(f) _____	Site Investigation/ Percolation Test Report
(g) _____	Storm water Management Plan

27. Signature of Owner or Applicant: \_\_\_\_\_

28. Date: \_\_\_\_\_

**Appendix 22-B**

APPLICATION FOR REVIEW OF FINAL PLAN

1. Name of Subdivision/Land Development \_\_\_\_\_
2. Date of Original Plan or Latest Revision: \_\_\_\_\_
3. County Record Book No. \_\_\_\_\_
4. Page No. \_\_\_\_\_
5. Name of Property Owner(s): \_\_\_\_\_
6. Individual to Contact: \_\_\_\_\_
7. Address: \_\_\_\_\_
8. Telephone: (\_\_\_\_) \_\_\_\_\_
9. Name of Applicant (if other than owner) \_\_\_\_\_
10. Address: \_\_\_\_\_
11. Telephone: (\_\_\_\_) \_\_\_\_\_
12. Applicant's Interest (if other than owner): \_\_\_\_\_
13. Engineer, Architect or Surveyor: \_\_\_\_\_
14. Address: \_\_\_\_\_
15. Telephone: (\_\_\_\_) \_\_\_\_\_
16. This Application is in Reference to:  
    \_\_\_\_\_ Minor Subdivision  
    \_\_\_\_\_ Resubdivision Plan  
    \_\_\_\_\_ Regular Subdivision  
    \_\_\_\_\_ Land Development
17. List Any Supplementary or Other Materials Accompanying this Application: \_\_\_\_\_  
\_\_\_\_\_

18. List All Subdivision or Land Development Standards or Requirements Which Have Not Been Met: \_\_\_\_\_

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19. The undersigned represents that to the best of his/her knowledge and belief, all statements indicated on the original application for Review of said Subdivision or Land Development, and the statements indicated on this application for final review are true, correct and complete. Further, the undersigned represents that, if applicable, all proposed public Improvements and facilities as shown on the Final Subdivision or Land Development Plan are to be improved, constructed and completed, or security posted with the Municipality in sufficient amount to cover full estimated cost of construction thereof, prior to the erection of any Building or prior to the sale, transfer or agreement of sale of subdivided parcels as shown on the plan.

20. Signature of Owner or Applicant(s): \_\_\_\_\_

21 Date: \_\_\_\_\_







## Appendix 22-D

### CERTIFICATE OF ACCURACY

The following certification in the wording shown, shall be labeled and completed on the Final Plan:

I hereby certify that the plan shown and described hereon, as well as all drawings bearing my seal, are true and correct to the accuracy required by the Subdivision and Land Development Ordinance and were prepared by me or under my direction and for which I accept full responsibility. The perimeter and street monuments have been accurately placed as required by this Ordinance.

(1)

(2)

(3)

- 
- (1) Apply seal of Registered Engineer, Registered Surveyor or Registered Architect.
  - (2) Date
  - (3) Signature of the Registered Engineer, Registered Surveyor or Registered Architect responsible for the preparation of the plan.

NOTE: Property survey and setting of perimeter/street Monuments shall be performed by the individual who signs and seals this Certification of Accuracy.

If more than one discipline is involved in the preparation of the plan to which this Certificate of Accuracy applies, all design professionals shall be required to sign and seal the Certificate of Accuracy.



**Appendix 22-E**

**CERTIFICATE OF MUNICIPAL APPROVAL**

The approval of the Final Plan by each municipality in which a Subdivision and/or Land Development is located must be indicated on the Record Plan, in the following form:

At a meeting held on \_\_\_\_\_, 19\_\_\_\_ the  
\_\_\_\_\_ (1) \_\_\_\_\_ of the  
\_\_\_\_\_ (2) \_\_\_\_\_ of  
\_\_\_\_\_ (3) \_\_\_\_\_ by motion, duly  
enacted, approved the \_\_\_\_\_ (4)  
plan of the property of \_\_\_\_\_ (3)  
as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7)

