
RUSH TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA



**SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE**

Adopted May 24, 2007


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Article 1

Background Provisions

Section 101 Short Title

This Ordinance shall be known, and may be cited as, the “Rush Township Subdivision and Land Development Ordinance of 2006.”

Section 102 Purpose

The purpose of this Subdivision and Land Development Ordinance is to provide for the harmonious development of the Township by:

- 102.1. Assisting in the orderly and efficient integration of land developments within the Township.
- 102.2. Ensuring the provision of adequate public facilities, including roadways, walkways, water supply, storm water facilities, sanitary sewerage facilities, open spaces, and other improvements for the public health, safety and welfare.
- 102.3. Ensuring coordination of inter-municipal and intra-municipal public improvement plans and programs.
- 102.4. Securing the protection of water resources, drainageways and other environmental resources.
- 102.5. Facilitating the safe and efficient movement of traffic.
- 102.6. Securing equitable handling of all development plans by providing uniform standards and procedures.
- 102.7. In general, promoting greater health, safety and welfare of the citizens of the Township.

Section 103 Adoption

The Board of Supervisors of Rush Township, Centre County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Rush Township.

Section 104 Scope

This Ordinance shall apply to all subdivision and land development plans submitted after the effective date of this Ordinance, and to all subdivision and land development plans submitted before the effective date of this Ordinance, which no longer have protection from the effect of changes in governing ordinances granted by Section 508(4) of the Pennsylvania Municipalities Planning Code.

From the time an application for approval, whether Preliminary or Final Plan, is duly filed, as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, other governing ordinance, or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application, as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

When an application for approval, whether Preliminary or Final Plan, has been approved without conditions, or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium, or prohibition which was imposed subsequent to the filing of an application for Preliminary Plan approval. In the event of an appeal filed by any party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed, until a final order in such matter has been entered, and all appeals have been concluded, and any period for filing appeals or requests for reconsideration have expired; provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a Preliminary Plan application.

Where Final Plan approval is preceded by Preliminary Plan approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a Preliminary Plan approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

Where the landowner has substantially completed the required improvements, as depicted upon the Final Plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of governing ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street, or utility location.

In the case of a Preliminary Plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed with the Preliminary Plan delineating all proposed sections, as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Such schedule shall be updated annually on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the last section has been granted. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units, as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion.

Provided the landowner has not defaulted with regard to, or violated any of the conditions of, the Preliminary Plan approval, including compliance with the schedule for submission of Final Plans, then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final Plan within five years shall apply, and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period. This extended protection shall apply for an additional term or terms of three years from the date of Final Plan approval for each section.

Failure to adhere to the aforesaid schedule of submission of Final Plans for the various sections shall subject any such section to changes in zoning, subdivision and land development ordinances, and other governing ordinances or plans enacted by the Township, subsequent to the date of the initial Preliminary Plan submission.

This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously-approved Preliminary or Final Plan, including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective Subdivision and Land Development Ordinance.

No street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings thereon, unless and until authorized by this Ordinance.

No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a subdivision or land development, unless and until a Final Plan has been approved by the Board of Supervisors and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein. This Ordinance does not impose any requirements upon subdivision or land development plans for which the Township is the applicant.

All subdivision and land development plans are subject to all other applicable ordinances, regulations and requirements of the Township.

Section 105 Administration and Enforcement

The Board of Supervisors is the body responsible for administration and enforcement of this Ordinance, and does hereby designate the Rush Township Planning Commission as an agency of the Board of Supervisors, which makes recommendations to the Board of Supervisors concerning subdivision plans, land development plans and waivers.

Article 2

Definitions

Section 201 Word Usage

Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined or interpreted differently within this section.

Section 202 Language Interpretation

In this Ordinance, when not inconsistent with the context:

Words in the present tense imply also the future tense.

The singular includes the plural.

The male gender includes the female gender.

The term "person" includes an individual, partnership, corporation, unincorporated association, estate, or any other legally-recognized entity.

The terms "shall," "must," or "will" are always mandatory,

The term "may" is permissive.

Section 203 Specific Terms

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a street and any use other than one single-family dwelling unit or farm.

AGENT - Any person other than the developer, who, acting for the developer, submits subdivision and/or land development plans to the Township for the purpose of obtaining approval thereof.

AISLE, PARKING - A private drive intended principally to provide vehicular access within a vehicular parking compound. Although an aisle provides interior vehicular circulation, its principal function is to provide entrance and exit for individual parking spaces. An aisle may not be used to intersect streets.

ALLEY - A strip of land over which there is a right-of-way intended to provide vehicular access to the side and/or rear of properties that front on a street. An alley is not intended for general traffic circulation.

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

BLOCK - A tract of land that is entirely bounded by streets, public parks, cemeteries, railroads, water-courses, or any other barrier to the continuity of development.

BOARD OF SUPERVISORS - The Board of Supervisors of Rush Township, Centre County, Pennsylvania.

BUILDING - Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals or property.

BUILDING, ACCESSORY - A detached, subordinate building, not used for habitation, the construction and use of which is customarily incidental and subordinate to that of the principal building, and located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

BUILDING, PRINCIPAL - A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot.

BUILDING AREA - The total area taken on a horizontal plane at the main grade level of the principal building and of all accessory buildings, exclusive of uncovered patios, decks, awnings, terraces, and steps.

BUILDING SETBACK LINE - The actual line of the building nearest an adjacent right-of-way or street line. This face includes any structure above grade, except steps.

CARTWAY - The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that confines and conducts the continuous or periodic flow of water.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines.

COMPREHENSIVE PLAN - The adopted *Rush Township Comprehensive Plan*.

CULVERT - A structure with appurtenant works that carries a watercourse under or through an embankment.

CURB - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURB LINE - The outside edge of the cartway.

DEDICATION - The deliberate assignment of land by its owner to another party.

DEED - A written instrument whereby an estate in real property is conveyed.

DENSITY - A term used to express the allowable number of dwelling units per acre of land, exclusive of public rights-of-way and streets.

DESIGN STORM - The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 10-year storm) and duration (e.g., 24-hour storm) and used in computing storm water management control systems for Type II storm distribution.

DETENTION BASIN - A reservoir/containment which temporarily contains storm water runoff and releases it gradually into a watercourse or storm water drainage system.

DEVELOPER - Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public street and a tract of land serving one (1) single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and permanently-designed public or on-lot sewer, public or on-lot water, electrical and other utility systems.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EASEMENT - A right-of-way granted for limited use of private land for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ECHO HOUSING - An additional, temporary dwelling unit placed on a property for occupancy by elderly (55 years and older) or challenged (mentally, physically, emotionally) persons related by blood, marriage or adoption to the occupants of the principal dwelling (see Section 305.1).

ENERGY DISSIPATER - A device used to receive and break down the energy from high velocity flows of storm water, particularly at points of concentrated discharge, such as pipe outlets.

ENGINEER - A Professional Engineer registered as such in the Commonwealth of Pennsylvania.

EROSION - The process by which soil particles are detached and transported by action of natural forces.

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

FARM HOUSING - A temporary dwelling placed on a property for one (1) farm laborer on which the farm housing is placed (see Section 305.1).

FLOODPLAIN - A one hundred (100) year flood of record for all watercourses.

FOOTCANDLE - A measure of surface illumination equal to one (1) lumen per square foot.

FRONTAGE - The continuous horizontal distance shared between a street and an adjoining lot.

GEOLOGIST - A Professional Geologist registered as such in the Commonwealth of Pennsylvania.

GRADE - The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet (100').

IMPERVIOUS SURFACE - A surface that does not absorb water. All structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt or packed stone shall be considered impervious surface. In addition, all other areas, as determined by the Township Engineer to be impervious within the meaning of this definition, shall also be considered impervious surface.

IMPROVEMENTS - Those physical additions and changes to the land that may be necessary to produce useable and desirable lots.

INFILTRATION STRUCTURE - A structure designed to direct runoff into the ground (e.g., seepage pits, seepage trenches).

LAND DEVELOPMENT - Any of the following activities:

A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single, nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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.

A subdivision of land.

For the purpose of this Ordinance, the following are excluded from the definition of Land Development:

1. The conversion of an existing single-family, detached dwelling, or single-family, semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium,
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building,
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park, until plans for the expanded area have been approved by the proper authorities.

LANDOWNER - The legal, beneficial, equitable 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 conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LAND DISTURBANCE - Any activity involving the clearing, cutting, excavation, filling, or grading of land or any other activity which alters land topography or vegetative cover.

LANDSCAPE ARCHITECT - A Landscape Architect registered as such in the Commonwealth of Pennsylvania.

LAND SURVEYOR. A Land Surveyor registered in the Commonwealth of Pennsylvania.

LATERAL - A utility line between a utility main that is located within a utility easement, and the single building which the line serves.

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

LOT ANEXATION - A parcel of land that is intended for conveyance to an adjacent property owner as an addition to the existing lot (see Section 305.2.1).

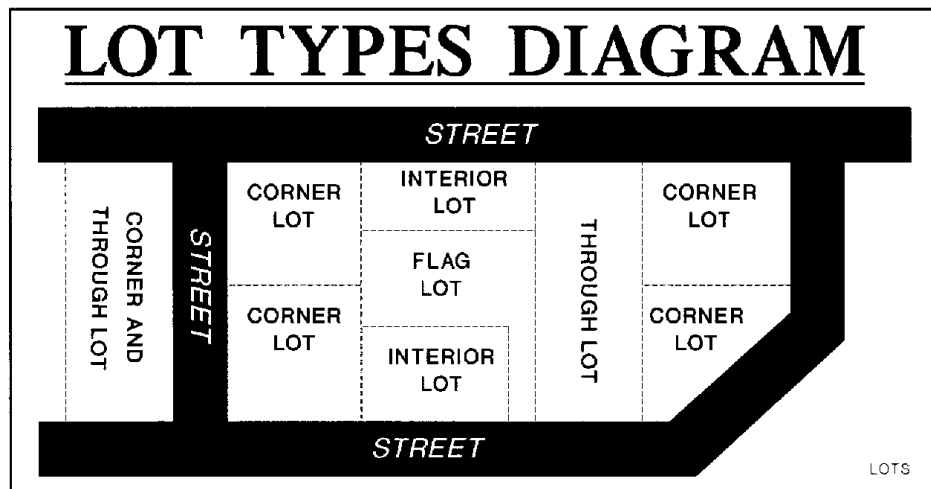
LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within the street right-of-way, utility right-of-way, drainage easements, watercourses, and ponds.

LOT, CORNER - A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot, if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°).

LOT, FLAG - A lot with frontage that does not satisfy the minimum width requirements, but that does have sufficient lot width away from the lot's frontage.

LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH - A lot which fronts on two (2) streets that do not intersect at the boundary of the lot.



MOBILE HOME - Any structure intended for, or capable of, permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for mobile home parks. Mobile homes placed on individual lots shall be considered "dwellings" and be bound by the requirements for a dwelling.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME STAND - A concrete pad used to anchor a mobile home within a mobile home park, including all necessary utility connections.

ON-SITE SEWER SERVICE - The disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-SITE WATER SERVICE - The provision of a safe, adequate and healthful supply of water to a single user from a private well.

PARKING SPACE - An off-street space available for the parking of a vehicle. The parking space shall meet the minimum requirements of this Ordinance.

PEAK DISCHARGE - The maximum rate of flow of water at a given point and time resulting from a specified storm event.

PEDESTRIAN EASEMENT - A right-of-way, municipally-owned or privately-owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

PLAN - The map representing a tract of land including all supplementary data specified in Article 4 of this Ordinance. The following are the types of plans specified by this Ordinance:

1. **As-Built** - A revised Final Plan, showing dimensions and locations of all streets and other public improvements as actually constructed.
2. **Concept Plan** - An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.
3. **Final Plan** - A subdivision and/or land development plan prepared for official recording as required by statute to define property rights, proposed streets and other public improvements.
4. **Preliminary Plan** - A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the preparation of Final Plans.
5. **Minor Land Development Plan** - A land development plan with the total building coverage (existing and proposed) that does not exceed two percent (2%) of the property as of the effective date of this Ordinance. See Section 305.2.4.
6. **Minor Subdivision Plan** - A subdivision plan of no greater than three (3) lots, plus the remaining parcel, as of the effective date of this Ordinance. See Section 305.2.3.

PLANNING COMMISSION - The Rush Township Planning Commission, Centre County, Pennsylvania.

PUBLIC IMPROVEMENTS - Public improvements are limited to streets, street signs, street trees, sidewalks, curbs, survey monuments and markers, landscaping required by this Ordinance, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for multiple use, water supply facilities for multiple use, fire hydrants, and other such improvements.

PUBLIC GROUNDS - Public parks, playgrounds, open space and other public areas; and sites for school, sewage treatment, refuse disposal, and other public owned or operated facilities.

RETENTION BASIN - A reservoir designed to retain storm water runoff with its primary release of water being through the infiltration of said water into the ground.

RIGHT-OF-WAY - Land reserved for use as a street, alley, crosswalk, utilities, or other public or private use.

SEDIMENTATION BASIN - A reservoir designed to retain sediment.

SEWAGE DISPOSAL SYSTEM (COMMUNITY) - Any system, whether publicly-owned or privately-owned, for the collection of sewage or industrial wastes of a liquid nature from multiple users, and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

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

SEWAGE ENFORCEMENT OFFICER (SEO) - The Sewage Enforcement Officer of the Township.

SEWAGE FACILITIES ACT - The Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

SEWAGE FACILITIES PLAN - The official plan for the provision of sewage systems adopted by the Township pursuant to the Sewage Facilities Act.

SEWER - A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent.

SEWER ORDINANCE - The sewer ordinance in effect and enacted for fixing and charging sewer rentals and other charges for use of the sewage collection system owned and operated by Rush Township, collecting, transporting and disposing of wastes discharged thereto upon owners of improved property which are connected to such sewage collection system, providing for collections and for filing liens, regulating the discharge of sanitary sewage and industrial waste, providing for adoption of additional rules, regulations and specifications.

SEWER SPECIFICATIONS - Technical specifications describing in detail the requirements for construction of building drains, building sewers, sewer laterals, and the sewage collection system prepared by the Township Engineer and adopted by resolution by Rush Township.

SLOPE - The degree of deviation of a surface from the horizontal. Slope is expressed in a percentage which indicates the rate of elevation change in feet per one hundred feet (100').

SOIL SURVEY - The latest published version of the United States Department of Agriculture's Soil Survey for Centre County, Pennsylvania.

SOLID WASTE - Garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials, as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

STORM WATER MANAGEMENT - A program of controls and measures designed to regulate the quality and quantity of storm water runoff from a development while promoting the protection and conservation of groundwater and groundwater recharge.

STORM WATER MANAGEMENT FACILITIES - Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses, and floodplains) used to effect a storm water management program.

STORM WATER RUNOFF - Drainage runoff from the surface of the land resulting from precipitation in any form, including snow and ice melt.

STREET - A strip of land over which there is a public or private right-of-way intended to serve principally as a means of vehicular access to, and frontage for, abutting properties, as well as general traffic circulation. Streets are further classified as follows:

1. **Local Street** - A street that provides access solely to abutting properties and is designed to discourage through traffic. Local street directs local traffic to the collector and arterial street network. These include streets within residential development.
2. **Cul-de-sac Street** - A street that intersects another street at one end and terminates at the other end by a vehicular turnaround.
3. **Private Street** - A street that is not dedicated or was not accepted for public use and maintenance, primarily serving a limited number of lots which do not have direct access to a public road.
4. **Collector Street** - A street that is an inter-neighborhood and intra-Township roadway. A collector street serves feeder routes to the arterial system from the local street system. A collector street forms the backbone for the neighborhood street system.
5. **Minor Arterial Street** - A street that augments the expressway and major arterial street system in the region. A minor arterial street provides access to major shopping and employment centers in the region, with access points less controlled than found on a major arterial street.
6. **Major Arterial Street** - A street that transports high volumes of traffic at relatively high rates of speed. A major arterial street facilitates traffic over long distances within the region. Access points are controlled, but not restricted.

An alley is not considered a street for the purpose of this Ordinance. See "Alley" as a separately-defined term.

STREET GRADE - The elevation of a street along the centerline of the cartway.

STREET LINE (RIGHT-OF-WAY LINE) - A line defining the edge of a street right-of-way and separating the street from abutting properties or lots. The street line shall be the same as the legal right-of-way line.

STREET, PRIVATE - A street not offered for dedication or whose dedication was not accepted by the Township.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into one, two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or 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 ten (10) acres, not involving any new streets or easements of access or residential dwelling shall be exempted.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the Township Engineer, at least ninety percent (90%) (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.

SWALE - A wide, shallow ditch which gathers or carries surface water.

TOWNSHIP - Rush Township, Centre County, Pennsylvania.

TOWNSHIP ENGINEER - A duly-registered Professional Engineer, licensed as such by the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

TOWNSHIP SECRETARY - A duly-appointed secretary of the Board of Supervisors.

TOWNSHIP SOLICITOR - The attorney appointed by the Board of Supervisors or the attorney duly authorized by the Board of Supervisors.

UNIT OF OCCUPANCY - A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

USE, PRINCIPAL - The main or primary use of property or structure.

WAIVER - A process for alleviating specific requirements imposed by this Ordinance pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended. Waivers are provided in this Ordinance, under Sections 306 and 804.

WATERCOURSE - A permanent or intermittent stream, river, brook, creek, channel, or swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

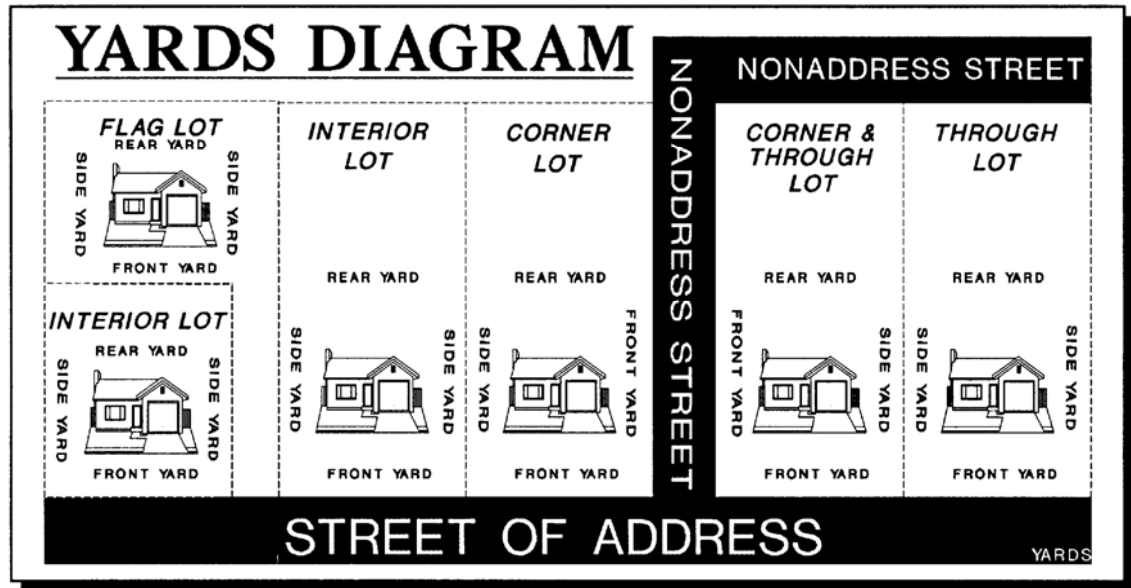
WATER DISTRIBUTION SYSTEM (COMMUNITY) - A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent or has authority.

WATER DISTRIBUTION SYSTEM (ON-SITE) - A system for supplying and distributing water to a single unit of occupancy from a source located on the same lot.

WATERSHED - An area drained by a given watercourse.

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, do support a prevalence of hydrophytes typically adapted for life in hydric soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any areas designated as wetlands by the United States Army Corps of Engineers, a river basin commission, or the Township.

YARD - An area between the permitted structures and the property lines.



1. Yard, Front - The area contained between the street right-of-way line and the principal structure. For flag lots, the front yard shall be that area between the principal structure and that property line which is most parallel to the street that provides access and is not part of the flagpole.
2. Yard, Rear - The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard.
3. Yard, Side - The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered that area between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yard shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

Article 3

Plan Processing Procedures

Section 301 General Description

The procedures set forth in this Article shall be followed for all subdivision and/or land development plans.

The Board of Supervisors have the authority to approve, conditionally approve, or disapprove applications that are processed under this Ordinance. The Township Planning Commission, Township Engineer, other professional consultants hired by the Township, various Township officials, and Centre County Planning Commission are advisory to the Board of Supervisors.

The Pre-Application Review specified in Section 302 is voluntary. Applicants are urged, but not required, to discuss possible development sites and plans with the Township Planning Commission, while the project is at an early stage.

Two (2) mandatory plan processing procedures are Section 303 Preliminary Plan application and Section 304 Final Plan application. The magnitude of the project dictates the applicability of each mandatory plan processing procedure. The procedures are sequential. Successful completion of the Preliminary Plan application must be obtained prior to submission of the Final Plan application.

A Preliminary Plan application in Section 303 is required for subdivision or land development that includes construction of streets, storm water detention/retention basins, sanitary sewer conveyance lines (not laterals), and/or water conveyance lines (not laterals). Approval of the Preliminary Plan entitles the applicant to submit Final Plans in accordance with the terms of the Preliminary Plan.

A Final Plan application in Section 304 is required for all subdivision or land development, except for those projects that qualify for an alternative plan process in Section 305. Approval of the Final Plan concludes with the recording of the plan which authorizes the construction of public/private improvements, and the selling of land.

Alternative plan processing procedures in Section 305 provide an abbreviated process for Elderly Care Housing Opportunity (ECHO), Farm Housing, Lot Annexation, Revised Record Plan, Minor Subdivision, and Minor Land Development.

This Article also includes Waiver provisions in Section 306 which allow the Board of Supervisors to modify provisions of the Ordinance as they apply to a specific project.

Section 302 Pre-Application Review

Applicants are urged, but not required, to discuss possible development sites and plans with the Township Planning Commission prior to submission of the Preliminary or Final Plans. The purpose of the pre-application meeting is to afford the applicant an opportunity to receive the recommendations of the

Township, while the project is at an early stage. Request for a Pre-Application Review shall not constitute formal filing of a plan.

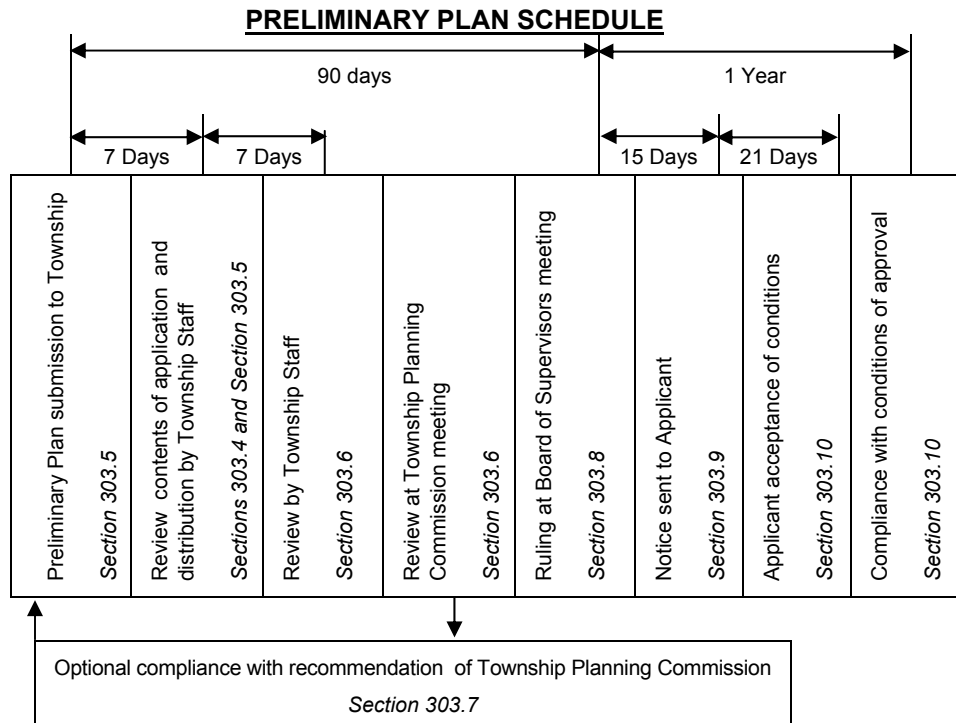
A request for a Pre-Application Review shall be submitted to the Township Secretary, or designee, at the Township Municipal Office at least fifteen (15) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Submissions that are not received prior to the closing date will not be reviewed at the meeting. The request shall include one (1) application form (see Appendix No. 6). To aid in the effectiveness of the Pre-Application Review, it is recommended that the application include at least three (3) paper copies of the design plan. The submission of eight (8) paper copies of the design plan will provide copies of the plan to members of the Planning Commission and Board of Supervisors.

Individuals are permitted to discuss proposals at a Township Planning Commission meeting without the submission of an application or the benefit of a plan; however, the Township Planning Commission's ability to assist the applicant will be greatly limited.

In addition to the above, applicants may request that a Pre-Application Review be submitted to the Board of Supervisors for comments following the Township Planning Commission meeting. When requested, the Township will advise the applicant of the meeting date at which the Pre-Application Review is scheduled.

Section 303 Preliminary Plan Application

303.1 Projects That Require Preliminary Plan Procedure. A Preliminary Plan application is required for subdivision or land development that includes construction of streets, alleys, storm water detention/retention basins, sanitary sewer conveyance lines (not laterals), and/or water conveyance lines (not laterals). The following is a generalized graphic depiction of the Preliminary Plan Schedule. Refer to the text of the Ordinance for the specific and detailed description.



303.2 Submission Procedure. Preliminary Plans shall be submitted to the Township Secretary, or designee, at the Township Municipal Office, on any business day. However, Preliminary Plans must be submitted fourteen (14) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Submissions that are not received prior to the closing date will not be reviewed at the meeting.

The application record shall be closed fourteen (14) days before the Planning Commission meeting at which the plan will be considered, to allow time to examine the plans and all appropriate supporting documentation. The Township will not accept changes or amendments to the application after this date, unless the applicant applies for a rescheduling of the meeting at which the Preliminary Plan will be considered by the Planning Commission and makes suitable provision for an extension of the review time.

Applicants are encouraged to submit a Sewer Facilities Plan Revision or Supplement in conjunction with the Preliminary Plan to avoid unnecessary delays in obtaining revision or supplement approval prior to the Final Plan stage.

303.3 Application Requirements. All Preliminary Plan applications shall include the following:

303.3.1 A minimum of three (3) copies of the Preliminary Plan and all reports, notifications and certifications which are specified in Section 402. Additional copies of the Preliminary Plan and reports may be required by the Township. The submission of eight (8) paper copies of the design plan will provide copies of the plan to members of the Planning Commission and Board of Supervisors.

303.3.2 One (1) application form (see Appendix No. 6).

303.3.3 Filing fee as set by resolution of the Board of Supervisors (see Fee Schedule available at the Township Municipal Office).

303.3.4 A review by Centre County Planning Commission or evidence of submission to the County.

303.4 Review for Completeness of Application. The Township Secretary, or designee, shall check the plans and documents to determine if the application, documents, fee, and number of copies required by this Ordinance are provided. If defective, the application may be returned to the applicant with a statement of rejection, within the seven (7) day period; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township Secretary under this section to the Board of Supervisors.

303.5 Distribution. The Township Secretary, or designee, shall distribute one (1) copy of the Preliminary Plan to the Township Planning Commission, Board of Supervisors, Township Engineer, and, if deemed necessary, other officials.

Delivery of the application, plans, reports, and other material to the Centre County Planning Commission shall be the responsibility of the applicant.

303.6 Reviewing Agencies. The Preliminary Plan is reviewed by the Township Engineer, County Planning Commission, and, if deemed necessary, other officials. These reviewers will report their findings to the Township Planning Commission and the Board of Supervisors.

The Centre County Planning Commission will be provided with thirty (30) days from the date the application was delivered to them by the applicant to transmit their comments on the Plan.

The Preliminary Plan will be placed on the Township Planning Commission agenda for a meeting which is at least fourteen (14) days following submission. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to establish the acceptance or rejection of any recommendations and to avail the application to the below procedure for compliance with the recommendations of the Planning Commission.

All Plan reviews shall be based upon provisions of this Ordinance, as well as other applicable ordinances. All comments shall cite the provision of the ordinances relied upon or be specifically designated as a suggestion.

303.7 Compliance With Recommendations of the Township Planning Commission. In order to avoid the Township Planning Commission's recommendation for disapproval, the applicant is encouraged to comply with the recommendations of the Township Planning Commission. Should the applicant elect to revise the Preliminary Plan in accordance with the recommendations of the Township Planning Commission, prior to their report to the Board of Supervisors, three (3) copies of the revised data and one (1) application form shall be submitted to the Township Secretary, or designee, at the Township Municipal Office, on any business day, at least fourteen (14) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Submissions that are not received prior to the closing date will not be reviewed at the meeting. Revised plans will be distributed and reviewed in accordance with Sections 303.5 and 303.6.

303.8 Ruling on the Preliminary Plan. The applicant will be advised of the scheduled meeting for consideration of the Preliminary Plan by the Board of Supervisors. Attendance at the Board of Supervisors meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to establish the acceptance or rejection of any conditions of approval. The acceptance or rejection of the conditions of approval will be entered into the minutes of the Board of Supervisors. The acceptance of conditions will also be acknowledged in writing (see Appendix No. 8). If there is no acceptance of conditions of approval, the plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the Preliminary Plan no later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission that follows the date the application was filed; provided, however, should Planning Commission meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the 30th day following the date the application was filed. The Board of Supervisors shall provide the applicant with written notice of its decision within fifteen (15) days thereafter.

Should the applicant grant an extension of time within which the Board of Supervisors may act upon the Preliminary Plan and/or render a written decision, the Board of Supervisors shall act in accordance with the limits of such extension of time.

303.9 Notification of Ruling. The ruling of the Board of Supervisors shall be in the form of a written notice. The written notice shall cite the conditions of approval, if any, and/or any plan defects, citing to specific sections of this Ordinance, any applicable statute, or applicable Township Ordinance. The written notice shall be presented to the applicant personally or mailed to him at his last known address not later than fifteen (15) days

following the decision. Refusal by the applicant to accept conditions of approval shall constitute disapproval of the Plan.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Board of Supervisors, the waiver and the reasons for its necessity shall be entered into the minutes of the Board of Supervisors.

When the Preliminary Plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and, in each case, cite the provisions of the Ordinance.

Approval of the Preliminary Plan entitles the applicant to Final Plan submission, in accordance with:

- A. The terms of the Preliminary Plan,
- B. Conditions of Preliminary Plan approval, and
- C. Final Plan requirements.

Preliminary approval binds the applicant to the plan as approved. The Final Plan shall be substantially consistent with the approved Preliminary Plan. Preliminary approval does not authorize the recording, sale or transfer of lots, nor shall this plan be recorded in the office of the Centre County Recorder of Deeds.

Unconditional preliminary approval shall expire within five (5) years after being granted, unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least nine (9) days prior to the Board of Supervisors meeting that precedes the expiration date. The Township has no responsibility to inform the applicant of the termination or pending termination of an application.

303.10

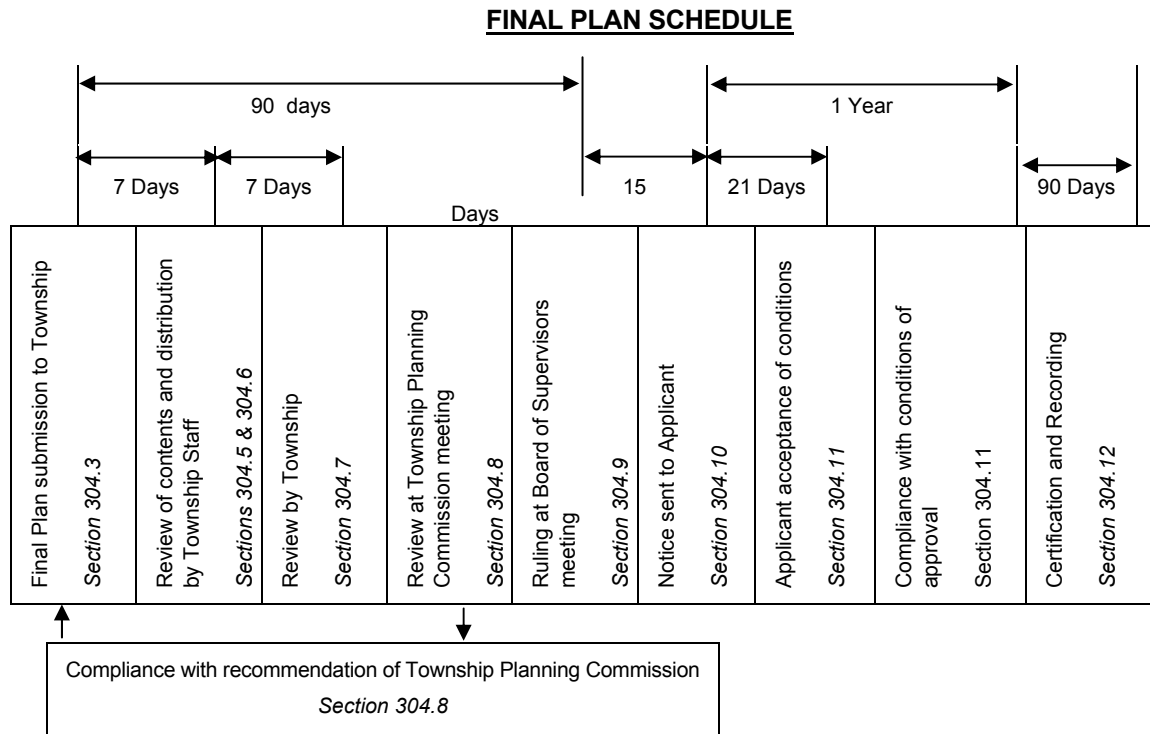
Compliance With Conditions of Approval. If the Board of Supervisors conditions its Preliminary Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on two (2) copies to be submitted to the Township Secretary, or designee. The applicant shall include a brief, written, descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain Preliminary Plan approval.

Compliance with the conditions of Preliminary Plan approval must be attained within one (1) year of the Board of Supervisors' ruling on the Plan (see Section 303.9), unless an extension is requested in writing by the applicant and granted by the Board of Supervisors. Preliminary Plans which have not complied with the conditions of approval within the above time frame shall be considered disapproved.

At the option of the applicant, and upon receipt of an unconditional Preliminary Plan approval, a Preliminary Plan may be presented to the Township for signature. (See Appendix Nos. 3 and 4 for certificate.)

Section 304 Final Plan Application

304.1 Projects That Require Final Plan Procedure. A Final Plan application is required for all subdivision and land development plans. When a Preliminary Plan application is required, in accordance with Section 303, an application for Final Plan approval can be submitted only after obtaining Preliminary Plan approval. The following is a generalized graphic depiction of the Final Plan Schedule. Refer to the text of the Ordinance for the specific and detailed description.



304.2 Consistency With Preliminary Plan. The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may include sections of an approved Preliminary Plan, provided each section independently conforms to the Ordinance, regulations and other standards of the Township, and includes a reasonable portion of the Preliminary Plan.

304.3 Submission Procedure. Final Plans shall be submitted to the designated Township Secretary, or designee, at the Township Municipal Office, on any business day. However, Final Plans must be submitted fourteen (14) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Submissions that are not received prior to the closing date will not be reviewed at the meeting.

The application record shall be closed fourteen (14) days before the Planning Commission meeting at which the plan will be considered, to allow time to examine the plans and all appropriate supporting documentation. The Township will not accept changes or amendments to the application after this date, unless the applicant applies for a rescheduling of the meeting at which the Final Plan will be considered by the Planning Commission and makes suitable provision for an extension of the review time.

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- 304.4 Application Requirements. All Final Plan applications shall include the following:
 - 304.4.1 A minimum of three (3) copies of the Final Plan and all reports, notifications and certificates which are specified in Section 403. Additional copies of the Final Plan and reports may be required by the Township. The submission of eight (8) paper copies of the design plan will provide copies of the plan to members of the Planning Commission and Board of Supervisors.
 - 304.4.2 One (1) application form (see Appendix No. 6).
 - 304.4.3 Filing fee as set by resolution of the Board of Supervisors (see Fee Schedule available at the Township Municipal Office).
 - 304.4.4 A review by Centre County Planning Commission or evidence of submission to the County.

 - 304.5 Review for Completeness of Application. The Township Secretary, or designee, shall check the plans and documents to determine if the application, documents, fee and number of copies required by this Ordinance are provided. If defective, the application may be returned to the applicant with a statement of rejection, within the seven (7) day period; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township Secretary under this section to the Board of Supervisors.

 - 304.6 Distribution. The Township Secretary, or designee, shall distribute one (1) copy of the Final Plan to the Township Planning Commission, Board of Supervisors, Township Engineer, and, if deemed necessary, other officials.

Delivery of the application, plans, reports, and other material to the Centre County Planning Commission shall be the responsibility of the applicant.

 - 304.7 Reviewing Agencies. The Final Plan is reviewed by the Township Engineer, Centre County Planning Commission, and, if deemed necessary, other officials. These reviewers will report their findings to the Township Planning Commission and the Board of Supervisors.

The Centre County Planning Commission will be provided with thirty (30) days from the date the application was delivered to them by the applicant to transmit their comments on the Plan.

The Final Plan will be placed on the Township Planning Commission agenda for a meeting which is at least fourteen (14) days following submission. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to establish the acceptance or rejection of any recommendations, and establish the intent to avail the application to the below procedure for compliance with the recommendations of the Planning Commission.

All Plan reviews shall be based upon provisions of this Ordinance, as well as other applicable ordinances. All comments shall cite the provision of the ordinances relied upon or be specifically designated as a suggestion.

 - 304.8 Compliance With Recommendations of the Township Planning Commission. In order to avoid the Township Planning Commission's recommendation for disapproval, the

applicant is encouraged to comply with the recommendations of the Township Planning Commission. Should the applicant elect to revise the Final Plan in accordance with the recommendations of the Township Planning Commission, prior to their report to the Board of Supervisors, three (3) copies of the revised data and one (1) application form shall be submitted to the designated Township Secretary, or designee, at the Township Municipal Office, on any business day, at least fourteen (14) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Submissions that are not received prior to the closing date will not be reviewed at the meeting. Revised plans will be distributed and reviewed in accordance with Sections 304.6 and 304.7.

- 304.9 Ruling on the Final Plan. The applicant will be advised of the scheduled meeting for consideration of the Final Plan by the Board of Supervisors. Attendance at the Board of Supervisors meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to establish the acceptance of any conditions of approval. The acceptance or rejection of the conditions of approval will be entered into the minutes of the Board of Supervisors. The acceptance of conditions will also be acknowledged in writing (see Appendix No. 8). If there is no acceptance of conditions of approval, the plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the Final Plan no later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission that follows the date the application was filed; provided, however, should Planning Commission meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the 30th day following the date the application was filed. The Board of Supervisors shall provide the applicant with written notice of its decision within fifteen (15) days thereafter.

Should the applicant grant an extension of time within which the Board of Supervisors may act upon the Final Plan and/or render a written decision, the Board of Supervisors shall act in accordance with the limits of such extension of time.

- 304.10 Notification of Ruling. The ruling of the Board of Supervisors shall be in the form of a written notice. The written notice shall cite the conditions of approval, if any, and/or any plan defects, citing to specific sections of this Ordinance, any applicable statute, or applicable Township Ordinance. The written notice shall be presented to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions of approval shall constitute disapproval of the Plan.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Board of Supervisors, action on the waiver shall be entered into the minutes of the Board of Supervisors.

When the Final Plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and, in each case, cite the provisions of the Ordinance.

When requested by the applicant, in order to facilitate financing, the Board of Supervisors, shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining financial security in a form satisfactory to the Board of Supervisors. The resolution's contingent approval shall expire and be deemed to be revoked if the Financial Security Agreement is not executed within ninety (90) days,

unless an extension is requested in writing by the applicant and granted by the Board of Supervisors.

- 304.11 Compliance With Conditions of Approval. If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on two (2) copies to be submitted to the Township Secretary, or designee. The applicant shall include a brief, written, descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain Final Plan approval.

If the Board of Supervisors conditions its Final Plan approval upon receipt of an improvement guarantee, the applicant shall follow either the financial security provision in Section 502 of this Ordinance, or the provision for installation of public improvements specified in Section 503 of this Ordinance.

Compliance with the conditions of Final Plan approval and submission for plan certification must be attained within one (1) year of the Board of Supervisors' ruling on the Plan (see Section 304.10), or the Township action on the plan shall be considered a disapproval unless the Board of Supervisors grants a waiver by extending the effective time period. The Township has no responsibility to inform the applicant of the termination or pending termination of an application.

- 304.12 Final Plan Certification. After approval of the Final Plan, the applicant shall present to the Township six (6) paper copies of the Final Plan. All copies of the Final Plan for certification shall be in black or blue print and bear original signatures on each certificate.

- 304.12.1 Upon payment of any outstanding plan review fee or inspection fee, the Final Plans shall be signed by the Township Planning Commission and the Board of Supervisors (see Appendix Nos. 3 and 5). One (1) paper copy of the plan will be retained by the Township.

- 304.12.2 The applicant shall submit the remaining plans to the Centre County Planning Commission for signatures and the office of the Centre County Recorder of Deeds for a Certificate of Recordation. One (1) paper copy of the plan will be retained by the Centre County Planning Commission. Two (2) paper copies will be retained by the Recorder of Deeds and two (2) paper copies shall be returned by the applicant to the Township for verification of recording.

The Final Plan shall be filed with the Centre County Recorder of Deeds within ninety (90) days of the Board of Supervisors' certification of approval. No lot may be sold and/or construction initiated until the Final Plan is filed with the Centre County Recorder of Deeds. The Township will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

- 304.12.3 Recording of the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon, unless reserved by the landowner as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedures of the Township.

- 304.12.4 If the Final Plan includes a notation to the effect that there is no offer of dedication to the public of common use areas, the title to such areas shall remain with the owner,

their heirs and assigns, and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the Final Plan.

Section 305 Alternative Plan Processing Procedure

The following are alternative procedures apply to certain types of activities that require approval by Rush Township but can be processed in an abbreviated format. In general the types of activity described below are:

- Temporary housing for elderly and farm laborer (see Section 305.1)
- Lot annexation (see Section 305.2)
- Revisions to recorded plans (see Section 305.2)
- Subdivision of up to three (3) lots (see Section 305.2)
- Land development up to two percent (2%) building coverage (see Section 305.2)

The alternate procedure may reduce the review agencies, information required and/or recording of a plan with the Centre County Recorder of Deeds. The specific requirements are provided below.

305.1 Elderly Care Housing Opportunity (ECHO) and Farm Housing. ECHO Housing and Farm Housing shall comply with the standards and plan processing procedures specified below.

305.1.2 Standards for ECHO Housing and Farm Housing.

- 305.1.2.1 ECHO Housing is limited to an additional, temporary dwelling unit placed on a property for occupancy by elderly (55 years of older) or challenged (mentally, physically, emotionally) persons related by blood, marriage or adoption to the occupants of the principal dwelling.
- 305.1.2.2 Farm Housing is limited to a temporary dwelling placed on a property for farm labor on the property that housing is placed.
- 305.1.2.3 The gross floor area devoted to the use shall not exceed one thousand (1,000) square feet.
- 305.1.2.4 Design standards of this Ordinance shall be met, except for the specific standards included in this section.
- 305.1.2.5 Occupancy shall not exceed one (1) family.
- 305.1.2.6 A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided, in addition to that required for the principal dwelling.
- 305.1.2.7 The building shall be removed from that property, converted to an accessory use, or receive land development plan approval within ninety (90) days after it no longer complies with the provisions of Section 305.1.2.

305.1.3 Plan Processing Procedures for ECHO Housing and Farm Housing.

- 305.1.3.1 An application for ECHO Housing or Farm Housing is required to include one (1) application form (see Appendix No. 6) and three (3) copies of the following:

A plan that contains all of the information specified for a Sketch Plan in Section 401 and the Proposed Feature specified in Section 403.4; and

Applicable Certification and Notification specified in Section 403.6, except for Section 403.6.2, and 403.6.10.

Applications for ECHO Housing or Farm Housing shall be submitted to the Township Municipal Office, on any business day:

The Township Secretary, or designee, shall distribute one (1) copy of the Preliminary Plan to the Township Board of Supervisors, Township Engineer, and, if deemed necessary, other officials.

305.1.3.2 The Township Engineer shall review the request and transmit recommendations to the Board of Supervisors.

305.1.3.3 The Board of Supervisors will advise the applicant of the scheduled meeting for consideration of the request. Attendance at the Board of Supervisors meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to establish the acceptance of any conditions of approval. The acceptance or rejection of the conditions of approval will be entered into the minutes of the Board of Supervisors. The acceptance of conditions will also be acknowledged in writing (see Appendix No. 8). If there is no acceptance of conditions of approval, the plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the plan no later than ninety (90) days following the date the application was filed. The Board of Supervisors shall provide the applicant with written notice_of its decision within fifteen (15) days thereafter.

Should the applicant grant an extension of time within which the Board of Supervisors may act upon the plan and/or render a written decision, the Board of Supervisors shall act in accordance with the limits of such extension of time.

When the plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and, in each case, cite the provisions of the Ordinance.

305.1.3.4 If the Board of Supervisors conditions its approval upon receipt of additional information, alterations, changes, or notifications, such data shall be submitted and/or alterations noted on two (2) copies to be submitted to the Township Secretary, or designee. The applicant shall include a brief, written, descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain plan approval.

If the Board of Supervisors conditions its plan approval upon receipt of an improvement guarantee, the applicant shall follow either the financial security provision in Section 502 of this Ordinance, or the provision for installation of public improvements specified in Section 503 of this Ordinance.

Compliance with the conditions of plan approval and submission for plan certification must be attained within one (1) year of the Board of Supervisors' ruling on the plan, or the Township action on the plan shall be considered

disapproval, unless the Board of Supervisors grants a waiver by extending the effective time period. The Township has no responsibility to inform the applicant of the termination or pending termination of an application.

- 305.1.3.5 After approval of the plan, the applicant shall present to the Township two (2) paper copies of the plan. All copies of the plan for certification shall be in black or blue print and bear original signatures on each certificate.
- Upon payment of any outstanding plan review fee or inspection fee, the plans shall be signed by the Board of Supervisors (see Appendix No. 5). One (1) paper copy of the plan will be retained by the Township.
- 305.1.3.6 The Township shall, in January of each year, review the approved ECHO Housing or Farm Housing for compliance, until such time as the ECHO Housing or Farm Housing is removed.
- 305.2 Lot Annexation Plan, Revised Record Plan, Minor Subdivision and Minor Land Development. Lot Annexation Plan, Revised Record Plan, Minor Subdivision, and Minor Land Development shall comply with the standards and plan processing procedures specified below
- 305.2.1 Standards for Lot Annexation Plan.
- 305.2.1.1 The sole purpose of the plan is to convey an area of land to an adjacent property as an addition to the existing lot of record.
- 305.2.1.2 The parcel to be added is contiguous to the receiving lot and maintains or improves the lot lines of both parcels.
- 305.2.1.3 Both the resulting remnant lot and expanded lot shall conform to the lot area and configuration requirements of the Township.
- 305.2.1.4 The subdivision plan includes the following note:
- “This plan creates a lot annexation(s). Lot No.(s) _____ cannot be represented as, or retained as, a separate lot(s), nor can Lot No.(s) _____ be used by itself (themselves) by any party for any construction or other land development.*
- The property transfer will result in the recording of a deed with the Centre County Recorder of Deeds. A copy of the recorded deed will be provided to the Township within seven (7) days of its recording.”*
- 305.2.1.5 The subdivision plan includes the following signed and notarized statement from the intended purchasers that:
- “I/We hereby certify that, as the owner(s) of adjacent land (Deed Reference No. _____) to the parcel shown as lands of _____ on this plan, it is my/our intention to acquire said parcel upon approval and recording of this plan. I/we hereby agree to incorporate Lot No. _____ with my/our adjacent landholdings into one (1) tract of land with one (1) encompassing description within ninety (90) days of transfer to my/our ownership. I/We further agree to provide a copy of the recorded deed to Rush Township within seven (7) days of its recording.”*

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- 305.2.2 Standards for Revised Record Plan.
- 305.2.2.1 The sole purpose of the plan is changed to correct an obvious error in previously-approved and recorded plan.
- 305.2.2.2 Number, location or configuration of lots, buildings or other aspects of the plan shall not change from the original understanding of the Board of Supervisors.
- 305.2.2.3 Design standards of this Ordinance shall be met.
- 305.2.2.4 A plan note shall identify the specific revision and indicate that the plan supersedes the previous plan solely as it applies to the revision.
- 305.2.3 Standards for Minor Subdivision Plan.
- 305.2.3.1 No greater than three (3) lots, plus the remaining parcel, shall be proposed from the effective date of this Ordinance.
- 305.2.3.2 Sewage disposal and water supply shall comply with the requirements of this Ordinance and are subject to the review and approval of the Sewage Enforcement Officer.
- 305.2.3.3 No streets, alleys, storm water detention/retention basins, sanitary sewer conveyance lines (not laterals), and/or water conveyance lines (not laterals) shall be proposed.
- 305.2.3.4 Design standards of this Ordinance shall be met.
- 305.2.4 Standards for Minor Land Development Plan.
- 305.2.4.1 Total building coverage (existing and proposed combined from the date of this Ordinance) shall not exceed the maximum of two percent (2%) of the property.
- 305.2.4.2 Sewage disposal and water supply shall comply with the requirements of this Ordinance and are subject to the review and approval of the Sewage Enforcement Officer.
- 305.2.4.3 No streets, alleys, storm water detention/retention basins, sanitary sewer conveyance lines (not laterals), and/or water conveyance lines (not laterals) shall be proposed.
- 305.2.4.4 Design standards of this Ordinance shall be met.
- 305.2.5 Plan Processing Procedures for Lot Annexation Plan, Revised Record Plan, Minor Subdivision, or Minor Land Development.
- 305.2.5.1 An application for Lot Annexation, Revised Record Plan, Minor Subdivision, or Minor Land Development is required to include one (1) application form (see Appendix No. 6) and three (3) copies of the following:
- A plan that contains all of the information specified for a Final Plan in Section 403; and
- A review by Centre County Planning Commission or evidence of submission to the County.
-

Applications for Lot Annexation, Revised Record Plan, Minor Subdivision, or Minor Land Development shall be submitted to the Township Municipal Office, on any business day.

The Township Secretary, or designee, shall distribute one (1) copy of the Preliminary Plan to the Township Board of Supervisors, Township Engineer, and, if deemed necessary, other officials.

305.2.5.2 The Township Engineer shall review the request and transmit recommendations to the Board of Supervisors.

305.2.5.3 The Board of Supervisors will advise the applicant of the scheduled meeting for consideration of the request. Attendance at the Board of Supervisors meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to establish the acceptance of any conditions of approval. The acceptance or rejection of the conditions of approval will be entered into the minutes of the Board of Supervisors. The acceptance of conditions will also be acknowledged in writing (see Appendix No. 8). If there is no acceptance of conditions of approval, the plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the plan no later than ninety (90) days following the date the application was filed. The Board of Supervisors shall provide the applicant with written notice of its decision within fifteen (15) days thereafter.