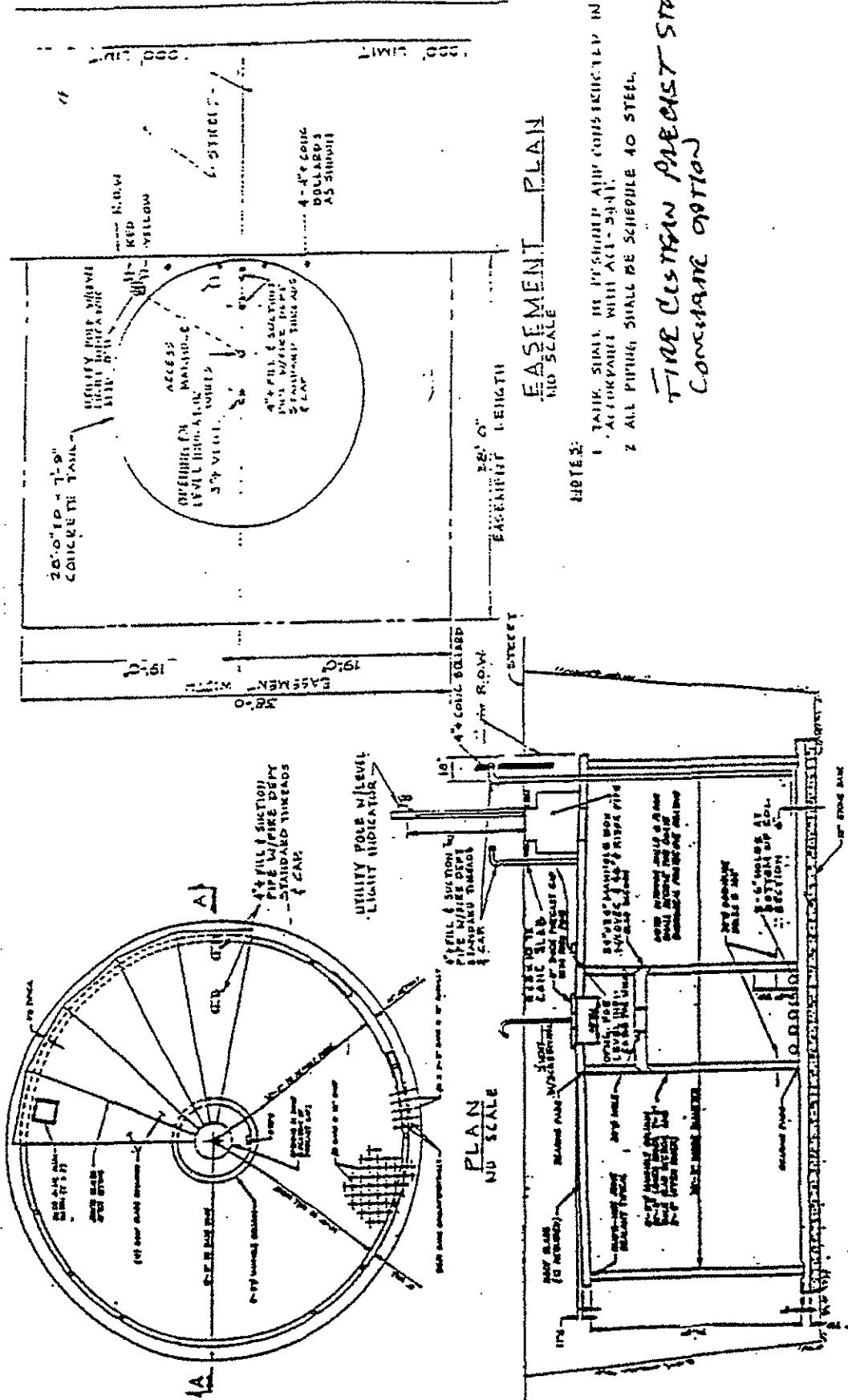
- (1) Insert either Township Planning Commission, Board of Supervisors or Borough Council.
- (2) Insert either Township or Borough.
- (3) Insert name of municipality.
- (4) Insert either Subdivision or Land Development.
- (5) Insert Name of Property Owner.
- (6) Signatures of the Govern Body or Planning Commission
- (7) Municipal Seal.











EASEMENT PLAN  
NO SCALE

NOTES:

- 1. TANK SHALL BE PRECAST AND CONSTRUCTED IN ACCORDANCE WITH A.C.I. 308.1.
- 2. ALL PIPING SHALL BE SCHEDULE 40 STEEL.

*FIRE WATER PRECAST STORAGE  
CONCRETE OPTION*

PLAN SCALE

SECTION A-A  
NO SCALE