Should the applicant grant an extension of time within which the Board of Supervisors may act upon the plan and/or render a written decision, the Board of Supervisors shall act in accordance with the limits of such extension of time.

When the plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and, in each case, cite the provisions of the Ordinance.

305.2.5.4 If the Board of Supervisors conditions its approval upon receipt of additional information, alterations, changes, or notifications, such data shall be submitted and/or alterations noted on two (2) copies to be submitted to the Township Secretary, or designee. The applicant shall include a brief, written, descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain plan approval.

If the Board of Supervisors conditions its plan approval upon receipt of an improvement guarantee, the applicant shall follow either the financial security provision in Section 502 of this Ordinance, or the provision for installation of public improvements specified in Section 503 of this Ordinance.

Compliance with the conditions of plan approval and submission for plan certification must be attained within one (1) year of the Board of Supervisors' ruling on the plan, or the Township action on the plan shall be considered disapproval, unless the Board of Supervisors grants a waiver by extending the effective time period. The Township has no responsibility to inform the applicant of the termination or pending termination of an application.

- 305.2.5.5 After approval of the plan, the applicant shall present to the Township six (6) paper copies of the plan. All copies of the plan for certification shall be in black or blue print and bear original signatures on each certificate.
- 305.2.5.6 Upon payment of any outstanding plan review fee or inspection fee, the plans shall be signed by the Township Planning Commission and the Board of Supervisors (see Appendix Nos. 3 and 5). One (1) paper copy of the plan will be retained by the Township.
- 305.2.5.7 The applicant shall submit the remaining plans to the Centre County Planning Commission for signatures and the office of the Centre County Recorder of Deeds for a Certificate of Recordation. One (1) paper copy of the plan will be retained by the Centre County Planning Commission. Two (2) paper copies will be retained by the Recorder of Deeds and two (2) paper copies shall be returned by the applicant to the Township for verification of recording.

The plan shall be filed with the Centre County Recorder of Deeds within ninety (90) days of the Board of Supervisors' certification of approval. No lot may be sold and/or construction initiated until the Final Plan is filed with the Centre County Recorder of Deeds. The Township will not issue further approvals or permits until the evidence of recordation is provided by the applicant.
- 305.2.5.8 Recording of the plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon, unless reserved by the landowner as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedures of the Township.
- 305.2.5.9 If the plan includes a notation to the effect that there is no offer of dedication to the public of common use areas, the title to such areas shall remain with the owner(s), heir(s) and assign(s), and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the Final Plan.

Section 306 Waiver Request

- 306.1 Purpose. A waiver is the process to receive a modification of an Ordinance requirement as it applies to a specific application.
- 306.2 Standards for Waiver. In accordance with Section 804, the Board of Supervisors may waive any provision of this Ordinance when the waiver:
 - A. will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results; and,
 - B. provides reasonable utilization of the property while securing the public interest.

It shall be the burden of the applicant to demonstrate compliance with the above conditions to the satisfaction of the Board of Supervisors.

306.3 Application Requirements. All applications for waivers shall be submitted to the Township Secretary, or designee, at the Township Municipal Office, on any business day. A waiver request shall include three (3) copies of all applicable plans, reports, and supplementary data, and one (1) application form (see Appendix No. 7). If any of this information was filed with a Preliminary Plan or Final Plan, additional copies need not be submitted.

306.4 Distribution. The Township Secretary, or designee, shall distribute the waiver to the Township Planning Commission (2 copies), Board of Supervisors (3 copies), Township Engineer, and, if necessary, other officials.

306.5 Review of the Waiver. The waiver will be placed on the Township Planning Commission agenda for a meeting which is at least fourteen (14) days following submission. Attendance at the Township Planning Commission meeting is necessary to present the justifications for the waiver.

All waiver review comments shall be based upon the proposal's compliance with the conditions stated in Section 306.

306.6 Ruling on the Waiver. The Board of Supervisors shall have the authority to approve or disapprove the waiver. The Board of Supervisors may elect to consider a waiver independent of the Township Planning Commission review procedure.

In granting any waiver, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

The acceptance or rejection of the conditions of waiver will be entered in the minutes of the Board of Supervisors. The acceptance of conditions shall also be acknowledged in writing by the applicant. If there is no acceptance of conditions of approval, the waiver will be disapproved.

Action on the waiver shall be entered into the minutes of the Board of Supervisors and forwarded to the applicant. Failure of the Board of Supervisors to render a decision and communicate it to the applicant as described herein, shall not be deemed approval of the waiver.

Article 4

Information To Be Shown On or Submitted With Subdivision and Land Development Plans

Section 401 Sketch Plan

The scale and sheet size of Sketch Plans shall be as required for Preliminary Plans in Section 402.1. A landowner or representative of the landowner may prepare the Sketch Plan. It is recommended that the Sketch Plan be prepared by an engineer, land surveyor, landscape architect, or land planner.

401.1 The Sketch Plan shall show the following and be accompanied by a copy of the current deed:

401.2 Location and Identification.

401.2.1 The proposed project name or identifying title.

401.2.2 The municipality in which the project is to be located. The location of the boundary shall be shown if the property is located in the vicinity of a municipal boundary line.

401.2.3 A location map, drawn to a scale that clearly relates the property to at least two (2) intersections of existing road centerlines.

401.2.4 The name and address of the owner, authorized agent for the land, developer, and firm that prepared the plans.

401.2.5 Source of title to the land included within the subject application, as shown in the office of the Centre County Recorder of Deeds. Additionally, if the property is subject to an equitable owner, the name, address, and reference to the equity agreement shall be included.

401.2.6 The Uniform Parcel Identifier Number assigned to the property by the Centre County Tax Assessment Office.

401.2.7 The file or project number assigned by the individual that prepared the Plan, the Plan date and the date(s) of all Plan revisions.

401.2.8 A north arrow, a graphic scale and a written scale.

401.2.9 The total acreage of the entire existing property.

401.2.10 A statement on the Plan identifying, with applicable date of decision, any existing waivers.

401.3 Existing Feature.

401.3.1 Significant topographical features (areas of fifteen percent [15%] to twenty-five percent [25%] slope and areas of over twenty-five percent [25%] slope).

401.3.2 The names of all immediately-adjacent landowners, and the names and plan book record numbers of all previously-recorded plans for adjacent projects.

401.3.3 The following items shall be identified on the Plan when located on the subject property, or within two hundred feet (200') of the subject property. The Township may require the applicant to provide this information beyond two hundred feet (200') of the subject property when the item affects the property.

The location and size, including right-of-way/easement, of the existing features, including, but not limited to:

| | |
|--------------------------------|--------------------------------------|
| Access Drives | Railroads |
| Alleys | Refuse Collection Stations |
| Buildings | Rock Outcropping |
| Cable Television | Sanitary Sewer Facilities |
| Driveways | Soil Types |
| Electric Transmission Lines | Storm Water Facilities |
| Gas and Oil Transmission Lines | Street Signs |
| Healthy Tree Masses | Streets |
| Lighting | Surface and Subsurface Mine Features |
| Off-Street Loading | Telephone |
| Parking Facilities | Traffic Controls |
| Pedestrian-ways | Water Supply Facilities |
| Quarries | Wetland |

401.4 Proposed Feature.

401.4.1 New streets.

401.4.2 New lots with identification numbers in consecutive order.

401.4.3 The location and configuration of the proposed features, including, but not limited to, the following:

| | |
|--------------------|----------------------------|
| Access Drives | Pedestrian-ways |
| Buildings | Refuse Collection Stations |
| Driveways | Sanitary Sewer Facilities |
| Landscaping | Storm Water Facilities |
| Lighting | Street Signs |
| Off-Street Loading | Streets |
| Other Utilities | Traffic Controls |
| Parking Facilities | Water Supply Facilities |

401.4.4 A statement on the Plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, type of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use.
The location of each land use, if several types of uses are proposed.

- 401.4.5 Easements for utilities, access, storm water facilities, etc.
- 401.4.6 Building setback lines, with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback; however, odd or unusual-shaped lots shall be plotted with all setback lines.
- 401.4.7 Identification of buildings and other structures to be demolished. Additionally, the schedule for demolition shall be acknowledged on the Plan.
- 401.4.8 Typical street cross-section for each proposed street, and typical cross-section for any existing street, that will be improved as part of the application.
- Each cross-section shall include the entire right-of-way width. Cross-sections for improvements to existing streets shall be provided for each fifty foot (50') station location.
- 401.4.9 Proposed names for new streets, pavement markings and traffic control devices.
- 401.4.10 A statement on the Plan indicating any proposed waivers. This statement must be revised, upon action on the request to acknowledge the outcome of the requested waiver prior to recordation of the Plan.
- 401.4.11 Identification of any lands to be dedicated or reserved for public, semi-public or community use.

Section 402 Preliminary Plan

Preliminary Plans shall be prepared by an engineer, land surveyor and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare a plan of lots including metes and bounds for the property boundary and all proposed lot descriptions. Registered professionals with appropriate expertise shall prepare designs that entail their expertise. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with, the following:

- 402.1 Drafting Standard.
- 402.1.1 The Plan shall be clearly and legibly drawn at a scale of twenty feet (20') or fifty feet (50') to the inch, except that if the average size of the proposed lots are two (2) acres or more, the Plan may be drawn to a scale of one hundred feet (100') to the inch. Profile plans shall maintain a ratio of 1:10 vertical to horizontal.
- 402.1.2 Dimensions for the entire property boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one foot (1') in ten thousand feet (10,000').
- If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale.
- 402.1.3 The sheet size shall be no smaller than eighteen inches by twenty-two inches (18"x22"), and no larger than twenty-four inches by thirty-six inches (24"x36"). If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet.

If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 2).

All sheets shall be folded to the size of eight and one-half inches by eleven inches (8½"x11").

402.1.4 Plans shall be legible in every detail to the satisfaction of the Township.

402.1.5 All profile sheets shall include the corresponding horizontal alignment; utilities and storm water facilities shall be located in a given area on the same sheet to show their interrelationship.

402.1.6 All Plan information shall be provided in an easy-to-read format. Applicants are encouraged to follow the Standard Plan Format provided in Appendix No. 9.

402.2 Location and Identification.

402.2.1 The proposed project name or identifying title.

402.2.2 The municipality in which the project is to be located. The location of the boundary shall be shown if the property is located in the vicinity of a municipal boundary line.

402.2.3 A location map, drawn to a scale that clearly relates the property to at least two (2) intersections of existing road centerlines.

402.2.4 The name and address of the owner, authorized agent for the land, developer, and firm that prepared the plans.

402.2.5 Source of title to the land included within the subject application, as shown in the office of the Centre County Recorder of Deeds. Additionally, if the property is subject to an equitable owner, the name, address, and reference to the equity agreement shall be included.

402.2.6 The Uniform Parcel Identifier Number assigned to the property by the Centre County Tax Assessment Office.

402.2.7 The file or project number assigned by the firm that prepared the Plan, the Plan date and the date(s) of all Plan revisions.

402.2.8 A north arrow,

402.2.9 Graphic scale and a written scale.

402.2.10 The total acreage of the entire existing property.

402.2.11 A statement on the Plan identifying, with applicable date of decision, any existing waivers.

402.2.12 Plotting of the entire existing tract boundary with bearing and distance. If the land-owner is to retain a single lot with a lot area of ten (10) acres and no additional improvements are located with the tract, the boundary of the tract may be identified as a deed plotting and may be drawn at any legible scale.

402.3 Existing Feature.

402.3.1 Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours shall be accompanied by the location of the benchmark within or immediately adjacent to the subject property and a notation indicating the datum used.

Unless required by the Township for site evaluation, contour data is not necessary beyond the property of the applicant. The United States Geodetic Survey shall be used for benchmark datum. This information is not subject to recording with the office of the Centre County Recorder of Deeds.

402.3.2 The names of all immediately-adjacent landowners, and the names and plan book record numbers of all previously-recorded plans for adjacent projects.

402.3.3 The location and description of existing lot line markers and monuments along the perimeter of the entire existing property.

402.3.4 The following items shall be identified on the Plan when located on the subject property, or within two hundred feet (200') of the subject property. The Township may require the applicant to provide this information beyond two hundred feet (200') of the subject property when the item affects the property.

The location and size, including right-of-way/easement, of the existing features, including, but not limited to:

- | | |
|--------------------------------|--------------------------------------|
| Access Drives | Quarries |
| Alleys | Railroads |
| Buildings | Refuse Collection Stations |
| Cable Television | Rock Outcropping |
| Driveways | Sanitary Sewer Facilities |
| Electric Transmission Lines | Soil Types |
| Gas and Oil Transmission Lines | Storm Water Facilities |
| Geologic Types | Street Signs |
| Healthy Tree Masses | Streets |
| Landscaping | Surface and Subsurface Mine Features |
| Lighting | Telephone |
| Off-Street Loading | Traffic Controls |
| Parking Facilities | Water Supply Facilities |
| Pedestrian-ways | Wetland |

402.3.5 Important natural habitats when located within the subject property. For the purpose of this section, important natural habitats are defined areas plotted on the Pennsylvania Natural Diversity Inventory (PNDI) as confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered, or, have a State Rank of S1 or S2.

402.4 Proposed Feature.

402.4.1 Complete description of the centerline for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent,

arc, and chord. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000').

402.4.2 Approximate lot line dimensions and lot areas for all proposed parcels. The description shall utilize the existing deed lines along existing street rights-of-way.

402.4.3 Lot numbers in consecutive order.

402.4.4 The location and configuration of the proposed features, including, but not limited to, the following:

- | | |
|--------------------|----------------------------|
| Access Drives | Pedestrian-ways |
| Buildings | Refuse Collection Stations |
| Driveways | Sanitary Sewer Facilities |
| Landscaping | Storm Water Facilities |
| Lighting | Street Signs |
| Off-Street Loading | Streets |
| Other Utilities | Traffic Controls |
| Parking Facilities | Water Supply Facilities |

402.4.5 A statement on the Plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use.

The location of each land use, if several types of uses are proposed.

402.4.6 Easements for utilities, access, storm water facilities, etc.

402.4.7 Building setback lines, with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback; however, odd or unusual-shaped lots shall be plotted with all setback lines.

402.4.8 Identification of buildings and other structures to be demolished. Additionally, the schedule for demolition shall be acknowledged on the Plan.

402.4.9 Typical street cross-section for each proposed street, and typical cross-section for any existing street, that will be improved as part of the application.

Each cross-section shall include the entire right-of-way width. Cross-sections for improvements to existing streets shall be provided for each fifty foot (50') station location.

402.4.10 Vertical and horizontal alignment on the same sheet for each proposed street, storm water management facility, sanitary sewer (including manhole numbers), and water distribution system.

All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves for streets.

All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material.

This information is not subject to recording with the office of the Centre County Recorder of Deeds.

- 402.4.11 Proposed names for new streets, pavement markings and traffic control devices.
- 402.4.12 Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
- 402.4.13 Grading Plan for all subdivision and land development plans. Grading shall identify all surface storm water conveyance and storage facilities. This information may be provided on separate sheets and is not subject to recording in the office of the Centre County Recorder of Deeds.
- 402.4.14 A statement on the plan indicating any proposed waivers. This statement must be revised, upon action on the request, to acknowledge the outcome of the requested waiver.
- 402.4.15 Identification of any lands to be dedicated or reserved for public, semi-public or community use.

402.5 Report.

- 402.5.1 Sketch Plan. When, in the opinion of the Township, the application significantly impacts the undeveloped portion of the landholding, a plan drawn to the standards of a Sketch Plan shall identify the future development scheme.
- 402.5.2 Sanitary Sewer. When required by the Pennsylvania Sewage Facilities Act 537 of 1966, as amended, a Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Exemption must be submitted.
- 402.5.3 Storm Water Management Plan. Projects that include the installation of impervious or semi-impervious surfaces, diversion or piping of watercourse; removal of ground cover, or excavation shall comply with Section 616 and include the following information:
 - 402.5.3.1 Calculations, assumptions, criteria, and references used in the design of storm water management facilities, the establishment of capacities, and the pre-development and post-development peak discharge.
 - 402.5.3.2 For all basins, a plotting or tabulation of the storage volume and discharge curves with corresponding water surface elevations, inflow, hydrographs, and outflow hydrographs.
 - 402.5.3.3 For all proposed detention and retention basins which hold eighty-seven thousand, one hundred twenty (87,120) cubic feet or more of water (two acre feet), or have an embankment that is six feet (6') or more in height, soil structures and characteristics shall be provided. Plans and data prepared by a registered professional experienced and educated in soil mechanics shall be submitted.

These submissions shall provide design solutions for frost-heave potential, spring-swell potential, soil bearing strength, water infiltration, soil settling char-

acteristics, fill and backfilling procedures, and soil treatment techniques as required to protect the improvements or structures.

- 402.5.3.4 Description of all erosion and sedimentation control measures, temporary as well as permanent, including the staging of land-moving activities, sufficient in detail to clearly indicate their function.
- All erosion and sedimentation control measures shall conform to the requirements for the Pennsylvania Department of Environmental Protection, *Soil Erosion and Sedimentation Control Manual*.
- 402.5.3.5 Description of an ownership and maintenance program, in a recordable form, that clearly sets forth the ownership and maintenance responsibilities for all temporary and permanent storm water management facilities and erosion and sedimentation control facilities, which shall include:
- 402.5.3.5.1 Description of method and extent of the temporary and permanent maintenance requirements.
- 402.5.3.5.2 When maintained by a private entity, identification of an individual, corporation, association, or other entity responsible for ownership and maintenance.
- 402.5.3.5.3 When maintained by a private entity, a copy of the legally-binding document that provides that the Township shall have the right to:
- A. Inspect the facilities at any time,
 - B. Require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action, and
 - C. Authorize maintenance to be done by the Township, or an agent or contractor of the Township, and the lien of the cost of the work against the properties of the private entity responsible for the maintenance.
- 402.5.3.5.4 Establishment of suitable easements for access to storm water management facilities.
- 402.5.3.5.5 An assignment of responsibility to the Township is acceptable only when accompanied by an acknowledgment of the Township's formal acceptance of the responsibility.
- This document shall be recorded in the office of the Centre County Recorder of Deeds upon issuance of a permit.
- 402.5.3.6 A Pennsylvania Department of Transportation Highway Occupancy Permit for any storm water discharge onto, or storm water management facility located within, the right-of-way of any State road.
- 402.5.3.7 Notification from the Pennsylvania Department of Environmental Protection of approval for all storm water facilities that are under their jurisdiction.
- 402.5.4 Traffic Impact Report. A Traffic Impact Report shall be submitted for projects that generate greater than seven hundred fifty (750) vehicles per day.

In addition to the above, the Board of Supervisors may require a Traffic Impact Report when, in its opinion, the following conditions exist:

- A. Current traffic problems in the local area (e.g., high accident location, confusing intersection, congested intersection), or
- B. The questionable capability of the existing road system to handle increased traffic.

The Traffic Impact Report shall be prepared in accordance with PennDOT *Publications 201 and 282*; ITE's Recommended Practice "Traffic Access and Impact Studies for Site Development," and shall conform to the following.

At the request of the applicant, the Township may approve a waiver of the Traffic Impact Report and accept either a specific capacity improvement or contribution to the Township of a fee in-lieu-of a capacity improvement to be made at a future date.

402.5.4.1 **Area of Traffic Impact Report.** The Traffic Impact Report area shall be based on the characteristics of the surrounding area. The intersections to be included in the Report shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report.

The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.

402.5.4.2 **Preparation by Transportation Engineer Required.** Traffic Impact Reports shall be prepared by a Professional Engineer registered in PA with specific training in traffic and transportation engineering, at least four (4) years experience related to preparing traffic reports for existing or proposed developments, and sufficient prior traffic study experience to qualify the engineer to render any opinions and recommendations in the Report.

402.5.4.3 **Horizon Year.** The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build-out and occupancy. The build-out year shall be referred to as the horizon year in the remainder of this Ordinance, and shall be a minimum of ten (10) years.

402.5.4.4 **Traffic Data, Projections and Analysis Periods.** Traffic data used in the report shall not be more than one (1) year old.

Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the study area for which preliminary and/or final plans have been approved, and traffic from background traffic growth in and around the study area. Non-site traffic may be estimated using the "build-up" technique, or, by way of area transportation plan data or modeled volumes. Background growth compounded annually shall be established using trends or growth rates from PennDOT.

Analyses shall be conducted for the AM and PM peak hour periods. If the study area includes an intersection on an arterial roadway, or if the proposed development includes retail related uses, then the Saturday peak hour period shall be analyzed. Where the peak hour of the generator does not coincide

with the peak hour of the adjacent street, then the peak hour of the generator shall also be analyzed.

- 402.5.4.5 **Trip Generation Rates Required.** The Traffic Impact Report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of *Trip Generation* by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the Report. The anticipated types and volumes of truck traffic using the site shall be identified.

The methodology for determining trip generations shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.

- 402.5.4.6 **Consideration of Pass-By Trips.** If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.

- 402.5.4.7 **Rate Sums.** Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Report.

- 402.5.4.8 **Explanations Required.** The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the Report.

- 402.5.4.9 **Definition of Influence Area.** Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using trip data from an existing development with similar characteristics, or using an existing origin-destination survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact.

- 402.5.4.10 **Estimates of Trip Distribution Required.** Trip distribution can be estimated using any one of the following three methods:

- A. Analogy,
- B. Trip distribution model, or
- C. Surrogate data.

The methodology for determining trip distribution shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (e.g., residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.

402.5.4.11 Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and, in large projects (those producing five hundred [500] or more additional peak direction trips to or from the site during the development's peak hour), through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

The methodology for determining trip assignments shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Report. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.

If a thorough analysis is required to account for pass-by trips, the following procedures should be used:

- A. Determine the percentage of pass-by trips in the total trips generated,
- B. Estimate a trip distribution for the pass-by trips,
- C. Perform two separate trip assignments, based on the new and pass-by trip distributions, and
- D. Combine the pass-by and new trip assignment.

Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical, given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

402.5.4.12 Total Traffic Impacts. Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The Traffic Impact Report should clearly depict the total traffic estimate and its components.

402.5.4.13 Analysis. Traffic analyses shall be completed for the existing conditions and opening day/buildout year and Horizon year, both without and with development. Analyses may consider proposed roadway improvements only if said improvements have funding committed by the sponsoring agency (i.e., for State projects, this would include only those projects in the current TIP).

Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the Report area. In addition, analyses must be completed for roadway segments,

deemed sensitive to site traffic within the Report area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other locations may be deemed appropriate depending on the situation.

The recommended level of service analysis procedures detailed in the most recent edition of the *Highway Capacity Manual* must be followed. The Township considers the overall level of service ratings A, B and C to be acceptable; level of service ratings D, E and F are considered to be unacceptable.

The operational analyses in the *Highway Capacity Manual* should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric and control parameters can be established.

Capacity analysis, as defined by the *Highway Capacity Manual*, is a set of procedures used to estimate the traffic-carrying ability of a facility over a range of defined operational conditions. The capacity analysis uses levels of service (LOS) to describe the operational conditions. A brief description of the various levels of service is presented below. Levels of service are assigned letter designations "A" to "F," with "A" being the most desirable operating conditions. A level of service "D" is generally acceptable according to the Institute of Transportation Engineers standards.

At an unsignalized intersection, the level of service measures the ability for turning traffic to find gaps in the major street traffic flow that permit the successful completion for the desired turning movement.

For signalized intersections, the level of service measures the total control delay time per vehicle. Also, the volume-to-capacity ratio relates to the level of service at these facilities. This ratio relates the peak hour traffic volumes for a facility to a theoretical maximum traffic volume that the facility can carry.

Level of Service A: A condition of free flow with low traffic density and high maneuverability within the traffic stream. No vehicle waits longer than one signal indication.

Level of Service B: Stable flow of traffic with negligible impact from other vehicles in the traffic stream. On a rare occasion, drivers wait through more than one signal indication.

Level of Service C: Still in the zone of stable flow, but ability to select operating speed and maneuverability is restricted. Intermittently, drivers must wait through more than one signal indication and backups may develop behind left-turning vehicles.

Level of Service D: Approaching instability; drivers are restricted in their freedom to change lanes. Delay of approaching vehicles may be substantial during peak hours.

Level of Service E: Traffic volumes are near or at capacity on the arterial. Long queues of vehicles may create lengthy delays, especially for left-turning vehicles.

Level of Service F: Congested conditions of forced traffic flow where travel is slowed by stop and go conditions. Queued backups from locations downstream restrict or prevent movement of vehicles out of the approach, creating a storage area during part of all of the peak hour.

| LEVEL OF SERVICE CHARACTERISTICS | | | | |
|----------------------------------|------------------------------|---|-------------------------|---|
| Level of Service (LOS) | Unsignalized Intersection | | Signalized Intersection | |
| | Average Total Delay, sec/veh | Expected Delay to Minor Street Traffic | Stopped Delay, sec/veh | Expected Problems to Intersection |
| A | ≤ 10 | little or no delay | ≤ 10 | very low delay |
| B | > 10 and ≤ 15 | short traffic delays | > 10 and ≤ 20 | stable flow of traffic with minimal delay |
| C | > 15 and ≤ 25 | average traffic delays | > 20 and ≤ 35 | number of vehicles stopping is significant |
| D | > 25 and ≤ 35 | long traffic delays | > 35 and ≤ 55 | influence of congestion becomes more noticeable |
| E | > 35 and ≤ 50 | very long traffic delays | > 55 and ≤ 80 | limit of acceptable delay |
| F | > 50 | extreme delays – usually warrants improvement to the intersection | > 80 | over-saturated and unacceptable |

Where a Level of Service F results, the associated delay shall be noted in the study. Utilize existing peak hour factors and site specific truck and roadway grade percentages.

Traffic Signal Warrant analyses shall be completed for each unsignalized intersection which is shown to have an approach operating at a Level of Service E or F.

Where existing traffic signals are present or proposed, analyses of the need for signalized left-turn phases shall be completed in accordance with PennDOT *Publication 149*.

Queue length analyses shall be completed for each lane group. The need for acceleration and deceleration lanes shall be presented in the Report. The need for right-turn and left-turn lanes shall also be evaluated. For unsignalized intersection, the ITE Report, "Guidelines for Left-Turn Lanes" shall be used as the basis for determining the need for said lanes.

Accident data for the most recent three-year period shall be presented and analyzed for trends, type of accidents and causation factors.

402.5.4.14

Required Levels of Service. The Traffic Impact Report shall identify the improvements necessary to meet the goals of the Report. The applicant shall be responsible for the improvements required to meet the goals of the Traffic Impact Report. The goals of the Traffic Impact Report are to:

- A. Provide safe and efficient movement of traffic within the site and on surrounding roads,
- B. Minimize the impact of the project upon non-site trips,

- C. Not allow the levels of service at intersections currently rated A or B to be worse than C, and,
- D. To maintain the current levels of service at intersections with ratings of C or lower, and to ensure that the level of service for each specific lane group is maintained at current levels of service, or for Level of Service, the current level of delay.

402.5.4.15

Documentation Required. A Traffic Impact Report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the Report. The Township may, by waiver, allow an abbreviated Traffic Impact Report when sufficient data is available to identify levels of service and required improvements, provided the applicant contributes a fair share of the improvement cost.

- A. The documentation for a Traffic Impact Report shall include, at a minimum:
 - a. Statement of purpose and objectives.
 - b. Description of the site and study area. This site description shall include the size and location of existing and proposed land uses, current zoning, project phasing and opening/buildout year. Provide a description of the internal transportation system, including proposed vehicular, pedestrian and bicycle circulation, recommendations for traffic control and traffic calming devices and parking conditions. Provide a description of the external transportation system to include functional classification, ADT, right-of-way, cartway and shoulder widths, posted speed limits, and intersection controls and channelization.
 - c. Existing conditions in the area of the development.
 - d. Recorded or approved nearby development.
 - e. Trip generation, trip distribution and modal split.
 - f. Projected future traffic volumes.
 - g. An assessment of the change in roadway operating conditions resulting from the development traffic.
 - h. Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - i. An estimate of pedestrian trips generated by the proposed development, and a distribution of those trips. Also include a description in the report of pedestrian facilities in and near the proposed development.
- B. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
- C. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.
- D. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.

- E. To facilitate examination by the Township Planning Commission and Board of Supervisors, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions and recommendations.
- F. The report documentation outlined above provides a framework for site traffic access/impact reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements and the Report results may warrant additional sections.

402.5.5 Wetland Study. When a wetland is identified on an inventory conducted by a State or Federal agency, or the Township suspects the presence of a wetland, a Wetland Study shall be performed by a professional soil scientist, biologist, hydrologist, wetland ecologist, or other demonstrated qualifications. The Township may require a second study, at the applicant's expense, by another mutually-chosen professional or a "Jurisdictional Delineation" by the U.S. Army Corps of Engineers.

The Wetland Study shall identify the location of existing wetland as determined by the standards of either the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, PA DEP, or the U.S. Soil Conservation Service.

All subdivision and land development plans shall identify by plan note the Wetland Study and the location of all wetland areas.

402.5.6 Additional Studies and Reports. The Township may require the applicant to prepare studies and reports that address the proposal's coordination with the existing facilities necessary to service the development and Township according to the standards of this Ordinance, or to the level of service that existed prior to the development.

402.6 Certification and Notification.

402.6.1 Where the land included in the subject application has an electric, telecommunication or telephone transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the property, the application shall be accompanied by a copy of the right-of-way agreement, or a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

402.6.2 A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct (see Appendix No. 1). This statement must be placed on both plans and reports.

402.6.3 A copy of the current deed, along with a statement on the Plan acknowledging that the subdivision or land development shown on the Plan is presented with the consent of the landowner.

402.6.4 A statement that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before any improvements are initiated within a State highway, or a street, access drive, or driveway intersection to a State highway is permitted.

Approval of this subdivision/land development plan shall in no way imply that a State Highway Permit can be acquired or that the Township will support, encourage or not oppose the granting of such a permit. It is possible that access to the property from a State Highway will not be permitted by the Commonwealth and the property, therefore, cannot be used for the intended purpose. Owners are accordingly warned, and should govern themselves accordingly, acquiring State permits before purchasing any premises.

The applicant shall include Township comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission. Any conditions listed in a Permit shall be noted on the Plan.

402.6.5 An application (see Appendix No. 6).

402.6.6 (Optional) A statement acknowledging Township action (see Appendix Nos. 3 and 4).

402.7 Filing Fee. The Preliminary Plan shall be accompanied by a check or money order drawn to Rush Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Municipal Office.

Section 403 Final Plan

Final Plans shall be prepared by an engineer, land surveyor and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare a plan of lots including metes and bounds for the property boundary and all proposed lot descriptions. Registered engineers with appropriate expertise shall prepare designs that entail engineering. Except for the Alternative Plan Processing Procedure in Section 305, the Final Plan shall show, be accompanied by, or be prepared in accordance with the following:

403.1 Drafting Standard. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.1.

403.2 Location and Identification. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.2.

403.3 Existing Feature. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.3.

403.4 Proposed Feature. In addition to the following data, the same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.4:

403.4.1 Complete description of the centerline and right-of-way line for all new and existing streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000').

403.4.2 Complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing, and distance. The description may utilize the existing deed lines or road centerlines along existing street rights-of-way. The description shall be prepared to the right-of-way lines along all proposed street rights-of-way. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000').

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- 403.4.3 Locational dimensions for easements with sufficient detail to provide easy on-site location. Easements which do not follow property lines shall be located by a centerline metes and bounds description.
- 403.5 Report. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.5. If the reports were submitted with the Preliminary Plan and the contents are unchanged, they may be submitted by reference, as opposed to full text submission.
- 403.6 Certification and Notification. In addition to the following data, the same standards are required for a Final Plan, as specified for a Preliminary Plan in Section 402.6:
- 403.6.1 Statement acknowledging Final Plan approval (see Appendix No. 5). This statement must be placed on all sheets which are subject to recording with the office of the Centre County Recorder of Deeds.
- 403.6.2 Statement acknowledging Plan review by the Township Planning Commission (see Appendix No. 3). This statement must be placed on all sheets which are subject to recording with the office of the Centre County Recorder of Deeds.
- 403.6.3 Notice from the PA DEP that a Sewer Facilities Plan Revision or Exemption has been approved.
- 403.6.4 A copy of the current deed, along with a notarized statement on the Plan signed by the landowner, duly acknowledged before an officer authorized to take acknowledgment of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded (see Appendix No. 2). This must be dated following the last change or revision to said plan.
- 403.6.5 Statement of dedication of streets and other public property, as well as area that is not to be offered for dedication (see Appendix No. 2).
- 403.6.6 Deed of dedication to the Township for all areas that are fully improved and offered for dedication to the Township.
- 403.6.7 Submission of a controlling agreement in accordance with Section 602.2, when an application proposes to establish streets which are not offered for dedication to the Township or State.
- 403.6.8 Such written notices of approval, as required by this Ordinance for street name, water supply systems, sanitary sewage systems, DEP permits, and storm water runoff to adjacent properties.
- 403.6.9 Copy of the Highway Occupancy Permit for such intersection if a project includes a new street, access drive, or driveway intersection with a State Route. In lieu of a permit, the Township may permit the following note to be placed on the Plan:
- "A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before a driveway access to a State Highway is permitted. Access to the State Highway shall only be as authorized by a Highway Occupancy Permit."

Approval of this subdivision/land development plan shall in no way imply that a State Highway Permit can be acquired or that the Township will support, encourage or not oppose the granting of such a permit. It is possible that access to the property from a State Highway will not be permitted by the Commonwealth and the property, therefore, cannot be used for the intended purpose. Owners are accordingly warned, and should govern themselves accordingly, acquiring State permits before purchasing any premises.

Any conditions listed in a Permit shall be noted on the Plan.

- 403.6.10 Statement to accommodate the Centre County Recorder of Deeds information (see Appendix No. 5).
 - 403.6.11 Improvement guarantees in accordance with Article 5.
 - 403.6.12 Application (see Appendix No. 6).
 - 403.6.13 Executed Developers Agreement which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements (see Appendix No. 11).
- 403.7 Filing Fee. The Final Plan shall also be accompanied by a check or money order drawn to Rush Township in an amount specified on the fee schedule adopted by the resolution of the Board of Supervisors and available at the Township Municipal Office.

Section 404 As-Built Plan

As-Built Plans shall be prepared by an engineer or land surveyor registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. Registered professionals with appropriate expertise shall prepare designs that entail their expertise. The As-Built Plan shall show, be accompanied by, or be prepared in accordance with, the following:

- 404.1 Drafting Standard. The same standards are required for an As-Built Plan as specified for a Preliminary Plan in Section 402.1.
- 404.2 Location and Identification. The same standards are required for an As-Built Plan as specified for a Preliminary Plan in Section 402.2.
- 404.3 Existing Feature. The same standards are required for an As-Built Plan as specified for a Preliminary Plan in Section 402.3.
- 404.4 Proposed Feature. The same standards are required for an As-Built Plan as specified for a Preliminary Plan in Section 402.4 and a Final Plan in Section 403.4.
- 404.5 Report. If any deviation from the approved drawings alter the findings, conclusions or calculations from the reports required in Sections 402.5 and 403.5, the As-Built Plan shall include an amended report. If the reports are unchanged, they may be submitted by reference, as opposed to full text submission.

Article 5

Improvement Guarantees

Section 501 General

No project shall be considered in compliance with this Ordinance until all improvements required by this Ordinance have been constructed, and installed by the developer, as shown on the approved Final Plan, and all supplemental plans and drawings accompanying the Preliminary Plan and approved Final Plan.

The developer shall execute a Developer's Agreement (see sample memorandum Appendix No. 11), which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of the improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution.

All improvements shall be constructed in accordance with the applicable specifications of this Ordinance or other ordinances of the Township or rules and regulations of any Authority or utility company having jurisdiction, or other applicable regulations. Where no Township specification applies, specifications prepared by the Township Engineer shall be used.

When sanitary sewer and water supply facilities are to be installed under the jurisdiction, and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion, and maintenance thereof, shall be posted in accordance with the regulations of the controlling public utility or municipal authority, and shall not be included with the financial security as otherwise required by this section.

The applicant is not required to provide financial security for the cost of any improvements for which financial security is required by, and provided to, the Pennsylvania Department of Transportation in connection with the issuance of a Highway Occupancy Permit pursuant to Section 520 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law."

No Final Plan shall be signed by the Board of Supervisors for recording in the office of the Centre County Recorder of Deeds, unless: (1) a financial security in accordance with Section 502 is accepted by the Board of Supervisors, and the Board of Supervisors has received confirmation that the public utility or municipal authority has been provided with financial security, if applicable, and/or (2) the improvements required by this Ordinance have been installed, in accordance with Section 503.

Section 502 Financial Security

The administration of the financial security shall comply with the provisions of this Article, the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended by Act 170 of 1988, and as subsequently amended, and other applicable laws of the Commonwealth.

- 502.1 Submission of Financial Security. Final Plan applications which include required improvements that have not been installed shall include financial security and Memorandum of Understanding (see sample memorandum available at the Township Municipal Office).
- 502.1.1 Type of Financial Security. Financial security must comply with the following, and is subject to review by the Township Solicitor and Board of Supervisors for adequacy:
- 502.1.1.1 Irrevocable Letter of Credit. A letter provided by the developer from a Federal or Commonwealth-chartered financial institution, which is authorized to conduct such business within the Commonwealth.
- 502.1.1.2 Escrow Account. A deposit of cash, either with the Township, or in escrow, with a Federal or Commonwealth-chartered financial institution, which is authorized to conduct such business within the Commonwealth.
- 502.1.1.3 Security Bond. A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania.
- 502.1.2 General Contents. The terms of any financial security documents shall be acceptable to the Township Solicitor. In addition to other information required by the Township, financial securities shall include the following:
- 502.1.2.1 The amount of secured funds.
- 502.1.2.2 In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement, the funds shall be paid to the Township immediately and without further action, upon presentation of a signed draft in an amount necessary to finance the completion of those improvements, up to the limit of the security.
- 502.1.2.3 The security is irrevocable and may not be withdrawn, or reduced in amount by other than the Township, until released or partially released by the Township.
- 502.1.3 Amount of Financial Security. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements, as of the expiration of the 90th day after either the original date scheduled for completion, or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Ordinance.

The amount of financial security required shall be based upon an estimate of the cost of completion (including quantities and unit cost) of the required improvements, submitted by a developer, and prepared and certified by an engineer to be a fair and reasonable estimate of such cost.

If the party posting the financial security requires more than one (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 ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security, or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements, as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.

502.2 Release of Financial Security. When all or part of the financially-secured improvements are completed, the developer may notify the Board of Supervisors and request a release of the financial security. Requests for a reduction of a portion of the financial security shall be limited to an amount that is at least a minimum twenty percent (20%) of the original total financial security, unless a smaller percentage equals at least one hundred thousand dollars (\$100,000).

All requests for release of financial security shall be in writing, by certified or registered mail, to the Board of Supervisors, at the Township Municipal Office, and a copy thereof shall be sent to the Township Engineer. This notice shall include the "As-Built Plan," in accordance with Section 507, and specifically identify in writing the improvements for which a reduction in the financial security is requested.

After receipt of notice for release of financial security, the Board of Supervisors shall, within ten (10) days, authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, within thirty (30) days of authorization, file a written report with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The 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, are not approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report in writing, by certified or registered mail, of the action of the Board of Supervisors with relation thereto.

If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

A portion of the financial security may be retained as a maintenance guarantee in accordance with Section 505.

502.3 Other Remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 503 Installation of Public Improvement In Conjunction With Conditional Final Plan Approval

The procedure is available for the installation of required improvements in-lieu-of placing financial security with the Township.

503.1 Authorization for Construction. The applicant may receive approval to construct only the improvements required as part of this Ordinance, upon receipt of conditional Final Plan approval, with the only outstanding condition being the guarantee of public improvements, and the recording of the Plan. However, the approvals/permits from other agencies with jurisdiction shall be obtained.

The construction of improvements is limited to streets, street signs, survey monuments and markers, required by this Ordinance, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for multiple use, water supply facilities for multiple use, fire hydrants, and other such improvements.

The application (see Appendix No. 10) shall be submitted to the Township Secretary, or designee, at the Township Municipal Office, on any business day. The Township Secretary, or designee, shall review the application and notify the applicant in writing if all conditions are met and the construction of public improvements is authorized.

503.2 Completion of Public Improvement. When all or part of the required improvements are completed, the developer shall notify the Board of Supervisors. Except for mandatory inspection during construction, notification of completion of a portion of the required improvements is only necessary should the developer elect to financially secure the remaining improvements in accordance with Section 502.

Notification of completion of improvements shall be in writing, by certified or registered mail, and a copy thereof shall be sent to the Township Engineer. This notice shall include the "As-Built Plan," in accordance with Section 507.

After receipt of notice that improvements are completed, the Board of Supervisors shall, within ten (10) days, authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, within thirty (30) days of authorization, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer, by certified or registered mail. The 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, are not approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report in writing, by certified or registered mail, of the action of the Board of Supervisors with relation thereto.

If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

Nothing herein, however, shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

Section 504 Dedication of Improvement

All improvements shall be deemed to be private improvements and only for the benefit of the specific project, until such time as the same have been offered for dedication, and formally accepted by the Board of Supervisors. No responsibility of any kind with respect to improvements shown on the plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall be made in accordance with Township rules and regulations, and shall include all information required by the Township for processing such a request, and shall be accompanied by a required filing fee.

Section 505 Maintenance Guarantee

The Board of Supervisors shall require the developer to submit a maintenance guarantee or other approved guarantee as specified herein, guaranteeing the structural integrity, as well as function of any improvement shown on the Final Plan, for a term not to exceed eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guarantee shall be fifteen percent (15%) of the actual cost of installation of said improvements and be of the same type of financial security as required in this Article. Maintenance guarantee shall not start until as-built plans are approved by the Township (see Section 507).

Section 506 Inspection of Public Improvement During Construction

Observations shall be required before the start of construction, during installation of materials and structures, and upon the completion of all improvements. Before the initiation of construction, the developer shall arrange a pre-construction meeting with the Township Engineer, Township Roadmaster, or designee(s), so that an observation schedule can be coordinated within the construction schedule. The Township Engineer, Township Roadmaster, or designee(s), shall be notified five (5) working days in advance of any intended date of construction. The provisions stated herein shall not be construed as mandating periodic inspections, and the undertaking of periodic observations shall not be construed as an acceptance of the work during construction or as a final observation of the construction.

The Township, at the expense of the developer, reserves the right to require drawing details, shop drawings, and tests by approved testing facilities, to determine whether the improvement complies in all respects with the requirements of the Township.

506.1 Inspection of Public Improvements by Township. The portions of the construction listed herein shall be inspected as follows:

506.1.1 Underground Utilities. Inspection of utility installation shall be performed by the utility company or utility authority having jurisdiction. Inspection and testing of trench backfill, pipe/conduit installation, including service laterals, relays, meter pits, hand holes, transformer foundations, poles, guide wires, manholes, prior to backfilling.

506.1.2 Concrete Curb. Observation before installation of string line to show curb, grade and alignment. Constant and full-time inspection of material placement, including the submittal of all certified material delivery slips.

506.1.3 Sidewalk. Constant and full-time inspection of material placement, including the submittal of all certified material delivery slips.

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- 506.1.4 Storm Drainage Easements. Observation of finish grade elevations, alignments and profiles of each storm drainage easement.
- 506.2 Soil Erosion and Sediment Pollution Control. The developer may, without the need for inspection during construction, construct the erosion and sediment pollution control facilities. Upon completion of construction of the erosion and sediment pollution control facilities, Developer shall contact the Township Engineer and/or designee to inspect the same. Developer shall not proceed with construction of any other public improvement until such time as the erosion and sediment pollution control facilities have been inspected and approved in writing by the Township Engineer.
- 506.3 Clearing and Grubbing. Developer may, after the erosion and sediment pollution control facilities have been inspected and approved by the Township Engineer thereof, and without the need for inspection, conduct the clearing and grubbing and other grading work within the development.
- 506.4 Sewage Disposal System. Developer shall be solely responsible to ensure that the Township Engineer is notified at least five (5) working days prior to commencement of the construction of said sewage disposal system and shall permit the Township Engineer, Township Roadmaster, or designee(s), to inspect construction of said sewage disposal system on a constant and full-time basis.
- 506.5 Storm Water Management Facilities. Developer shall permit the Township Engineer, Township Roadmaster, or designee(s), to inspect the storm water management facilities on a constant and full-time basis during the construction of the storm water management facilities. The storm water management facilities shall include, but not be limited to, detention basins, retention basins, infiltration basins, ditches and ditch linings, swales and swale linings, storm sewers, culverts, inlets, manholes, end walls, and cross pipes. Developer shall be solely responsible to ensure that the Township Engineer is notified at least five (5) working days prior to commencement of the construction of said storm water management facilities.
- 506.6 Street. Street to be offered for dedication to the Township shall be inspected as follows:
- 506.6.1 Clearing and Grubbing. Developer may, without the need for inspection, conduct the clearing and grubbing of the roadways within the development.
- 506.6.2 Rough Grading (Cut and Fill Stage). Developer shall have the right to employ an independent testing laboratory, approved by the Township Engineer, to conduct soil and soil compaction tests, and said laboratory shall present a certification to the Township which shall state the fill on every portion of the roadways is conducted in accordance with PennDOT *Publication 408 Specifications, Section 210.3.*, latest edition. In the event developer employs such a laboratory and the Township receives said certifications, no inspection by the Township shall be required during the rough grading of the roadways (cut and fill stage). In the event developer does not employ an independent testing laboratory to test the fills on the roadways, the Township Engineer, Township Roadmaster, or designee(s), shall be present to inspect on a constant and full-time basis the entire construction of the rough trade of the roadways. Developer shall be solely responsible to ensure that the Township Engineer is notified at least five (5) working days prior to commencement of the construction of rough grade of the roadways. Upon completion of the rough grading of the roadway and receipt by the Township of said certification of the independent laboratory (if Developer employs same), developer shall, prior to proceeding with any further construction whatsoever on the roadways, notify the Township Engineer, Township Roadmaster, or designee(s), to

permit the Township to inspect the completed rough grade (cut and fill) of the roadways.

- 506.6.3 Subbase, Base Course and Wearing Course. In the event the Township approves the rough grading of the roadways, developer shall provide the Township Engineer, Township Roadmaster, or designee(s), at least five (5) working days notice prior to construction of the subbase of the roadways. The Township Engineer, Township Roadmaster, or designee(s), shall conduct constant and full-time inspection of the roadways during construction of the subbase, base course and wearing course of the roadways.

Section 507 As-Built Plan

Upon completion of all required improvements, and prior to final observation of improvements, the developer shall submit an "As-Built Plan," according to the specification of Section 404, showing the actual location, dimension and elevation of all existing improvements. The As-Built Plan submission shall also include, when necessary, a revised deed for all lands that are fully improved and offered for dedication. The As-Built Plan shall include a plan note that specifically identifies all deviations from the previously approved drawings. The applicant's engineer shall certify that the construction of all facilities were completed in accordance with the As-Built Plan. Two (2) paper copies of the plan and one (1) application (see Appendix No. 6) shall be submitted to the Township Secretary, or designee, at the Township Municipal Office. The Township Secretary, or designee, shall distribute one (1) copy of the plan to the Township Engineer, and retain a copy for the Township files.

Article 6

Design Standards

Section 601 General

The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

Subdivisions and/or land developments shall be designed to comply with the requirements of the Township, Department of Environmental Protection, and Department of Transportation, as applicable.

601.1 Property Analysis. Characteristics, such as site configuration, geology, soil, topography, water bodies, ecology, vegetation, structures, road network, visual features and past/present use shall be considered in the design of the proposal. To the greatest extent possible, designs should:

- 601.1.1 Preserve the natural features of the site;
- 601.1.2 Avoid areas of environmental sensitivity; and,
- 601.1.3 Minimize negative impacts and alteration of natural features.

Section 602 Street

602.1 General Street Circulation. Streets, alleys, driveways, and access drives form the circulation system. The circulation system shall be designed to:

- 602.1.1 Permit the safe, efficient and orderly movement of vehicles and facilitate adequate access for emergency vehicles;
- 602.1.2 Provide, when possible, two directions of vehicular access by means of a street or access drive to and within a development;
- 602.1.3 Meet the needs of the present and future population;
- 602.1.4 Provide a simple and logical pattern;
- 602.1.5 Function under a hierarchy system where the intensity of intersections decreases as traffic volumes and speed increase;
- 602.1.6 Respect the natural features and topography; and,

602.1.7 Present an attractive streetscape.

All street design elements shall conform to the standards of this Ordinance and the Rural Design Criteria in the latest edition of the Pennsylvania Department of Transportation *Design Manual Part 2, Highway Design* and AASHTO *A Policy on Geometric Design of Highways and Streets*.

602.2 Private Street. Private streets are prohibited, unless such streets meet the design standards of a public street and the objectives of the development warrant private ownership of streets. In all situations, the approval of a private street shall be at the discretion of the Board of Supervisors.

Applications that propose private streets shall include an agreement that shall be recorded with the office of the Centre County Recorder of Deeds in conjunction with the Final Plan. To avoid a delay, the applicant is encouraged to submit the agreement with the Preliminary Plan. Said agreement shall stipulate the following:

602.2.1 The street shall be constructed and maintained in conformance with the public street standards of this Ordinance.

602.2.2 Any future offer of dedication will include sufficient funds, as estimated by the Township, to return the street to the current public street standards.

602.2.3 An offer for dedication will include whole streets and adequate circulation.

602.2.4 Provision for assessing maintenance and repair cost to the owners of adjacent lots.

602.2.5 Provision whereby an agreement by the owners of a set percentage of the frontage is binding on the remaining lot owners.

602.2.6 Provision whereby all amendments to the agreement are subject to the review and approval of the Township.

602.3 Improvements to Existing Street. Improvement to existing streets may be required by the Township when a subdivision and/or land development abuts a Township street and/or State Route that does not conform to the right-of-way or improvement standards of this Ordinance.

602.3.1 Compliance With Traffic Impact Report. Where the Traffic Impact Report (see Section 402.5.4) indicates that street improvements are required, the application shall include the installation of the improvements. The applicant shall be responsible for the improvements required to meet the goals of the Traffic Impact Report. The goals of the Traffic Impact Report are to:

602.3.1.1 Provide safe and efficient movement of traffic within the site and on surrounding roads;

602.3.1.2 Minimize the impact of the project upon non-site trips;

602.3.1.3 Not allow the levels of service at intersections currently rated A or B to be worse than C;

602.3.1.4 Maintain levels of service that are C or D; and,

- 602.3.1.5 Improve levels of service E or F to D.
- 602.4 Designated Design Speed. Horizontal and vertical street alignments shall be consistent with the proposed posted speed limit. The development plan must identify the intended design speed for each street. The designated design speed is subject to Township approval. Arterial Street shall not exceed a design speed of 55 mph. Collector Street shall not exceed a design speed of 35 mph. All other streets shall not exceed a design speed of 25 mph. The posted speed limit shall not exceed the design speed limit.
- 602.5 Street Function. Streets shall be designed to form continuations of streets with similar function and access streets of a greater function.
- Local Streets shall be laid out to discourage excessive speeds. Streets shall conform to the circulation routes of the Township, adjoining development patterns, topography, and natural features.
- The Arterial Street provides for traffic flow between municipalities. Direct access to adjoining properties is a minor and secondary responsibility of an Arterial Street. Development that adjoins Arterial Streets is required to conform to the following:
- 602.5.1 No vehicular access is permitted along an Arterial Street when alternative access is possible from a street of less classification.
- 602.5.2 Access routes to Arterial Streets are encouraged to provide for use by adjoining properties to coordinate and reduce the number of access points.
- Shared access drives, feeder roads, marginal access streets, reverse frontage lots, or other such treatment are encouraged to reduce the number of intersections along Arterial Streets.
- 602.5.3 Intersections of streets with Arterial Streets shall not be located closer than one thousand feet (1,000'), measured along the centerline of the Arterial Street.
- Intersections of access drives with Arterial Streets shall not be located closer than five hundred feet (500').
- 602.6 Street Provisions for Future Development. Where the Township determines it appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent land. Areas reserved for street usage shall include sufficient area to establish street and lot grades and the extent of area necessary to construct the street. The Township may require the extension of sanitary sewer and water supply lines within the future street area. An agreement satisfactory to the Township and Township Solicitor shall be submitted for the construction and future removal of the temporary turnaround.
- Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a property being developed, the adjacent street shall be extended into the proposed project, provided this use is not adverse to significant man-made or natural features of the site.
- When connecting a proposed street to an existing temporary cul-de-sac, such connection and all restoration work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

602.7 Street Sign, Traffic Controls and Street Names. Street signs, including name, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Township and PennDOT. Street name signs shall provide six inch (6") high letters on a maximum size sign of eight inches by thirty-six inches (8"x36"). Street name signs shall be in reflectorized white on a green background (see PennDOT *Publication 236M*). High intensity or high performance sheeting (Type III or IV) shall be used for all signs (see PennDOT *Publication 408M*).

Streets that are continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to approval by the Township, and Centre County Emergency Management and local U. S. Postal Office.

602.8 Vertical Street Alignment. Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be three-quarter percent (¾%). The maximum grade for streets shall not exceed ten percent (10%).

602.8.1 Vertical Curve. Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be as follows:

| <u>Design Speed</u> | <u>Minimum Sight</u> |
|---------------------|----------------------|
| 20 miles per hour | 125 feet |
| 25 miles per hour | 150 feet |
| 30 miles per hour | 200 feet |
| 35 miles per hour | 250 feet |
| 40 miles per hour | 325 feet |
| 45 miles per hour | 400 feet |
| 50 miles per hour | 475 feet |
| 55 miles per hour | 550 feet |

602.8.2 Vertical Alignment at Street Intersection. A leveling area shall be provided where the approaching grade, within one hundred feet (100') of the centerline intersection, exceeds seven percent (7%) on streets at a four-way street intersection, or the terminating street at a three-way intersection. Such leveling area shall have a maximum grade of five percent (5%) for a minimum length of one hundred feet (100') measured from the intersection of the centerlines.

602.8.3 Vertical Alignment at Street Turnaround. The grade, in all directions, within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall be at least three-quarter percent (¾%) and not exceed five percent (5%) in all directions.

602.8.4 Street Side Slope. All areas within the street right-of-way shall be graded substantially consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way, measured perpendicular to the right-of-way of the street, shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts.

The Board of Supervisors may accept steeper slopes to avoid disruption of significant natural features, provided adequate safety and maintenance issues are addressed.

Guide rail protection is required along embankments when a barrier is indicated as warranted in latest version of *Design Manual Part 2, Highway Design*, Pennsylvania Department of Transportation. Guide rail shall be constructed according to PennDOT standards.

602.9 Horizontal Street Alignment. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.

Single, long radius curves shall be used, rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum centerline radii for horizontal curves are as follows:

| <u>Design Speed</u> | <u>Minimum Center Line Radius</u> |
|---------------------|-----------------------------------|
| 20 miles per hour | 100 feet |
| 25 miles per hour | 150 feet |
| 30 miles per hour | 230 feet |
| 35 miles per hour | 310 feet |
| 40 miles per hour | 430 feet |
| 45 miles per hour | 550 feet |
| 50 miles per hour | 700 feet |
| 55 miles per hour | 850 feet |

602.9.1 Perimeter Street. Street locations along the perimeter of a property shall be required to provide building setback lines and clear sight triangles within the adjacent properties; permission for these encroachments shall be obtained in the form of a right-of-way from the adjacent landowner.

602.9.2 Cartway Alignment. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

602.9.3 Intersection. Right angle intersections shall be used whenever possible. No street shall intersect another at a centerline angle of less than seventy-five degrees (75°), or more than one hundred and five degrees (105°).

Intersections shall be approached on all sides by a straight centerline with a minimum length of fifty feet (50').

602.10 Street Right-of-Way and Cartway Width. The minimum street right-of-way width and cartway width is as follows:

| Street Type | Single-family detached dwellings on lot frontage of one hundred feet (100') or greater | All other development |
|----------------------|---|---|
| Arterial Street | As determined by the Board of Supervisors after consultation with PennDOT | As determined by the Board of Supervisors after consultation with PennDOT |
| Collector Street | Right-of-way - 50 feet Paved Shoulder - 8 feet (4 feet per side) Cartway - 18 feet | Right-of-way - 50 feet Paved Shoulder - 8 feet (4 feet per side) Cartway - 18 feet |
| Minor Street (Rural) | Right-of-way - 50 feet Stabilized Shoulder - 8 feet (4 feet per side) Cartway - 16 feet | Right-of-way - 50 feet Stabilized Shoulder - 8 feet (4 feet per side) Cartway - 16 feet |
| Cul-de-sac | Right-of-way - Radius 50 feet Paved Shoulder - Radius 40 feet Cartway - Radius 36 feet | Right-of-way - Radius 50 feet Paved Shoulder - Radius 40 feet Cartway - Radius 36 feet |
| Service Drive | Not Applicable | Right-of-way - 20 feet, Minimum Cartway - 16 feet |

The extension of existing streets which are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Township approval.

602.11 Street Improvements. All proposed street cartways shall be constructed in accordance with PennDOT specifications (*Publication 408*) and the following chart:

| Street Type | Improvement |
|------------------------------------|--|
| Arterial | In accordance with PennDOT specifications. |
| Collector and Minor (Rural) Street | Top - 2 inch ID-2 (Superpave or Gyratory 9.5 mm) Wearing Course Base - 4-inch BCBC (Superpave or Gyratory 25 mm) Subbase - 6 inches of 2A subbase on a prepared subgrade |
| Paved Shoulder | Top - 2 inch ID-2 (Superpave or Gyratory 9.5 mm) Wearing Course Base - 4-inch BCBC (Superpave or Gyratory 25 mm) Subbase - 6 inches of 2A subbase on a prepared subgrade |
| Stabilized Shoulder | 6 inches of 2A subbase on a prepared subgrade |

Geotextile fabric shall be used in accordance with the specific street design or at the direction of the Township Engineer.

The Township reserves the right to increase the minimum street improvement standards when there is evidence of inadequate soil subgrade bearing capacity or of the possibility of excess equivalent eighteen thousand (18,000) single axle load applications during the twenty (20) year design life of the pavement.

The developer may request, by the waiver provisions of this Ordinance, a lesser pavement section. The waiver request shall include a pavement design analysis in accordance with the procedure specified in the latest edition of PennDOT's *Roadway Management Manual Publication 242*, demonstrating that a lesser pavement section may be used.

The extension of existing streets that are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Township approval.

602.11.1 Backfilling. Utility excavations in areas of streets shall be backfilled, in accordance with the following standards:

- 602.11.1.1 Except where concrete encasement or concrete cradle is specifically called for, all pipe and conduit shall be laid in bedding material, PennDOT 2A coarse aggregate or AASHTO No. 57 coarse aggregate.
- 602.11.1.2 Where concrete encasement or concrete cradle is specified, the concrete cradle or concrete encasement shall be constructed as detailed.
- 602.11.1.3 Where the Developer excavates the bottom of the trench deeper than theoretically required, the Developer shall furnish all of the additional bedding material (AASHTO No. 57 coarse aggregate or PennDOT 2A coarse

- aggregate or concrete cradle or concrete encasement) required to backfill the bottom of the trench to the underside of the specified pipe bedding.
- 602.11.1.4 Pipe bedding material shall be carefully deposited in layers not to exceed four inches (4") in thickness on both sides of the pipe and thoroughly and carefully compacted until enough "completed" backfill material has been placed to provide a cover of not less than one foot (1') above the pipe.
- 602.11.1.5 No backfilling shall be done before the Township Engineer, Township Roadmaster, or designee(s), gives permission. Backfilling may be done with power equipment after the pipe bedding has been properly placed. No backfilling shall be completed unless a sufficient number of men are employed to spread the backfill in layers of the thickness specified herein and/or detailed on the drawings and to thoroughly tamp same before the next layer is applied. Tamping shall be done by mechanical power tampers or approved vibratory compaction equipment.
- 602.11.1.6 Pipe trenches shall be backfilled from the top of the "pipe bedding" to ground surface with the type of material specified herein and/or detailed on the drawings. Unimproved areas (stabilized alleys, alleys, stabilized shoulders, stabilized driveways, all other stabilized areas and lawn/grass areas) shall be backfilled with suitable on-site excavated soil or soil-rock mixed materials containing no topsoil, organic matter, frozen or wet material, lumber, metal and refuse; and free of rock or similar hard objects larger than two inches (2") in greatest dimension. The rock-to-soil ratio shall not exceed one (1) part rock to three (3) parts soil. Backfill shall be carefully placed and compacted in layers not in excess of six inch (6") thick using mechanical compacting equipment to the top of trench, as detailed on the drawings.
- 602.11.1.7 Trenches located in improved areas (paved roadways, paved driveways, paved parking areas, and paved shoulders) shall be backfilled with PennDOT No. 2A coarse aggregate material from the top of the "pipe bedding" to the top of the trench, as detailed on the drawings. The backfill material must be spread and compacted in layers not in excess of six inches (6") thick using mechanical compaction equipment. The Developer shall concrete saw cut the existing pavement in a straight, neat line, to the bottom elevation of the bituminous pavement, one foot (1') on each side of the trench.
- 602.11.1.8 Until such time as the permanent surface material is to be placed, all backfilled trenches shall be maintained to provide safe and comfortable surface for traffic, both vehicular and pedestrian. Whenever the trenches have not been properly backfilled or if settlement occurs, they shall be refilled, compacted, smoothed off, and finally made to conform to the surface of the ground (and reseeded if necessary).
- 602.11.1.9 The developer must satisfactorily and completely backfill all trenching or other excavation prior to the termination of the workday. Unless the developer has written permission from the Township, it is prohibited to leave excavation open after working hours.
- 602.11.2 Weather Limitations. No stone shall be laid on frozen ground.
- 602.11.2.1 The placing of bituminous concrete base course or binder course shall terminate after October 15 of each year, and shall not be resumed until April 1 of the

following year, unless the ground temperature and air temperature do not fall below, and are continuously above, 35° F. for five (5) consecutive days prior to the day of placement of said materials.

When the air temperature falls below 50° F., extra precautions shall be taken in drying the aggregate, controlling the temperature of the delivered material and compacting the mixture. Bituminous concrete base course or binder course shall not be placed on wet surfaces, nor when the air temperature is 35° F. or lower, nor when the temperature of the surface on which it is to be placed is 35° F. or lower.

602.11.2.2 The placing of bituminous concrete wearing course or surface course shall terminate after October 15 of each year, and shall not be resumed until April 1 of the following year, unless the ground temperature and air temperature do not fall below, and are continuously above, 40° F. for five (5) consecutive days prior to the day of placement of said materials.

When the air temperature falls below 50° F., extra precautions shall be taken in drying the aggregate, controlling the temperature of the delivered material and compacting the mixture. Bituminous concrete wearing course or surface course shall not be placed on wet surfaces, nor when the air temperature is 40° F. or lower, nor when the temperature of the surface on which it is to be placed is 40° F. or lower.

602.11.2.3 In any case, no bituminous concrete shall be placed after December 15, or resumed prior to April 1 at the earliest. Placement shall not be resumed on April 1, unless five (5) consecutive days of both ground temperature and air temperature above 40° F. are experienced.

602.12 Street Intersection.

602.12.1 State Route. All intersections with a State Route shall be subject to the approval of PennDOT. The applicant shall include Township comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission.

602.12.2 Multiple Intersections. Multiple intersections involving the junction of more than two (2) streets are prohibited. Only three-way and four-way intersections are permitted.

602.12.3 Separation. The distance between the centerline intersections of streets shall be measured along the centerline of the street being intersected and conform to the following:

| <u>Function</u> | <u>Minimum Separation</u> |
|------------------------|---------------------------|
| Arterial and Collector | 1,000 feet |
| Local | 150 feet |

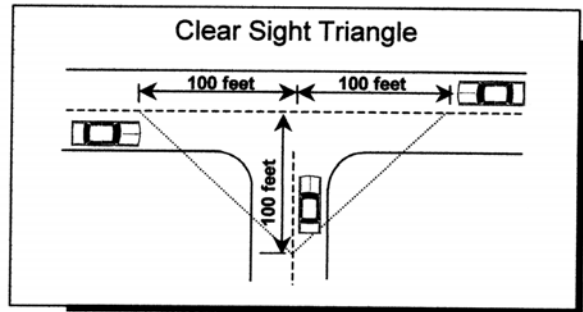
602.12.4 Radii. The cartway edge at intersections shall be designed for the largest vehicle anticipated to use the intersection. The minimum radii shall conform to the latest edition of the *AASHTO Design Manual, Exhibit 9-20, Edge of Traveled Way for Turns at Intersections.*

At a minimum, the cartway edge shall be rounded with a fifty-five foot (55') tangential arc for Arterial and Collector streets, and thirty feet (30') tangential arc for Local streets.

The Township may require acceleration and/or deceleration lanes when warranted by traffic speed, traffic volume, or other traffic flow characteristics.

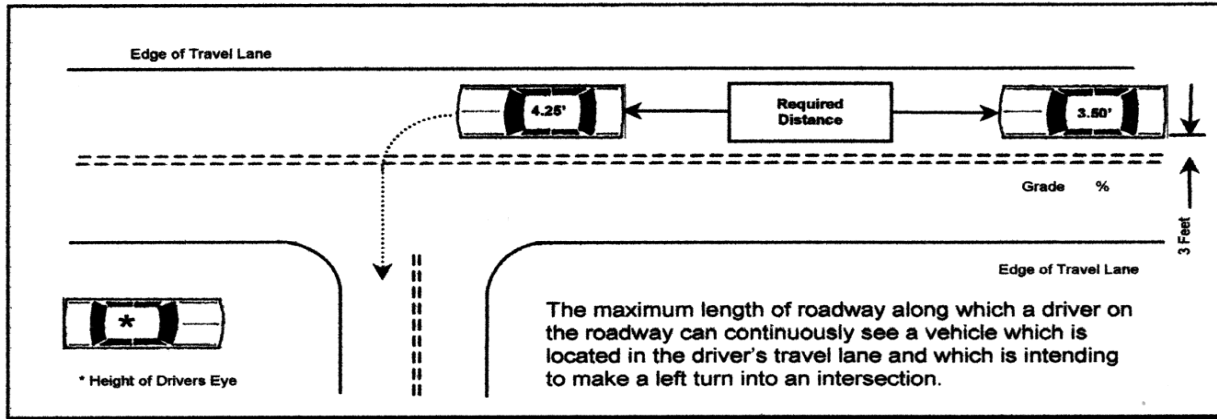
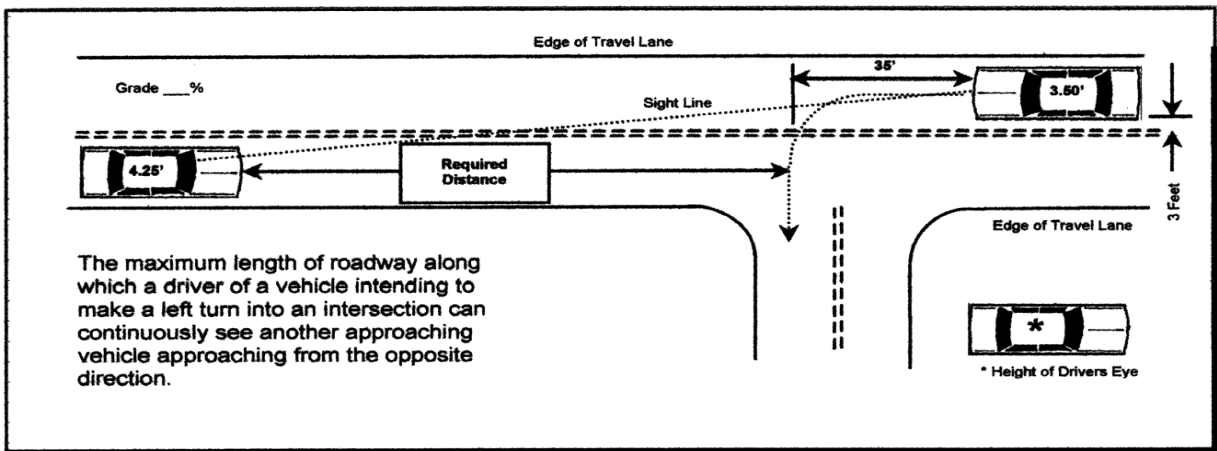
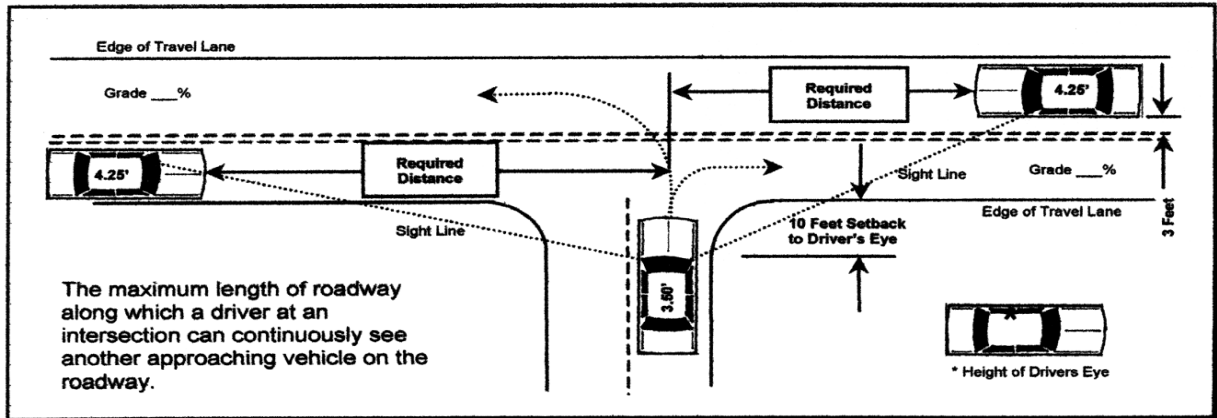
The right-of-way radii at intersections shall be substantially concentric with the cartway edge.

- 602.12.5 Sight Triangle. On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred feet (100'), as measured along the centerline from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted above a height of thirty inches (30") and below a height of ten feet (10'). All such clear sight triangles shall be depicted upon proposed subdivision and land development plans. A public right-of-way shall be reserved for removing any visual obstruction within the clear sight triangle.



- 602.12.6 Safe Stopping Distance. All intersections shall be designed to comply with the minimum sight distance requirements, as described in 67 PA Code §441 .8(h)(2)(iv) and PennDOT *Publication 282*, page 27, as amended.

The diagrams below and the following measurement procedures, shall be used to establish the minimum sight distance for vehicles intending to cross over a travel lane, and to the rear of a vehicle intending to turn left into an access. See PennDOT *Publication 282*, page 18, Note 1(a) for information on measuring sight distance for vehicles exiting an access location.



602.12.6.1

To measure sight distance between a vehicle intending to turn left into an access and a vehicle approaching in the opposite direction, the position of the driver of the turning vehicle is taken to be thirty-five feet (35') in advance of the driveway centerline (allows a twenty-five foot [25'] turning radius, plus ten foot [10'] distance from the front of the car to the driver's eye).

The available sight distance is measured from the centerline of the intersection to the point where an approaching vehicle can first be seen. The eye height of the driver intending to turn left is established at three and one-half

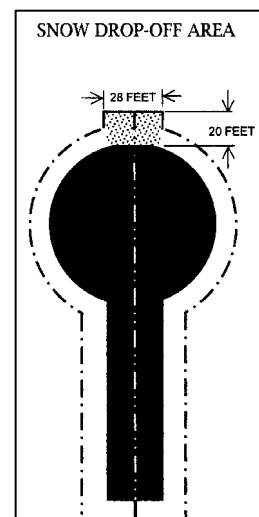
feet (3½"). The eye height of the driver of the vehicle approaching the intersection from the opposite direction is established at four and one-quarter feet (4¼').

- 602.12.6.2 To measure sight distance for a motorist approaching a vehicle stopped to make a left-turn into an intersection from the rear of the left-turning vehicle is taken to be forty-five feet (45') from the centerline of the intersection (allows a twenty-five foot [25'] turning radius, plus twenty foot [20'] for the length of the vehicle).
- The available sight distance is measured from the rear of the left-turning vehicle, to the point where approaching vehicles can first see the vehicle waiting to turn left. The eye height of the approaching driver is established at three and one-half feet (3½'). The eye height of the driver of the vehicle waiting to turn left is established at four and one-quarter feet (4¼').
- 602.12.6.3 To determine roadway grades when measuring sight distance, an average grade should be calculated over the length of roadway in which the approaching motorist will physically apply the brakes of the vehicle. This length of roadway can be determined by subtracting the perception/reaction time component of the minimum safe stopping sight distance equation from the measured sight distance. See Pennsylvania Code 67, §441.8(h)(2)(iv).
- 602.12.6.4 The prevailing speed of traffic shall be considered when evaluating the available sight distance for an intersection. If it is evident that prevailing speeds are higher than the posted speed limit, and the available sight distance is near to the sight distance required for the posted speed limit, an 85th percentile speed should be measured near the intersection. The 85th percentile speed would then be used to calculate the minimum safe stopping sight distance requirements.
- 602.13 Cul-de-Sac Street. A cul-de-sac is not permitted, unless required by topography or land configuration. Temporary or permanent cul-de-sac streets shall have a minimum length of two hundred fifty feet (250') and not exceed one thousand feet (1,000') in length or provide access to greater than twenty (20) dwelling units. At the discretion of the Township, cul-de-sac streets may serve more than twenty (20) dwellings when adequate provisions are made for vehicular circulation.

The cul-de-sac length is measured from the centerline intersection with a street that is not a cul-de-sac, to the center of the cul-de-sac turnaround.

All cul-de-sac streets, whether permanently or temporarily designed, shall be provided with a fully-paved, closed-end, turnaround at a minimum width/diameter of one hundred feet (100') and a right-of-way width/diameter of one hundred twenty feet (120'). The use of a temporary turnaround shall be guaranteed until the street is extended. A right side centerline offset for the turnaround is desired. A left side centerline offset of the turnaround is prohibited.

A snow drop-off area shall be provided at the terminus of the turnaround area. The snow drop-off area shall be twenty-eight feet (28') wide and twenty feet (20') deep from the street curb



line. The snow drop-off area shall be centered on the centerline of the street as the street approaches the turnaround area. The snow drop-off area shall be free of utility terminal boxes, mailboxes, and other facilities that may hamper snow storage, or may require accessibility during snow periods.

Section 603 Alley

The use of alleys is prohibited.

Section 604 Driveway

- 604.1 Driveways shall only be used to provide vehicular access between a street and a tract of land containing one single-family dwelling. Driveways shall conform to the standards contained in the Township Zoning Ordinance, as may be amended from time to time. The Township may require the subdivision plan to identify the potential location of driveways when site conditions may limit available driveway locations.
- 604.2 Driveway intersections with a State Route shall be subject to the approval of PennDOT. The applicant shall include Township comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission.
- 604.3 Driveways shall not connect with a street within fifty feet (50') of the right-of-way lines of any intersecting street, within five feet (5') of a fire hydrant, or within ten feet (10') of adjoining lot lines, unless a joint-use driveway straddles the property line.
- 604.4 Driveways shall be provided with a clear sight triangle with a line of sight between points which are established along the centerline of the intersecting streets. The minimum clear sight triangle is seventy-five feet (75') from all points. No permanent obstructions and/or plant material over three feet (3') high shall be placed within the clear sight triangle.
- 604.5 Driveways shall not exceed a slope of seven percent (7%) within twenty-five feet (25') of the street right-of-way.
- 604.6 Driveways shall access the street of lesser classification when there is more than one street classification involved.
- 604.7 No driveway shall provide width exceeding twenty-four feet (24') at the street cartway.
- 604.8 Joint-use driveways may serve up to a maximum of four (4) total dwellings/lots. All joint-use driveways shall have a minimum cartway width of sixteen feet (16'). Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan.
- 604.9 Driveways shall have a paved apron for a distance of twenty-five feet (25') from the paved edge of the street cartway.
- 604.10 All driveways that access directly onto an Arterial or Collector street shall be configured with a vehicle turnaround so that no vehicle shall need to back up onto the street.

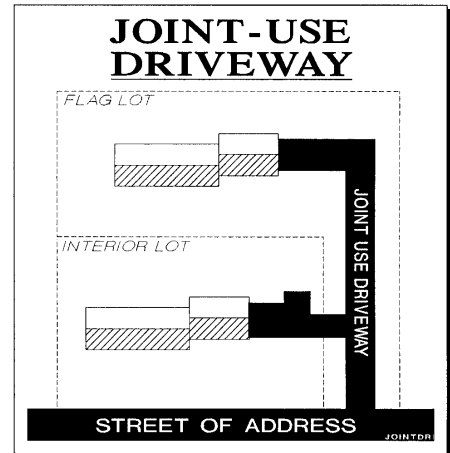
604.11 Driveways shall be provided with adequate controls for storm water runoff along the driveway and the intersecting street.

604.12 When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access;

A joint-use driveway must serve at least one flag lot, but may also serve conventional lots, up to a maximum of four total lots;

All joint-use driveways shall have a minimum cartway width of sixteen feet (16'); and,

Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan.



Section 605 Access Drive

Access drives are private drives which provide vehicular movement between a street and a tract of land containing any use other than one (1) single-family dwelling unit or farm. Access drives shall conform to the following:

605.1 Number Per Lot. The number of access drives intersecting with a street may not exceed two (2) per lot. A waiver for additional access points may be requested to meet exceptional circumstances, such as intensity of development and extensive road frontage.

605.2 Vertical Alignment. The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 602.8.

605.3 Horizontal Alignment. The horizontal alignments of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes more than two degrees (2°). All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five feet (75').

605.4 Intersection. All access drive intersections shall be:

605.4.1 Subject to approval of PennDOT when intersecting a State Route. The applicant shall include Township comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission.

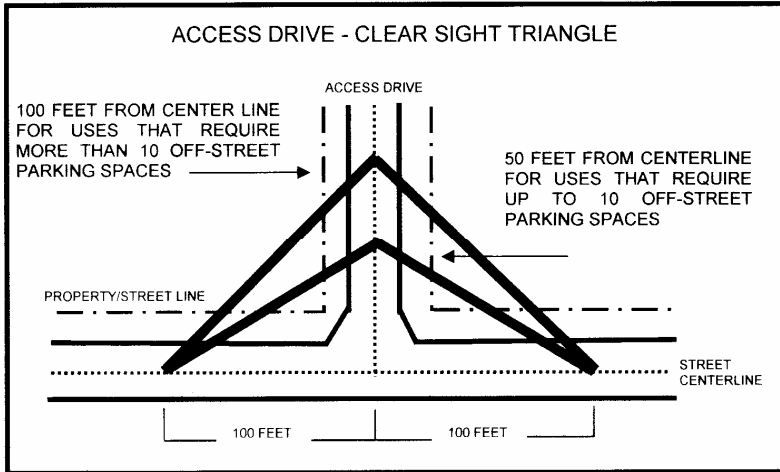
605.4.2 Set back one hundred feet (100') from the intersection of any street right-of-way lines.

605.4.3 Set back one hundred feet (100') from the intersection of any other access drive located upon the same lot (measured from cartway edges).

605.4.4 Set back ten feet (10') from any side and/or rear property lines; however, this set-back, except when located along the property line of a joint parking lot, is shared by adjoining uses.

605.4.5 Separated from an access drive intersection on adjacent properties a sufficient distance to provide safety and efficient movement of vehicles.

605.4.6 Access drives that serve more than ten (10) off-street parking spaces shall, at their intersection with a street, provide a clear sight triangle of at least one hundred feet (100'), as measured along the centerline from the intersecting access drive and street.



Access drives that serve less than ten (10) off-street parking spaces shall, at their intersection with a street, provide a clear sight triangle of at least one hundred feet (100'), measured along the centerline from the intersecting street and fifty feet (50') measured along the centerline from the intersecting access drive.

The clear sight triangle shall be maintained by the property owner. No structure, planting, excavation, nor other visual obstruction shall be permitted above a height of thirty inches (30") and below a height of ten feet (10'). All such clear sight triangles shall be depicted upon proposed subdivision and land development plans. A public right-of-way shall be reserved for removing any visual obstruction within the clear sight triangle.

605.4.7 Designed in accordance with Sections 602.12.2, 602.12.4 and 602.12.6.

605.4.8 The Township may require acceleration and/or deceleration lanes when warranted by traffic speed, traffic volume, or other traffic flow characteristics.

605.5 Cul-de-Sac. Access drives which form a cul-de-sac shall not exceed one thousand feet (1,000') in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs that do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred feet (100').

The Township may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.

605.6 Parking. When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the plan and properly signed along the cartway.

605.7 Improvement. The cartway of all access drives shall be constructed to the Minor Street improvement specification stated in Section 602.11.

605.8 Cartway Width. The following table specifies various access drive width requirements:

| Function | Required Cartway Width |
|--|------------------------|
| Two lanes of traffic with parallel parking along the cartway | 34 feet |
| Two lanes of traffic without parallel parking along the cartway | 18 feet |
| One lane of traffic with one lane of parallel parking along the cartway* | 17 feet |
| One lane of traffic without parallel parking along cartway* | 9 feet |
| *The one-way direction of traffic must be identified along the cartway. | |

605.9 Side Slope. The maximum slopes of banks located within twenty feet (20') of the cartway shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts. The Board of Supervisors may accept steeper slopes to avoid disruption of significant natural features, provided safety and maintenance issues are addressed.

Guide rail protection is required along embankments when a barrier is indicated, as warranted in latest version of *Design Manual Part 2, Highway Design*, Pennsylvania Department of Transportation. Guide rail shall be constructed according to the PennDOT standards.

605.10 Access Drive Signs, Traffic Controls and Name Signs. Access drive signs, including name, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Township and PennDOT. Name signs shall provide six inch (6") high letters on a maximum size sign of eight inches by thirty-six inches (8"x36"). Name signs shall be in reflectorized white on a green background (see PennDOT *Publication 236M*). High intensity or high performance sheeting (Type III or IV) shall be used for all signs (see PennDOT *Publication 408M*).

Access drives that are continuations of existing access drives shall be known by the same name. Names for new access drives shall not duplicate or closely resemble names of existing streets or access drives within the same postal area. All new names are subject to approval by the Township, and Centre County Emergency Management and local U.S. Postal Office.

Section 606 Non-Licensed Vehicle Crossings

All non-licensed vehicle trail crossings (e.g., bicycle, carriage, equestrian, golf carts, off-road vehicles, and snowmobiles) of a street, access drive, or driveway shall be:

606.1 Designed in a manner consistent with the existing storm water drainage of the area being crossed.

606.2 Easily identifiable in all directions.

606.3 Perpendicular to the street, access drive, or driveway.

- 606.4 Located no less than fifteen feet (15') from the cartway edge of a street, access drive, or driveway intersection.
- 606.5 Provided with a clear sight triangle and sight distance as required for a street, in accordance with Sections 602.12.5 and 602.12.6.
- 606.6 Not exceeding a slope of eight percent (8%) within twenty-five feet (25') of the cartway being crossed.
- 606.7 Signed to warn both motorists and individuals crossing the location. The surface of the crossing shall be brightly painted with angle stripes.

Section 607 Vehicular Parking

- 607.1 Single-Family Dwelling. A single-family dwelling shall be required to provide two (2) off-street parking spaces which may take the form of garages, carports or driveways. The remaining provisions of Section 607 apply to off-street parking facilities serving other than one (1) single-family dwelling.
- 607.2 Surface. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another approved dust-free surface.
- 607.3 Drainage. Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately-sized inlets and storm sewers shall be provided to discharge storm water.
- 607.4 Lighting. Adequate lighting shall be provided if the parking lot is to be used at night. Such fixtures shall be shielded so as not to project light upwards or at land used for residential purposes, or adjoining lots or streets.
- 607.5 Parking Lot Design. The minimum parking space sizes for parallel parking is twenty-three feet by eight feet (23' x 8') and non-parallel parking is nineteen feet by nine feet (19' x 9').
- 607.6 Access. All parking lots shall connect to streets by way of an access drive. The standards for access drives are provided in Section 602.5

Parking areas shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle. Aisles shall provide vehicular access within a parking compound and entrance/exit area for individual parking spaces. Aisles may not be used to intersect streets. All aisles shall have the minimum widths indicated in the following table:

| Angle of Parking | Width of Driveway in Feet One-Way Traffic | Width of Driveway in Feet Two-Way Traffic |
|------------------|---|---|
| 90 Degrees | 24 | 24 |
| 60 Degrees | 18 | 22 |
| 45 Degrees | 13 | 22 |
| 30 Degrees | 12 | 22 |
| Parallel | 12 | 22 |

All aisles in areas where there is no parking permitted shall be twelve feet (12') wide for each lane of traffic.

607.7 End Stall. All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.

607.8 Marking. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. The lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four inches (4") in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, and to direct vehicular circulation.

607.9 Setback. Parking spaces shall be set back ten feet (10') from all property lines. Setbacks shall be landscapes.

Parking spaces shall be guarded by curbs or other protective devices, so that parked cars cannot project into access and interior drives, the streets, or walkways.

607.10 Handicapped Parking. Parking spaces for handicapped persons shall be governed by the latest guidelines described under the Americans With Disabilities Act.

607.11 Joint Parking Lots. In commercial shopping centers and office parks over two (2) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty percent (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed on the lot to provide convenient walking distance between every vehicle and each of the shopping center's stores, and,

Required parking spaces may be provided in parking lots designated to jointly serve two (2) or more establishments or uses, provided that the number of required spaces in such joint facility shall not be less than the total required separately for all such establishments or uses.

However, where it can be conclusively demonstrated that one (1) or more uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to that required number of spaces that would be needed to serve the use generating the most demand for parking; plus, twenty percent (20%) of that number of required parking spaces needed to serve the use(s) generating the demand for lesser spaces.

607.12 Schedule of Required Number of Parking Spaces. The following lists the required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

| Type of Use | Minimum of One Parking Space for Each |
|---|--|
| Commercial Uses | |
| Automobile repair, filling and washing facilities | 400 square feet of gross floor and ground area devoted to repair and service facilities, in addition to areas normally devoted to automobile storage and one per employee on major shift |
| Automobile, boat, and trailer sales | 1,000 square feet of gross indoor and outdoor display areas |
| Carpeting, drapery, floor covering, and wall covering sales | 500 square feet of gross floor area |
| Convenience stores | 75 square feet of gross floor area |
| Drive-thru and/or fast-food restaurants | Two seats and one per each two employees |
| Food markets and grocery stores | 150 square feet of gross floor area for public use and one per each employee on two largest shifts |
| Funeral homes | 100 square feet of gross floor area, one per each employee, and one per each piece mobile equipment, such as hearses and ambulances |
| Furniture sales | 500 square feet gross floor area |
| Hotels, motels | Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.) |
| Mini-warehouses | 25 units, plus one per 250 square feet of office space, plus two per any resident manager |
| Nightclubs and taverns | Two seats plus one per employee on largest shift |
| Office buildings | 300 square feet of gross floor area |
| Professional offices of veterinarians, physicians, dentists, etc. | Six spaces per each physician or dentist, etc. |
| Retail stores or shops (except those listed above) | 200 square feet of gross floor area (display area and/or sales area and one per each employee on two largest shifts) |
| Restaurants | Four seats plus one per each employee on largest shift |
| Shopping centers or malls | 182 square feet of gross leasable floor area |
| Other commercial buildings | 400 square feet of gross floor area |

| Type of Use | Minimum of One Parking Space for Each |
|---|--|
| Industrial Uses | |
| Industrial and manufacturing establishments | Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number |
| Warehousing | Employee on the two largest shifts |

| Type of Use | Minimum of One Parking Space for Each |
|--|---|
| Recreation Uses | |
| Amusement arcades | 80 square feet of gross floor area |
| Athletic fields | Four seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such parking area. |
| Bowling alleys, billiards rooms | 1/4 lane/table and one per each two employees |
| Campgrounds | Per campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses |
| Golf courses | 1/8 hole, plus one per employee, plus 50% of the spaces normally required for accessory uses |
| Golf driving ranges | One per tee and one per employee |
| Miniature golf courses | 1/2 hole and one per employee |
| Riding schools or horse stables | Two stalls, plus one per every four seats of spectator seating |
| Picnic areas | Per table |
| Skating rinks | Four persons of legal occupancy, plus one per employee |
| Swimming pools (other than one accessory to a residential development) | Four persons of legal occupancy, plus one per employee |
| Tennis or racquetball clubs | 1/4 court plus one per employee, plus 50% of the spaces normally required for accessory uses |

| Type of Use | Minimum of One Parking Space for Each |
|--|---|
| Residential Uses | |
| Single-family detached dwellings and seasonal dwellings | 1/2 dwelling unit (i.e. two spaces per dwelling unit) |
| Boarding houses, group homes, and bed and breakfasts | Bedroom |
| Duplex, townhouse, multiple-family, and conversion apartment dwellings | 1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served. |

| Type of Use | Minimum of One Parking Space for Each |
|--|---|
| Social and Institutional Uses | |
| Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly | 200 square feet, but not fewer than one space per each three seats |
| Clubs, lodges, and other similar places | 200 square feet of gross floor area and one per each employee on two largest shifts |
| Nursing or rest homes | Three accommodations (beds) in addition to those needed for doctors and support staff |
| Hospitals, sanitariums | Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel. |
| Museums, art galleries, cultural centers, libraries | 400 square feet of gross floor area |
| Rehabilitation centers, (without overnight accommodations) | One per each employee and per each three people anticipated to be handled through the facility. |
| Schools below grade ten, including kindergarten and day-care centers | Six individuals enrolled |
| Schools, tenth grade and above, including colleges | Three students enrolled |
| Vocational training and adult education facilities | 1.5 students enrolled |

607.13 Landscaped Strip. A landscaped strip shall be provided on the property along the entire street line when a parking lot is located in a yard which abuts a street. This strip shall be

measured from the street right-of-way. The strip may be located within any other landscaped strip required to be located along a street. The following lists required width of landscape strips:

| Number of Spaces in Parking Lot, Including Joint Facilities | Landscape Strip Width Measured from Street Right-of-Way |
|---|---|
| Less than 100 | 15 feet |
| 100 to 250 | 20 feet |
| Over 250 | 25 feet |

The landscape strip shall be designed in accordance with Section 607.13.

607.14 Landscape Screening. The parking lot shall be screened from the adjoining residential area. Screening strips shall be designed in accordance with Section 607.14.

607.15 Interior Landscaping. Four percent (4%) of the total area of the lot shall be devoted to interior landscaping in any parking lot containing twenty (20) or more parking spaces (except a parking garage). Interior landscaping may be used at the end of parking space rows to break up parking areas at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot. Not less than a four foot (4') radius of curvature shall be permitted for horizontal curves around internal landscaping.

For computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

Ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided. At least one shade tree shall be provided for each five hundred (500) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet (5') above finished-grade level.

The interior landscaping shall be provided for the entire parking lot, if a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more.

607.16 Speed Bump. All speed bumps provided as part of access drives or parking lot aisles shall be marked with permanent, yellow diagonal stripes. Speed bumps may be in the form of mounds or depressions in the pavement. There shall be warning signs posted at each entrance to a parking area that has speed bumps. In no case shall the overall height (or depth) or speed bumps exceed two inches (2").

Section 608 Off-Street Loading

608.1 Schedule of Required Loading Space. The following list the require number of loading spaces for each type of land use.

| Type of Use | Number Spaces Per | Gross Floor Area |
|---|-------------------|---|
| Hospital or other institution | None | First 10,000 square feet |
| | 1.0 | 10,001 to 100,000 square feet |
| | +1.0 | Each additional 100,000 square feet (or fraction) |
| Hotel, motel and similar lodging facilities | None | First 10,000 square feet |
| | 1.0 | 10,001 to 100,000 square feet |
| | +1.0 | Each additional 100,000 square feet (or fraction) |
| Industry or manufacturing | None | First 2,000 square feet |
| | 1.0 | 2,001 to 25,000 square feet |
| | +1.0 | Each additional 40,000 square feet (or fraction) |
| Multiple-family dwelling | None | Less than 100 dwelling units |
| | 1.0 | 101 to 300 dwelling units |
| | +1.0 | Each additional 200 dwelling units (or fraction) |
| Office building, including banks | None | First 10,000 square feet |
| | 1.0 | 10,001 to 100,000 square feet |
| | +1.0 | Each additional 100,000 square feet (or fraction) |
| Retail sales and services, per store, and restaurants | None | First 2,000 square feet |
| | 1.0 | 2,001 to 10,000 square feet |
| | 2.0 | 10,001 to 40,000 square feet |
| | +1.0 | Each additional 100,000 square feet (or fraction) |
| Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet | 1.0 | 25,000 square feet up to 100,000 square feet |
| | +1.0 | Each additional 100,000 square feet |
| Theater, auditorium, bowling alley, or other recreational establishment | None | First 10,000 square feet |
| | 1.0 | 10,001 to 100,000 square feet |
| | +1.0 | Each additional 100,000 square feet (or fraction) |

| Type of Use | Number Spaces Per | Gross Floor Area |
|--|-------------------|--|
| Undertaking establishment or funeral parlor | None | First 3,000 square feet |
| | 1.0 | 3,001 to 5,000 square feet |
| | +1.0 | Each additional 10,000 square feet (or fraction) |
| Wholesale or warehousing (except mini-warehousing) | None | First 1,500 square feet |
| | 1.0 | 1,501 to 10,000 square feet |
| | +1.0 | Each additional 40,000 square feet (or fraction) |

608.2 Location. Ground level loading areas may be located in the side and rear yard. No exterior portion of a loading facility and its access drive shall be located within fifty feet (50') of a residential zone.

608.3 Access. Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four feet (24') wide for two-way travel, or fifteen feet (15') wide for one-way travel, exclusive of any parts of the curb and gutters. Section 605 specifies other requirements for access drives.

608.4 Circulation. Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.

608.5 Surface. The surface of the loading area shall be constructed according to the Local Street standards.

608.6 Required Size. The following lists required minimum loading space sizes, in feet (excluding access drives, entrances and exits):

| Facility | Length | Width | Height (If Covered or Obstructed) |
|--|---------|---------|-----------------------------------|
| Industrial, Wholesale and Storage Uses | 63 feet | 12 feet | 15 feet |
| All Other Uses | 33 feet | 12 feet | 15 feet |

608.7 Landscape Screening. A fifteen foot (15') wide landscape screen shall surround all off-street loading facilities. The landscape screen shall be designed in accordance with Section 619.4.

Section 609 Sidewalk

Sidewalks are not required. When provided, sidewalks shall conform with the following.

609.1 Location. Sidewalk located along streets shall be set back two feet (2') from the street right-of-way and physically divided from the street cartway by curb or grass strip.

Sidewalks, which are provided off-street or off-access drives, shall be physically divided from the vehicle area by curb or eight foot (8') wide landscaped strip.

609.2 Improvement Standard. Sidewalks located with a public right-of-way shall be constructed of Class A cement concrete four inches (4") thick, containing steel mesh of six by six by fourteen inch (6"x6"x14") gauge, upon a properly prepared subgrade. Where sidewalks are subject to vehicle crossings (e.g., driveways), a minimum concrete thickness of six inches (6") is required. Four inches (4") of AASHTO #57 crushed stone shall be properly compacted using a mechanical tamper. Concrete shall be poured in separate slabs twenty-four feet (24') in length. The slabs shall be completely separated by one-quarter inch (1/4") expansion joints and scored every four feet (4').

Sidewalks located outside of a public right-of-way (e.g., adjacent to driveways, access drives and parking compounds) may be constructed of any stable and mud-free material.

609.3 Width. Sidewalks shall have a minimum width of four feet (4').

609.4 Vertical Alignment. Sidewalks shall be graded to discharge storm water runoff. A minimum cross slope of two percent (2%) shall be provided. The maximum slopes of banks located along sidewalks shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts, measured perpendicular to the sidewalk.

609.5 Maintenance and Repair. Maintenance and repair costs for sidewalks are the sole responsibility of the landowner.

609.6 ADA Requirement. Sidewalks shall conform with the latest edition of the Americans With Disabilities Act Accessibility Guidelines.

Section 610 Curb and Shoulder

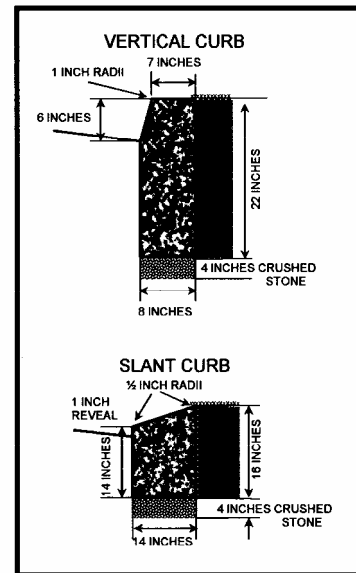
Curbs are not required along streets except when storm drainage conditions cannot be maintained within a swale, or where unusual or particular conditions prevail with respect to traffic, on-street parking, and/or safety of pedestrians.

610.1 Transitions. Transitions in curb type shall be subject to approval by the Township.

610.2 Improvement Standard. Curbs shall be constructed in accordance with PennDOT *Manual Form 408*, Section 641, "Plain Cement Concrete Curb Gutter, Type A, C and D," as amended. All curb shall be placed on a four inch (4") crushed stone base.

610.3 ADA Requirement. Curbs shall conform with the latest edition of the Americans With Disabilities Act Accessibility Guidelines.

610.4 Curb Types. Vertical curb shall be twenty-two inches (22") deep, seven inches (7") wide at the top, and eight inches (8") wide at the base. The distance from the top of the curb to the flow line of the gutter shall be six inches (6").



Slant curb shall be sixteen inches (16") deep at the back, fourteen inches (14") deep at the front, and fourteen inches (14") wide at the top and base. The distance from the street side top of the face of curb to the flow line of the gutter shall be one inch (1").

- 610.5 Shoulders. Shoulders shall be provided along all streets without curbs. The minimum shoulder width is four feet (4'). Shoulders shall be stabilized according to PennDOT standards, and in areas that exceed seven percent (7%), paved according to PennDOT standards.

Section 611 Block and Lot

- 611.1 General. The configuration of blocks and lots shall be based upon the lot area requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

- 611.2 Residential Block. All blocks in a residential subdivision shall have a maximum length along any side of one thousand, six hundred feet (1,600') and a minimum length of any side of two tiers of lots that conform to the prevailing standards.

- 611.3 Nonresidential Block. Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.

- 611.4 Lot Configuration.

611.4.1 Side lot lines shall be at right angle or radial to street lines, whenever practical.

611.4.2 Lot lines shall, wherever feasible, follow municipal boundaries, rather than cross them. The minimum standards of both municipalities shall apply where a lot is divided by a municipal boundary.

611.4.3 Lots with areas that are two (2) or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.

611.4.4 All lots shall front on a street. Satisfactory guarantee of the street construction shall be provided to the Township, when a lot is provided with street frontage solely from a proposed street that is located within an adjoining municipality.

611.4.5 Lots that front upon two parallel streets, or upon two streets that do not intersect, shall restrict vehicular access to only one (1) of the streets. One (1) frontage shall be designated as the rear yard and have a planted buffer easement of at least twenty feet (20') in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of the lot.

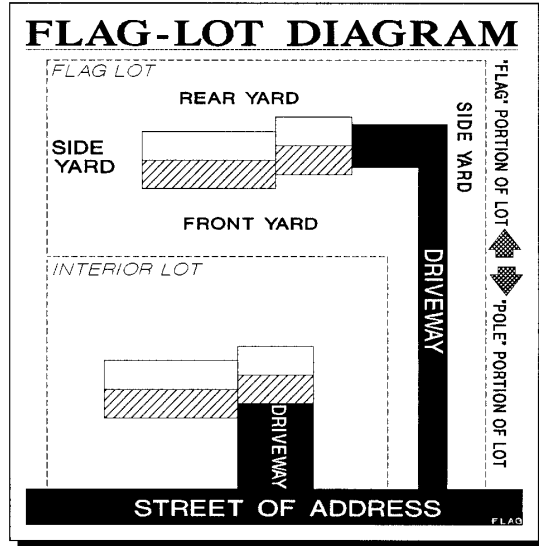
- 611.5 Flag Lot.

611.5.1 Flag lots are permitted for public uses and public utilities, and when it will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques.

611.5.2 For the purposes of this section, a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

611.5.3 The minimum lot area and lot width shall be measured exclusively upon the flag pole.

611.5.4 Yards and setbacks for a flag lot is determined at the following locations:



Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

611.5.5 The flag-lot shall contain adequate driveway dimension for vehicular backup, so that ingress to, and egress from, the lot is in the forward direction.

611.5.6 The pole shall maintain a minimum width of twenty-eight feet (28’).

The pole shall not exceed six hundred feet (600’) in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

The cartway contained on the pole shall be located at least six feet (6’) from any adjoining property line, and twenty feet (20’) from any existing structures on the site or any adjoining property.

No pole shall be located within two hundred feet (200’) of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway.

611.6 Lot Area. The following lot area standards apply to all uses. The required minimum lot area calculation shall exclude any area within the street right-of-way, utility right-of-way, drainage easements, watercourses, ponds, and wetland.

| Land Use | Water Supply and Sanitary Sewer | Minimum Lot Area ¹ | Maximum Density (du/ac) | Minimum Lot Width ² | Maximum Lot Coverage | Minimum Required Yards | | | |
|---------------------------|-------------------------------------|-------------------------------|-------------------------|--------------------------------|----------------------|------------------------|--------------------|------------|--------|
| | | | | | | Front ³ | One Side | Both Sides | Rear |
| N/A | On-Site Water & On-Site Sewer | 60,000 sq. ft. | N/A | 200 ft. | 20% | 50 ft. | 15 ft. | 30 ft. | 25 ft. |
| N/A | Either Public Water or Public Sewer | 30,000 sq. ft. | N/A | 100 ft. | 35% | 50 ft. | 15 ft. | 30 ft. | 25 ft. |
| N/A | Both Public Water & Public Sewer | 8,500 sq. ft. | N/A | 75 ft. | 45% | 50 ft. | 15 ft. | 30 ft. | 25 ft. |
| Semi-Detached Dwelling | Both Public Water & Public Sewer | 8,500 sq. ft. | 5.13 | 50 ft. per unit | 60% | 50 ft. | 15 ft. (End Units) | N/A | 25 ft. |
| Townhouse ⁴ | Both Public Water & Public Sewer | 43,560 sq. ft. | 5.13 | 20 ft. per unit | 60% | 50 ft. | 15 ft. (End Units) | 30 ft. | 25 ft. |
| Multi-Family ⁴ | Both Public Water & Public Sewer | 43,560 sq. ft. | 5.13 | 150 ft. | 60% | 50 ft. | 15 ft. (End Units) | 30 ft. | 25 ft. |

¹The minimum lot size may be increased to accommodate an on-lot sewage disposal site as determined by the Pennsylvania Department of Environmental Protection.

²Minimum lot width shall be measured at the building setback line and the street right-of-way line. A 30% reduction in lot width at the street right-of-way line is permitted.

³Front yard setback is measured from the street centerline.

⁴No more than twenty percent (20%) of the total number of townhouse or multiple-family buildings shall contain more than six (6) units, and in no case shall any grouping contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). All townhouse and multiple-family buildings shall be set back a minimum of fifteen feet (15') from any parking facilities contained on commonly-held lands. All townhouse and multiple-family buildings shall be set back at least twenty feet (20') from any perimeter boundary of the development site. In those instances where more than one townhouse or multiple-family building is located on the same lot, the following separation distances shall be provided between each building:

Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy feet (70') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.

A minimum yard space of thirty feet (30') is required between endwalls of buildings. If the buildings are at right angles to each other, the distance between the corners of the endwalls of the building may be reduced to a minimum of twenty feet (20').

A minimum yard space of thirty feet (30') is required between endwalls and front or rear faces of buildings.

There shall be a minimum of thirty percent (30%) of the gross acreage of multiple-family dwelling sites devoted to active and/or passive common recreational facilities. This area may include any required storm water management facilities. Responsibility for the maintenance of the recreational areas shall be with the landowner and/or the operator. Townhouse lots shall be a minimum width of twenty-four feet (24').

611.7 All remnants of land (areas remaining after subdivision) shall conform to the lot size and configuration requirements.

611.8 All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.

- 611.9 All accessory uses shall comply with the front yard setback and be set back five feet (5') from side and rear lot lines.
- 611.10 All trash dumpsters located within a side or rear yard shall be set back at least twenty feet (20') from all property lines and screened from adjoining roads and residential properties according to Section 619.4.

Section 612 Lot Annexation

A parcel of land may be added to an existing lot of record, provided:

- 612.1 The parcel to be added is contiguous to the receiving lot and maintains or improves the straightness of lot lines of both parcels.
- 612.2 Both the resulting remnant lot and expanded lot conform to the lot area and configuration requirements of the Township.
- 612.3 The subdivision plan includes the following note:
- “This plan creates a lot annexation(s). Lot No.(s) _____ cannot be represented as, or conveyed as, a separate buildable lot(s), nor can Lot No.(s) _____ be used by itself (themselves) by any party for any construction or other land development.*
- The property transfer will result in the recording of a deed with the Centre County Recorder of Deeds. A copy of the recorded deed will be provided to the Township within seven (7) days of its recording.”*
- 612.4 The subdivision plan includes the following signed and notarized statement from the intended purchasers that:
- “ I/We hereby certify that, as the owners of adjacent land (Deed Reference No. _____) to the parcel shown as lands of _____ on this plan, it is my/our intention to acquire said parcel upon approval and recording of this plan. I/we hereby agree to incorporate Lot No. _____ with my/our adjacent landholdings into one (1) tract of land with one (1) encompassing description within ninety (90) days of transfer to my/our ownership. I/We further agree to provide a copy of the recorded deed to Rush Township within seven (7) days of its recording. ”*
- 612.5 Lot areas, including lot areas that result from annexation, shall conform to the requirements of the Township Zoning Ordinance.

Section 613 Vehicle Access to Lots and Units of Occupancy

The location and number of vehicle access points (streets, access drives) shall be adequate for, and appropriate to, the size and nature of the land use and means of access. The Township may require at least two (2) vehicle access points, where deemed necessary in the public interest and for the public safety.

All lands subdivided into more than twenty (20) lots and/or all lands developed into more than twenty (20) residential dwelling units shall provide for at least two (2) vehicle access points to an existing public street.

In situations involving nonresidential subdivision or development, the Township may require at least two (2) vehicle access points, when deemed necessary by the Township in the public interest and for public safety.

When additional access points cannot be provided in accordance with the standards for a street or access drive, the Township may allow an alternate means of ingress and egress for the sole use of emergency vehicles when the primary access is rendered unusable. Such alternate means of ingress and egress shall be at an adequate width and improvement to be usable by emergency vehicles at all times. Use and maintenance of the alternate access shall be specified in easements according to Section 614.

Section 614 Easement

Easements for public or shared services and utilities (e.g., sanitary sewer, water supply, storm water management, electric, telephone, television cable, natural gas, pedestrian access) shall meet the following standards:

- 614.1 Easements shall be adjacent to property lines, to the fullest extent possible.
- 614.2 Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- 614.3 The plan notes and easement agreement shall clearly identify who has the right of access and responsibility for function of the easement area.
- 614.4 Pedestrian easements shall have a minimum width of ten feet (10').
- 614.5 Sanitary sewer easements shall have a minimum width of twenty feet (20'). Water supply easements shall have a minimum width of twenty feet (20'). In the case of a shared utility easement, sufficient area shall be provided to allow a minimum of ten feet (10') between the centerline of the utility and the edge of the right-of-way.
- 614.6 Storm water easements shall have a minimum width of thirty feet (30') and shall be adequately designed to provide area for:
 - 614.6.1 Collection and discharge of water;
 - 614.6.2 Maintenance, repair and reconstruction of the drainage facilities; and,
 - 614.6.3 Passage of machinery for such work.
- 614.7 Where any existing electric or telephone transmission or petroleum product transmission line traverses a property, the applicant shall determine from the applicable company the minimum distance required between each structure and the centerline of such transmission line. All applications shall include a copy of the recorded agreement or a letter from the owner of the transmission line stating any conditions on the use of the property and the right-of-way width.

Section 615 Survey Monument and Marker

- 615.1 Permanent monuments shall be accurately placed along both sides of the right-of-way lines of each street and on the property lines at all points of intersection.

- 615.2 Monuments shall be set at all points where lot lines intersect curves and/or other property lines.
- 615.3 Monuments shall consist of steel reinforcement bar of diameter $\frac{3}{4}$ inch (#6 rebar) at least forty inches (40") long with plastic cap identifying the professional land surveyor responsible for said monuments.
- 615.4 All monuments shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- 615.5 All monuments shall be set twelve inches (12") above finished grade.
- 615.6 Existing monuments shall be delineated on the Preliminary Plan. All existing and proposed monuments shall be delineated on the Final Plan.

Section 616 Storm Water Management

- 616.1 General Criteria. The following general standards shall be to promote flow attenuation, erosion and sediment control, and flood control.
- 616.1.1 All storm water management plans shall be designed and certified by individuals registered in the Commonwealth of Pennsylvania and qualified to perform such duties.
- 616.1.2 All storm water management facilities shall employ Best Management Practices (BMP), as defined in Section 616.11 of this Ordinance.
- 616.1.3 Where applicable, storm water management facilities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
- 616.1.4 Storm water management facilities that involve a State highway shall be subject to the approval of the Pennsylvania Department of Transportation.
- 616.1.5 Storm water runoff from a project site shall flow directly into a natural watercourse, into an existing storm sewer system, or onto adjacent properties in a manner similar to the runoff characteristics of the pre-development flow. The applicant must provide proof to the Township, that he or his agent has informed the immediate downstream property owner of changes to the storm water discharge as a result of the proposed development.
- 616.1.6 Storm water runoff shall not be transferred from one watershed to another, unless the watersheds are subwatersheds of a common watershed which join together within the perimeter of the property, or the effect of the transfer does not alter the peak discharge onto adjacent lands, or drainage easements from the affected landowners are provided.
- 616.1.7 All storm water runoff flowing over the project site shall be considered in the design of the storm water management facilities.
- 616.1.8 Innovative methods for the detention and control of storm water runoff may be used when approved by the Township. Various combinations of methods should be

tailored to suit the particular requirements of the type of development and the topographic features of the project site. The following is a partial listing of detention and control methods which can be utilized in storm water management systems where appropriate:

- 616.1.8.1 Detention basins and retention basins.
 - 616.1.8.2 Roof-top storage.
 - 616.1.8.3 Parking lot ponding.
 - 616.1.8.4 Seepage pits, seepage trenches or other infiltration structures.
 - 616.1.8.5 Concrete lattice block surfaces.
 - 616.1.8.6 Grassed channels and vegetated strips.
 - 616.1.8.7 Cisterns and underground reservoirs.
 - 616.1.8.8 Routed flow over grass.
 - 616.1.8.9 Decreased impervious surface covered.
- 616.1.9 Runoff may be managed regionally by one or more developers, either on-site or off-site. The design and release rate of the regional facilities shall be consistent with this Ordinance.
- 616.1.10 No discharge of toxic material shall be permitted into any storm water management system. Where required by Federal and Commonwealth regulation, the developer shall be responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges.
- 616.1.11 There shall be no increase in the peak rate of storm water runoff from any regulated activity covered by this Ordinance following the completion of the activity (post-development conditions) to existing points of concentrated drainage that discharge onto adjacent property. These existing points of concentrated drainage shall not be altered.
- 616.1.12 Areas of existing, diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of the existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this Ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
- 616.1.13 Where a watercourse, drainageway, channel, stream or spring seep traverse a development site, such watercourse, drainageway, channel, stream or spring seep shall not be moved or diverted. A utility and drainage easement shall be provided paralleling the line of such watercourse, drainageway, channel, stream or spring seep. The width of the utility and drainage easement shall be adequate to preserve the unimpeded flow of the natural discharge in the one hundred (100) year floodplain, in accordance with the computed width of the floodplain. The terms of the easements shall stipulate that no trees, shrubs, excavation, or fill be placed and no regrading be performed within the area of the easement without written approval of the Township. The terms of the easements shall provide for maintenance of the easement, including mowing of vegetation within the easement, by the Township. All easement agreements shall be recorded with a reference to the easement indicated on the site plan. The format and content of the easement agreement shall be reviewed by the Township Supervisors, Township Engineer and Township Solicitor, and approved by the Township Supervisors.

- 616.1.14 When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by Pennsylvania DEP through the Joint Permit Application process, or, where appropriate, by Pennsylvania DEP, through the General Permit process.
- 616.1.15 Minimization of impervious surfaces and infiltration of runoff through seepage beds, recharge trenches, etc. are encouraged, where soil conditions permit (not including soils with fragipans), to reduce the size or eliminate the need for detention facilities.
- 616.1.16 To promote overland flow and infiltration/percolation of storm water, except in areas where soils with fragipans exist, roof drains and driveway drainage shall not be connected to streets, storm sewers, or roadside ditches, unless approved to do so by the Township on a case-by-case basis. Roof drain and driveway drainage shall be connected to a storm water infiltration system or systems designed in conformance with this Ordinance.
- 616.1.17 Where deemed necessary by the Township Engineer, the applicant shall submit an analysis of the impacts of detained storm water flows on downstream areas within the watershed. These impacts shall be identified with concurrence from the Township Engineer. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact peak discharge modifications from the proposed development have on critical locations, such as dams, tributaries, existing developments, undersized culverts, flood-prone areas, floodplains, etc.
- 616.1.18 Springs, surface water/groundwater sump pump discharges and french drains shall extend to a storm water collection/conveyance/control system of natural watercourse in accordance with the approved storm water management plan for the development site. The outlets for these facilities shall be equipped with energy dissipation devices approved by the Township Engineer to prevent erosion.

616.2 Design Storm. Storm water design shall limit the calculated peak rate of storm water runoff from the project site after development to the peak rate of runoff from the project site before development activities. Runoff calculations for the pre-development and post-development comparison shall be provided for the 1-, 2-, 10-, 25-, and 100-year storm events.

616.3 Exemption Criteria. New impervious areas that comply with the following chart are exempt from the Township storm water management criteria:

| Total Parcel Size | Minimum Distance* (Feet) | Cumulative New Impervious Areas Exempt from Ordinance |
|--------------------------|---------------------------------|--|
| 0 - 0.5 acre | 10 | 5,000 sq. ft. |
| 0.5 - 1 acre | 50 | 5,000 sq. ft. |
| 1 - 2 acres | 100 | 10,000 sq. ft. |
| 2 - 5 acres | 250 | 15,000 sq. ft. |
| > 5 acres | 500 | 20,000 sq. ft. |

*The minimum distance between the proposed impervious area and/or storm water controls/structure discharge point to the down-slope property line of the parent tract. In lieu of meeting the minimum distance criteria, the applicant may provide documentation from a qualified registered professional in the Commonwealth of Pennsylvania that the increased flows from the site leaves the site in the same manner as the pre-development condition, and that there will be no adverse effects to adjacent property, or the increased flows reach a natural drainageway or existing storm water management structure before affecting adjacent property.

616.4 Methods of Calculation. The methods to calculate runoff shall be as follows:

616.4.1 The USDA Soil Conservation Service Soil-Cover-Complex Method, as set forth in the latest edition of *Urban Hydrology for Small Watersheds, Technical Release No. 55*, as published by SCS, shall be used where the drainage area is greater than one hundred (100) acres; the time of concentration is greater than one (1) hour; or, the calculated runoff to a point-of-interest requires the combination of multiple hydrographs from multiple sub-watersheds of the study area.

616.4.2 The Rational Method of $Q=CIA$, where “Q” is the peak discharge of the watershed in cubic feet per second, “C” is the coefficient of runoff, “I” is the intensity of rainfall in inches per hour, “A” is the area of the watershed in acres.

616.4.2.1 The Rational Method shall be used where the drainage area is less than one hundred (100) acres; the time of concentration is less than one (1) hour; and, the calculated runoff to a point-of-interest does not require the combination of multiple hydrographs from multiple sub-watersheds of the study area.

616.4.3 If the Rational Method is used, the Pennsylvania Rainfall Intensity-Duration-Frequency Chart shown in the latest version of *Design Manual Part 2, Highway Design*, Pennsylvania Department of Transportation, shall be used to determine the rainfall intensity in inches per hour.

616.4.4 Runoff calculations shall include a hydrologic and hydraulic analysis indicating volume and velocities of flow and the grades, sizes and capacities of water-carrying structures, sediment basins, retention and detention structures, and sufficient design information to construct such facilities. Runoff calculations shall also indicate both pre-development and post-development rates for peak discharge of storm water runoff from the project site.

616.4.5 For the purpose of calculating pre-development, on-site peak discharges, all on-site runoff coefficients shall be based on actual land use with good hydraulic condition. Off-site land use conditions used to determine storm flows for designing storm water facilities shall be based on actual land use with good hydraulic condition.

616.4.6 Criteria and assumptions to be used in the determination of storm water runoff and design of management facilities are as follows:

616.4.6.1 Runoff coefficients should be based on the following table. If the land use is not listed, runoff coefficients shall be chosen from other published documentation, and a copy of said documentation shall be submitted with the storm water management report. Higher coefficients may be required by the Township Engineer due to local soil conditions.

| RUNOFF COEFFICIENTS “C” FOR RATIONAL FORMULA | | | | | | | | | | | | | |
|--|-------|------|------|-----|------|------|-----|------|------|-----|------|------|-----|
| Soil Group | A | | | B | | | C | | | D | | | |
| | Slope | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ |
| Land Use | | | | | | | | | | | | | |
| Cultivated Land | | | | | | | | | | | | | |
| winter conditions | .14 | .23 | .34 | .21 | .32 | .41 | .27 | .37 | .48 | .34 | .45 | .56 | |
| summer conditions | .10 | .16 | .22 | .14 | .20 | .28 | .19 | .26 | .33 | .23 | .29 | .38 | |

| RUNOFF COEFFICIENTS "C" FOR RATIONAL FORMULA | | | | | | | | | | | | |
|--|-------|------|------|-----|------|------|-----|------|------|-----|------|------|
| Soil Group | A | | | B | | | C | | | D | | |
| | Slope | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% |
| Land Use | | | | | | | | | | | | |
| Fallowed Fields | | | | | | | | | | | | |
| poor conditions | .12 | .19 | .28 | .17 | .25 | .34 | .23 | .33 | .40 | .27 | .35 | .45 |
| good conditions | .08 | .13 | .16 | .11 | .15 | .21 | .14 | .19 | .26 | .18 | .23 | .31 |
| Forest/Woodland | .08 | .11 | .14 | .10 | .14 | .18 | .12 | .16 | .20 | .15 | .20 | .25 |
| Grass Areas | | | | | | | | | | | | |
| good conditions | .10 | .16 | .20 | .14 | .19 | .26 | .18 | .22 | .30 | .21 | .25 | .35 |
| average conditions | .12 | .18 | .22 | .16 | .21 | .28 | .20 | .25 | .34 | .24 | .29 | .41 |
| poor conditions | .14 | .21 | .30 | .18 | .28 | .37 | .25 | .35 | .44 | .30 | .40 | .50 |
| Impervious Areas | .90 | .91 | .92 | .91 | .92 | .93 | .92 | .93 | .94 | .93 | .94 | .95 |
| Weighted Residential | | | | | | | | | | | | |
| lot size 1/8 acre | .29 | .33 | .36 | .31 | .35 | .40 | .34 | .38 | .44 | .36 | .41 | .48 |
| lot size 1/4 acre | .26 | .30 | .34 | .29 | .33 | .38 | .32 | .36 | .42 | .34 | .38 | .46 |
| lot size 1/3 acre | .24 | .28 | .31 | .26 | .32 | .35 | .29 | .35 | .40 | .32 | .36 | .45 |
| lot size 1/2 acre | .21 | .25 | .28 | .24 | .27 | .32 | .27 | .31 | .37 | .30 | .34 | .43 |
| lot size 1 acre | .18 | .23 | .26 | .21 | .24 | .30 | .24 | .29 | .36 | .28 | .32 | .41 |

| RUNOFF CURVE NUMBERS "CN" FOR SCS METHOD | | | | | | | | | | | | |
|--|-------|------|------|-----|------|------|-----|------|------|-----|------|------|
| Soil Group | A | | | B | | | C | | | D | | |
| | Slope | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% |
| Land Use | | | | | | | | | | | | |
| Cultivated Land | | | | | | | | | | | | |
| winter conditions | 48 | 60 | 65 | 62 | 73 | 73 | 68 | 78 | 79 | 77 | 88 | 81 |
| summer conditions | 35 | 51 | 61 | 48 | 55 | 70 | 57 | 65 | 77 | 64 | 69 | 80 |
| Fallowed Fields | | | | | | | | | | | | |
| poor conditions | 45 | 54 | 76 | 56 | 63 | 85 | 64 | 74 | 90 | 69 | 77 | 93 |
| good conditions | 30 | 44 | 74 | 43 | 48 | 83 | 48 | 54 | 88 | 56 | 60 | 90 |
| Forest/Woodland | 30 | 40 | 30 | 42 | 46 | 55 | 45 | 50 | 70 | 50 | 56 | 77 |
| Grass Areas | | | | | | | | | | | | |
| good conditions | 35 | 51 | 39 | 48 | 54 | 61 | 56 | 59 | 74 | 62 | 63 | 80 |
| average conditions | 45 | 53 | 49 | 52 | 55 | 69 | 60 | 63 | 79 | 65 | 69 | 84 |
| poor conditions | 48 | 55 | 68 | 56 | 67 | 79 | 66 | 74 | 86 | 73 | 81 | 89 |
| Impervious Areas | 96 | 97 | 98 | 96 | 97 | 98 | 96 | 97 | 98 | 96 | 97 | 98 |

| RUNOFF CURVE NUMBERS "CN" FOR SCS METHOD | | | | | | | | | | | | |
|--|------|------|-----|------|------|-----|------|------|-----|------|------|-----|
| Soil Group | A | | | B | | | C | | | D | | |
| Slope | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ | 0-2% | 2-6% | 6%+ |
| Land Use | | | | | | | | | | | | |
| Weighted Residential | | | | | | | | | | | | |
| lot size 1/8 acre | 71 | 75 | 77 | 74 | 76 | 85 | 78 | 80 | 90 | 81 | 83 | 92 |
| lot size 1/4 acre | 62 | 67 | 61 | 66 | 69 | 75 | 67 | 69 | 83 | 75 | 78 | 87 |
| lot size 1/3 acre | 59 | 65 | 57 | 64 | 66 | 72 | 65 | 66 | 81 | 74 | 77 | 86 |
| lot size 1/2 acre | 57 | 63 | 54 | 62 | 64 | 70 | 63 | 65 | 80 | 72 | 76 | 85 |
| lot size 1 acre | 55 | 62 | 51 | 61 | 63 | 68 | 61 | 64 | 79 | 71 | 75 | 84 |

616.4.6.2 Times of concentration shall be based on the following design parameters:

616.4.6.2.1 Sheet Flow. The maximum length for each reach of sheet, or overland flow before shallow concentrated or open channel flow develops, is one hundred fifty feet (150'). Sheet flow shall be determined using the SCS TR-55, Worksheet 3 (latest edition), or other acceptable engineering design standards, as determined by the Township Engineer.

616.4.6.2.2 Shallow Concentrated Flow. Travel time for shallow concentrated flow shall be determined using Figure 3-1 from the latest edition of *Urban Hydrology for Small Watersheds, Technical Release No. 55*, as published by SCS, or other acceptable engineering design standards, as determined by the Township Engineer.

616.4.6.2.3 Open Channel Flows. At points where sheet and shallow concentrated flows concentrate in field depressions, swales, gutters, curbs, or pipe collection systems, the travel times and downstream end of the site between these design points shall be based upon Manning's equation or other acceptable engineering design standards, as determined by the Township Engineer.

616.5 Hydrographs.

616.5.1 Pre-development hydrographs are required at the site discharge point (a.k.a. Point of Interest) for the required 24-hour design storms.

616.5.2 Post-development hydrographs and/or combined hydrographs are required at the Point of Interest incorporating detention and "non-detention" techniques.

Note: Hydrographs may be generated from either SCS TR-55 method or from use of the "modified" rational method.

616.6 Water-Carrying Facilities. Water-carrying facilities shall be designed as follows:

616.6.1 The design of storm water management collection/conveyance systems including storm sewers that service drainage areas within the site and convey off-site runoff around or through the site shall be designed based upon the post development one hundred (100) year return period storm peak runoff without surcharging inlets and without damage to drainage structures, properties, buildings or roadways and, in the case of man-made channels or swales, with freeboard of at least six inches (6").

616.6.2 All storm sewer pipes, culverts, manholes, inlets, endwalls, and end sections shall be constructed in accordance with Pennsylvania Department of Transportation *Publication 408*, as amended and the requirements of the Pennsylvania Department of Transportation, Bureau of Design, *Standards for Roadway Construction, Publication No. 72*, in effect at the time the design is submitted, as modified by the adopted Township construction standards.

616.6.3 Storm sewers shall be installed after excavating and filling in the area to be traversed is completed, unless the storm sewer is installed in the original ground with a minimum of four feet (4') of cover and adequate protection of the storm sewer is provided during the fill construction.

Storm sewers shall be designed with cradle when traversing fill areas of indeterminate stability and with anchors when gradient exceeds twenty percent (20%). It shall be the responsibility of the design engineer to prepare a detailed cradle and/or anchor design. The anchors shall be spaced as follows:

- a. Not over thirty-six feet (36') center-to-center on grades twenty percent (20%) and up to thirty-five percent (35%).
- b. Not over twenty-four feet (24') center-to-center on grades thirty-five percent (35%) and up to fifty percent (50%).
- c. Not over sixteen feet (16') center-to-center on grades fifty percent (50%) and greater.

Storm sewers shall be backfilled with PennDOT No. 2A coarse aggregate when traversing under paved areas and shoulder areas.

Storm sewer pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the Township or, when not specified by the Township, *Penn DOT Publication 408 Specifications and Standards for Roadway Construction, RC 1-100*, latest edition, shall govern.

616.6.4 Capacities. The capacities of the pipes, gutters, inlets, culverts, outlet structures, and swales shall consider all possible hydraulic conditions. The following are minimum design standards:

616.6.4.1 Grass-lined ditches, swales and roadside gutters shall consider both the channel velocity and stability. Velocity analysis shall be determined using Manning's equation. The Manning's "n" factors to be used for grass-lined ditches, swales and gutters shall be based on accepted engineering design practices. Shear stress design analysis shall be provided based on accepted engineering design practices.

616.6.4.2 The "n" factors to be used for paved, gabion-lined or rip-rap ditches, swales or gutters shall be based on accepted engineering design practices. Velocity analysis shall be determined using Manning's equation. The Manning's "n" factors to be used for appropriately lined ditches, swales and gutters shall be based on accepted engineering design practices. Shear stress design analysis shall be provided based on accepted engineering design practices.

- 616.6.4.3 The velocity to be used in the design of any piped storm water conveyance system shall be based on the maximum velocity obtainable. The capacity shall be based upon full flow conditions.
- 616.6.4.4 Culvert Analysis. In all cases where drainage is collected by a headwall where inlet or outlet control may govern, the pipe shall be designed as a culvert, as outlined in *Hydraulic Engineering Design Series No. 5*, latest edition of the U.S. Department of Transportation Federal Highway Administration, Washington, DC. The allowable headwater should be determined by the specific entrance conditions and sound engineering. The capacities of pipes shall be computed from the Manning Formula judgment. The design of culverts shall not create excessive headwater depths.
- 616.6.4.5 Pipe Roughness Coefficients. The coefficient of roughness, “n” shall be as follows, unless otherwise approved by the Township.

| <u>Pipe Material</u> | <u>“n”</u> |
|--------------------------|------------|
| Concrete | 0.012 |
| Corrugated Steel Annular | 0.024 |
| Corrugated Steel Helical | |
| 15” | 0.012 |
| 18” | 0.014 |
| 21” | 0.016 |
| 24” | 0.017 |
| 30” | 0.018 |
| 36” | 0.019 |
| 42”-54” | 0.020 |
| larger than 54” | 0.021 |
| SLCPP | 0.011 |

For all open channels, the coefficients shall be taken from Tables 5-6 and Figures 5-5 of *Open-Channel Hydraulics* by Ven Te Chow, Ph.D., McGraw-Hill Book Co., 1959.

- 616.6.5 Minimum Pipe Size. Storm water management pipe collection and conveyance systems shall have a minimum diameter of fifteen inches (15”), and shall be installed on sufficient slope to provide a minimum velocity of three feet (3’) per second (3 fps) when flowing full. No double piping shall be permitted.
- 616.6.6 Material Specification. The following are approved for use; alternatives may be accepted, subject to approval by the Township:
 - 616.6.6.1 Storm Sewer Pipe and Culvert Pipe. The following are approved types of storm sewer pipe:
 - 616.6.6.1.1 Reinforced cement concrete, tongue and groove, shall conform to AASHTO M-170.
 - 616.6.6.1.2 Pre-stressed concrete shall conform to PennDOT standards.

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- 616.6.6.1.3 Corrugated Polyethylene - smooth-lined (SLCPP) shall conform to AASHTO-M294, Type S. The corrugated polyethylene pipe shall be suitable for use under H20 and E80 live loads, or with fill heights in excess of fifty feet (50').
- 616.6.6.1.4 Corrugated Steel Pipe - fully asphalt coated AASHTO M-190, ASTM A849.
- 616.6.6.2 Pipe sizes with nominal diameters greater than seventy-two inches (72") shall require structural design submittals for approval.
- 616.6.6.3 All storm sewer and/or culvert to endwall transitions shall have concrete, cast in place, full flow inverts to the outlet of the endwall.
- 616.6.6.4 Installation of culverts will not require protective parapets when having a maximum five feet (5') vertical rise from flow channel invert to crown of street, with the required minimum 3 to 1 embankment slope from limit of right-of-way elevation of flow channel invert. All other installations shall require protective concrete parapets and approaches.
- 616.6.6.5 All culvert structures shall require submission of construction drawings, to assure compliance to HS-25 loading, flow design capacity, and calculated life cycle of proposed structures.
- 616.6.7 All storm sewer pipes and culverts shall be laid to a minimum depth of one foot (1') from subgrade of streets, access drives, driveway, or parking areas to the crown of pipe.
- 616.6.8 Endwalls and end sections shall be used where storm water runoff enters or leaves the storm sewer horizontally from a natural or man-made channel.
- 616.6.9 Inlets shall be placed on both sides of the street at low spots, and at points where the flow in gutters exceeds three inches (3"). Inlets shall normally be along the curb line at or beyond the curb radius points. For the purpose of inlet location at corners, the depth of flow shall be considered for each gutter. At intersections, the depth of flow across the through streets shall not exceed one and one-half inches (1½"). Inlets shall be depressed two inches (2") below the grade of the gutter or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to handle surface runoff.
- 616.6.10 Manholes shall not be spaced more than four hundred feet (400') apart for pipes that are less than thirty-six inch (36") diameter and six hundred feet (600') apart for all pipes of greater than thirty-six inch (36") diameter. Additionally, manholes shall be placed at points of abrupt changes in the horizontal or vertical direction of storm sewers and all convergence of two (2) or more storm water lines. Inlets may be substituted for manholes where they will serve a useful purpose.
- 616.6.11 Curves in pipes or box culverts, without an inlet or manhole, are prohibited. Tee joints, elbows and wyes are also prohibited.
- 616.6.12 All inlets and manholes must have poured concrete channels in order to provide unimpeded conveyance through the structure.

616.6.13 Storm water roof drains and pipes, wherever possible, shall discharge water into a storm water runoff dispersion and infiltration control device and not into storm sewers or street gutters.

616.7 Surface Flow Characteristics.

616.7.1 On-Street Channels. Curb, gutter and street-side swale depths shall comply with the following requirements:

616.7.1.1 New streets without curbs shall be designed to maintain a maximum depth of flow in street-side gutters or swales of three inches (3"), and a maximum depth of flow of two inches (2") along slant or vertical curbs.

616.7.1.2 The depth of flow across street and access drive intersections, including new street intersections with existing streets, shall be a maximum of one inch (1").

616.7.1.3 When possible, storm sewer crossings of streets shall be perpendicular to the street centerline.

616.7.2 Off-Street Channels.

616.7.2.1 Grass-lined channels shall be considered stable if the calculated velocity and shear stress does not exceed the allowable velocities and shear stress as described in the Commonwealth of Pennsylvania Department of Environmental Protection, Office of Water Management *Erosion and Sediment Pollution Control Program Manual*, latest edition.

616.7.2.2 The above channel flows may be exceeded if the designer can provide acceptable, supportive design criteria as proof of erosion prevention. Where the velocity of storm water runoff exceeds the allowable velocity, erosion protection must be provided. The method of erosion protection proposed must be supported by the appropriate design information and/or references.

616.7.2.3 All existing and natural watercourses, channels, drainage systems, and areas of surface water concentrate shall be maintained in their existing condition, unless the Township approves an alteration.

616.7.2.4 Flow velocities from any storm sewer may not result in a deflection of the receiving channel.

616.7.2.5 Energy dissipaters shall be provided at all storm sewer outlets and shall be designed in accordance with the Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Water Management, *Erosion and Sediment Pollution Control Program Manual*, latest edition.

616.7.2.6 The capacities of open channels shall be computed from the Manning equation. Permissible open channel velocities and design standards shall be in accordance with the Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Water Management, *Erosion and Sediment Pollution Control Program Manual*, latest edition.

616.7.2.7 Protective grating conforming to the requirements of the Township Engineer must be provided at all headwalls to prevent clogging and unauthorized access to storm water facilities.

616.7.2.8 All off-street storm facilities shall be contained in, and centered within, an easement.

616.8 Phasing Plans. When applications are submitted in phases, and if temporary facilities are required for construction of a phase, such facilities shall be included in the submitted plans and secured with an improvement guarantee. All phases of development must comply with the provisions of this Ordinance. In the event temporary measures cannot adequately handle the storm water runoff, the main outfall line shall be included as part of the construction of the proposed phase.

616.9 Capacity Improvements (in areas which allow direct release). If the developer can prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the existing drainage network, capacity improvements could be provided by the developer in-lieu-of storm water management facilities typically associated with development of the property.

Capacity improvements shall be designed based on projected development of all areas within the tributary area and design criteria specified in this Ordinance. It shall be assumed that all upstream, new development will implement applicable storm water management techniques, consistent with this Ordinance.

616.10 Detention and Retention Basins. Storm water management facilities shall be provided so that the peak discharge of the calculated post-development runoff to an adjacent property does not exceed the peak discharge of the calculated pre-development runoff, except as specified in Act 167, Watershed Storm Water Management Plans, as adopted by the County of Centre, Pennsylvania. The detention and retention facilities shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates defined by this Ordinance.

All detention and retention facilities shall be equipped with outlet structures to provide discharge control for the five (5) designated storm frequencies. Provisions shall also be made to safely pass the post-development one hundred (100) year design storm runoff without damaging or impairing the continued function of the facilities. Should any storm water management facility require a dam safety permit under Pennsylvania DEP Chapter 105 regulations, the facility shall be designed in accordance with those regulations and meet the Pennsylvania DEP regulations of Chapter 105 concerning dam safety, which may require the passage of storms larger than the one hundred (100) year design event.

Outlet structures within detention and retention basins shall be constructed of reinforced concrete or an alternate material approved by the Township Engineer. With the exception of those openings designed to carry perennial stream flow, design openings shall have child-proof, non-clogging trash racks over all openings. Outlet aprons shall be designed and shall extend at a minimum to the toe of the basin slope. Where spillways will be used to control peak discharges in excess of the ten (10) year storm, the control weirs shall be constructed to withstand the pressures of impounded waters and convey flows at computed outlet velocities without erosion.

All metal risers, where approved for use, shall be suitably coated to prevent corrosion. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser. All metal risers shall have a concrete base attached with a watertight connection. The base shall have sufficient weight to prevent flotation of the riser. An anti-vortex device, consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of all metal risers.

Shared-storage facilities that provide detention of runoff for more than one development site within a single sub-area are encouraged wherever feasible, and provided such facilities meet the criteria contained in this Ordinance. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities. Each developer shall be responsible for the incremental increase in runoff generated by the respective development and incremental construction improvements necessary for the overall facility. Prior approval and consultation with the Township are required before the design of such facilities.

Inlet and outlet structures shall be designed and installed to prevent erosion to the side slopes and the bottom of the detention basins. Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins. Generally, outlet pipes designed to carry the pre-development one (1) year storm flow will be permitted to discharge to a stream with only an energy dissipater; discharges to drainage swales shall be spread with a level spreader or piped to an acceptable point.

- 616.10.1 If the SCS TR-55 method is used, runoff calculations of the pre-development and post-development comparison shall be based upon the following twenty-four hour, Type II, storm frequencies:

| <u>Storm Event</u> | <u>Inches of Rainfall</u> |
|--------------------|---------------------------|
| 1 Year | 2.3 |
| 2 Year | 2.8 |
| 10 Year | 4.3 |
| 25 Year | 4.8 |
| 100 Year | 5.8 |

- 616.10.2 Permanent detention and retention basins shall be designed to store the storm water runoff of the one hundred (100) year post-development storm event minus the water discharged, if any, from the basin by any primary and/or secondary outlets. The storage volume shall be calculated from the beginning of the storm event until such time as the inflow rate equals the outflow rate that is discharged through outlets from the basin.

- 616.10.3 All basins shall be structurally sound and shall be constructed of sound and durable materials. The completed structure and the foundation of all basins shall be stable under all probable conditions of operation, and shall be capable of discharging the peak discharge of a post-development one hundred (100) year storm event through the emergency spillway facilities, and all other outlets combined in a manner which will not damage the integrity of the facility or the downstream drainage areas.

- 616.10.3.1 Emergency spillways shall not be considered in the design of primary and secondary outlet controls. The emergency spillway minimum elevation shall be established at a minimum of one tenth (0.1) foot above the water surface elevation of the post-development one hundred (100) year storm event when routed through the primary and secondary outlet controls. The emergency spillway shall be designed by routing the post-development one hundred (100) year storm event through the spillway, assuming no storage below the emergency spillway elevation.

- 616.10.3.2 Any underground storm water management facility (pipe storage systems) must have a method to bypass flows higher than the required design, a one hundred

(100) year post-development return period peak runoff, without structural failure or causing downstream harm or safety risks.

- 616.10.3.3 Emergency spillways shall be constructed of reinforced concrete or riprap (rock lining) in accordance with this Ordinance. All emergency spillways shall be constructed so that the storm water management facility berm is protected against erosion. Emergency spillways shall extend along the upstream and downstream berm embankment slopes. Erosion protection shall be provided on the upstream embankment slope a minimum of three feet (3') below the spillway crest elevation. The downstream slope of the spillway, as a minimum, shall be protected from erosion to the toe of the berm embankment. The emergency spillway shall not be located on, or discharge over, uncompacted earthen fill and/or early erodible material. Erosion protection shall be provided for the emergency spillway compatible with the computed discharge velocity. The minimum size of rock lining shall be PennDOT Class R-4.
- 616.10.3.4 Rock-filled gabions may be used where combination berm and emergency spillway structures are required to prevent concentrated flows. The Township Engineer may require the use of open concrete lattice blocks, PennDOT rock lining or concrete spillways when slopes exceed four feet (4') horizontal to one foot (1') vertical and spillway velocities might exceed Conservation District standards for the particular soils involved.
- 616.10.4 Basins which are not designed to release all storm water shall be specifically identified as retention basins or wet pond basins. All other basins shall include provisions for de-watering, particularly the bottom, and shall not create swampy and/ or unmaintainable conditions. Impervious low-flow channels and/or tile fields may be used to de-water the bottom of a basin.
- 616.10.5 An outlet structure must be provided to permit draining the basin to a completely dry position within twenty-four (24) hours, unless approved as a wet pond.
- 616.10.6 Discharge structures shall be designed to eliminate the possibility of blockage during operation (i.e., trash racks).
- 616.10.7 All outlet structures and emergency spillways shall include a satisfactory means of dissipating the energy of flow at its outlet to assure conveyance of flow, without endangering the safety and integrity of the basin and the downstream drainage area.
- 616.10.8 Detention basins and/or retention basins which are designed with earth fill dams shall incorporate the following minimum standards:
- 616.10.8.1 The maximum water depth shall not exceed six feet (6').
- 616.10.8.2 The minimum top width of all dams shall be twelve feet (12').
- 616.10.8.3 The side slopes of earth fill dams shall not be less than three (3) horizontal to one (1) vertical.
- 616.10.8.4 The perimeter of all storm water detention basins shall be completely fenced with a fence having a minimum height of six feet (6'). Such fence shall be constructed of chain link or similar material as may be approved by the Township. A double gate having a minimum width of twelve feet (12') shall be

installed to provide access to the storm water detention basin. The developer shall furnish a gate lock.

- 616.10.8.5 A key trench of compacted, relatively impervious material (Unified Soil Classification CL or ML) at a depth of at least two feet (2'), or extending down to stable sub-grade, whichever is deeper.
- Minimum bottom widths for the key trench shall be four feet (4'). Maximum side slopes for the key trench shall be one (1) horizontal to one (1) vertical. A compacted impervious core at least eight feet (8') wide at the top, having a maximum side slope of one (1) horizontal to one (1) vertical, shall extend for the full length of the embankment, and the top elevation shall be set at the 25-year design water surface elevation.
- 616.10.8.6 Anti-seepage Collars. Anti-seepage collars shall be installed around the principal outlet pipe barrel within the normal saturation zone of the detention basin berm. The anti-seepage collars and their connections to the pipe barrel shall be watertight. The anti-seepage collars shall extend a minimum of two feet (2') beyond the outside of the principal outlet pipe barrel. The maximum spacing between collars shall be fourteen (14) times the minimum projection of the collar measured perpendicular to the pipe.
- 616.10.8.7 All riser pipes shall be reinforced cement concrete.
- 616.10.8.8 A minimum of one foot (1') freeboard shall be provided above the maximum design water surface elevation at the emergency spillway. The freeboard is required through the emergency spillway above the calculated water surface elevation for the entire one hundred (100) year post-development flow condition through the emergency spillway. The freeboard should be determined based on the calculated depth of flow through the emergency spillway in accordance with the emergency spillway calculation.
- 616.10.8.9 Minimum finished floor elevations for all buildings that adjoin a basin, other temporary impoundments, or open conveyance systems, shall be two feet (2') above the water surface of a one hundred (100) year storm event. If a basement is proposed below the bottom elevation of the basin, detailed calculations addressing the effects of storm water ponding on the building, and waterproofing, and/or floodproofing design information consistent with the floodplain standards in the Township Floodplain Ordinance shall be submitted.
- 616.10.9 Storm water management basins shall not be located closer than one hundred feet (100') from the rim of sinkholes subsurface mine portals, shafts or openings, or closed depressions, nor within one hundred feet (100') from disappearing streams; nor shall these basins be located closer than fifty feet (50') from lineaments or fracture traces; nor shall these basins be located closer than twenty-five feet (25') from surface or identified subsurface pinnacles. Where retention basins, seepage pits, seepage tanks, seepage trenches and/or french drains are located in an area that is suspected to contain sinkholes, closed depressions, fracture traces, or caverns, 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.
- This information shall include a seepage report containing a test pit soils analysis, prepared by a soil scientist, and percolation test results in accordance with Pennsyl-

vania Department of Environmental Protection regulations (Chapter 73, Section 15). The bottom of the test pits shall be no less than thirty inches (30") below the elevation at which the soil/seepage interface is designed (i.e., the bottom of the trench, pit, etc.).

- 616.10.10 Retention basins must provide enough capacity to store the entire runoff volume created by a 100-year, 24-hour storm event. If supporting documentation is provided for a reduction based upon percolation, the applicant may:
- 616.10.10.1 Determine the volume required using thirty-three percent (33%) of the percolation rate to perform routing calculations.
- 616.10.11 Retention basins shall incorporate the following minimum design standards:
- 616.10.11.1 All infiltration systems shall be located at least ten feet (10') from basement walls. Infiltration systems greater than three feet (3') deep shall be located no less than thirty feet (30') from basement walls or the drain field of a sanitary sewer system.
 - 616.10.11.2 Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be no closer than one hundred feet (100') from any water supply well.
 - 616.10.11.3 Infiltration systems may not receive runoff until the entire contributory drainage area to the infiltration system has received final stabilization.
 - 616.10.11.4 The storm water management facility design shall provide an emergency overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.
- 616.10.12 A liner of impervious material must be provided in all wet ponds. In-lieu-of an impervious liner, the applicant may supply sufficient information to the Township prepared by a soil scientist, which includes an analysis of the potential for sinkhole development, and demonstrates to the Township that sinkholes will not develop.
- 616.10.13 To facilitate access, maintenance and inspection, all storm water detention and retention basins shall be provided with a stabilized access roadway having a minimum width of twelve feet (12') and consisting of eight inches (8"), minimum compacted thickness, of PennDOT select granular material (2A), or other material approved by the Township Engineer. Where the proposed basin is not adjacent to a proposed or existing public right-of-way, or is not accessible due to physical constraints, as determined by the Township Engineer, the access roadway shall be placed within a passable access easement, specifying rights of entry, not less than thirty feet (30') wide, as approved by the Township Engineer, who may require a wider easement if circumstances warrant. Access easements shall provide for vehicle and equipment ingress and egress on grades of less than five percent (5%) for carrying out inspection or maintenance activities. This roadway shall include area(s) for turning vehicles and equipment around. All easement agreements shall be recorded with a reference to the easement indicated on the site plan. The format and content of the easement agreement shall be reviewed by the Township Supervisors, the Township Solicitor and Township Engineer and approved by the Township Supervisors.

- 616.10.14 To facilitate access, maintenance and inspection, all storm water detention and retention basins shall be provided with a stabilized roadway on the entire berm of the basin, except across the emergency spillway. This roadway shall have a minimum width of twelve feet (12') and shall consist of eight inches (8"), minimum compacted thickness, of PennDOT select granular material (2A), or other material approved by the Township Engineer. This roadway shall include area(s) for turning vehicles and equipment around.
- 616.10.15 Alternative Detention Facilities. Alternative storm water detention facilities including rooftop, subsurface basins or tanks and in-pipe detention storage, or other approved alternative designs may be permitted by the Township. Prior approval and consultation with the Township are required before the design of alternative facilities.
- 616.11 Best Management Practices. All storm water management facilities shall employ Best Management Practices (BMP), as outlined in the latest edition of the handbook entitled *Pennsylvania Handbook of Best Management Practices for Developing Areas*, published by Pennsylvania Association of Conservation Society, Keystone Chapter, Soil and Water Conservation Society, Pennsylvania Department of Environmental Protection, and Natural Resources Conservation Service.
- The purpose of the following standards is to provide the designer with guidance to meet the minimum BMP requirements. Innovative approaches are allowed and encouraged with the appropriate documentation furnished to, and approved by, the Township.
- 616.11.1 Water Quality Requirements. No discharge materials, toxic or otherwise, shall be permitted into any storm water management system. Where required by Federal and State regulation, the landowner or developer shall be responsible for obtaining any required permit(s) (such as an NPDES permit) for storm water discharges.
- 611.11.2. In addition to the quantity requirements of this Ordinance, the developer shall:
- 616.11.2.1 Design storm water detention basins so that the outlet of the basin shall, in addition to any other storm water requirements imposed by the Township storm water regulations, discharge the one (1) year, twenty-four (24) hour storm over a twenty-four (24) hour period.
- 616.11.2.2 As an alternative to subsection 616.11.2.1. above, the water quality objectives may be achieved through a combination of best management practices (BMPs), including, but not be limited to: infiltration structures, detention basins, vegetation filter strips, and buffers. The combination of BMPs shall be designed according to the requirements listed under Section 616.11.3, and in consultation with the Township Engineer.
- 616.11.2.3 In lieu of meeting the requirements of subsection 616.11.2.1, or subsection 616.11.2.2 above, the developer may submit original and innovative designs to the Township Engineer for review and approval.
- 611.11.3. BMP Selection Criteria.
- 616.11.3.1 In selecting the appropriate BMPs or combinations thereof, the developer shall consider the following:
1. Total contributing area.
 2. Location of fragipans.

3. Permeability and infiltration rate of the site soils.
4. Slope and depth to bedrock.
5. Seasonal high water table.
6. Proximity to building foundations and well heads.
7. Erodibility of soils.
8. Land availability and configuration of the topography.

616.11.3.2 The following additional factors should be considered when evaluating the suitability of the BMPs used to control water quality at a given development site:

1. Peak discharge and required volume control.
2. Stream bank erosion.
3. Efficiency of the BMPs to mitigate potential water quality problems.
4. The volume of runoff that will be effectively treated.
5. The nature of the pollutant(s) being removed.
6. Maintenance requirements
7. Recreational value.
8. Enhancement of aesthetics and property values.

616.11.4. General Provisions.

616.11.4.1 Minimize on-site impervious area. Preserve natural wooded cover and drainageways within the project site.

616.11.4.2 Maximize the on-site drainage areas that are directed to the BMP. Minimum accepted area is seventy percent (70%). Impervious areas shall be directed to BMP when possible.

616.11.4.3 Minimize mixing of off-site and on-site runoff, unless upstream drainage area is insignificant in size.

616.11.4.4 Delay construction of BMP until all other land disturbing activities are complete to minimize the potential for clogging and maintenance or remedial action.

616.11.4.5 Use water tolerant vegetation. Refer to the *Pennsylvania Handbook of Best Management Practices for Developing Areas* for guidance in choosing appropriate vegetation.

616.11.4.6 Provide a BMP control facility with a length-to-width ratio in basins of at least 2:1 to avoid short-circuiting. Maximize the distance between inflow and outflow.

616.11.4.7 Provide proper erosion protection at all pipe outlets.

616.11.4.8 Utilize underdrains for all basins. May be used as BMP outlet if properly sized.

616.11.4.9 Infiltration trenches provided for storm water management do not require additional storage volume calculations for BMP.

616.11.5. Water Quality. Facilities shall be provided for water quality treatment of the storm water runoff from the first 1.2" of rainfall. The following calculation is used to determine the storage volume, WQ_v , in acre-feet of storage:

$$WQ_v = [(1.2) (R_v)(A)] / 12$$

WQ_v = Water Quality volume in acre-feet

A = Area of watershed in acres

R_v = 0.05 ÷ 0.9(I) where I = net increase in impervious area / Area of watershed (A)

616.11.5.1 Water quality facilities shall be designed as part of a storm water management facility that incorporates water quality BMPs as a primary benefit of using that facility, in accordance with design specifications contained in *Pennsylvania Handbook of Best Management Practices for Developing Areas*. The Water Quality volume shall take a minimum of 24 hours to be discharged from the basin. Watersheds where the post-developed impervious area is equal to or less than the pre-developed impervious area shall not be required to provide Water Quality volume, unless required by NPDES Part II.

616.11.5.2 When possible, runoff from the development site shall be managed through a series of riparian corridor vegetation facilities in a manner consistent with *Pennsylvania Handbook of Best Management Practices for Developing Areas*, Riparian Forested Buffer. The priority goal of the riparian vegetation will be the reduction of thermal impacts on storm water runoff associated with impervious areas, with a secondary goal being the protection of capacity of existing storm water conveyance channels.

616.11.6 Ground Water Recharge. Designs that incorporate ground water recharge (infiltration facilities) are encouraged to compensate for the reduction in the percolation that occurs when the ground surface runoff characteristics have been altered.

The Ground Water Recharge Volume (Rev) is the volume of storm water runoff from a property that is considered the groundwater recharge. Ground Water Recharge Volume may be part of the Water Quality volume, and is calculated on the basis of treatment and recharge by structural storm water management practices, as follows:

$$Rev = [(S) (R_v) (A)] / 12$$

Re_v = Recharge volume in acre-feet

A = Area of watershed in acres

R_v = 0.05 ÷ 0.9(I) where I = net increase in impervious area / Area of watershed (A)

S is the Soil Specific Recharge factor and varies according to soil type, as follows:

| <u>Hydrologic Soil Group</u> | <u>Soil Specific Recharge Factor (S)</u> |
|------------------------------|--|
| A | 0.32 |
| B | 0.22 |
| C | 0.10 |
| D | 0.05 |

616.11.6.1 If more than one Hydrologic Soil Group (HSG) is present at a site, a composite recharge volume shall be computed based upon the proportion of total site area within each HSG.

616.11.6.2 Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

- 616.11. 6.2.1 A minimum depth of forty-eight inches (48") between the bottom of the facility and the seasonal high water table and/or bedrock (limiting zones).
- 616.11. 6.2.2 An infiltration and/or percolation rate sufficient to accept the additional storm water load and drain completely, as determined by field tests conducted by the owner's professional designer.
- 616.11. 6.2.3 Infiltration BMPs receiving only roof runoff may be placed in soils having a minimum depth of twenty-four inches (24") between the bottom of the facility and the limiting zone.
- 616.11. 6.2.4 The recharge volume provided at the site shall be directed to the most permeable HSG available.
- 616.11. 6.2.5 Structural storm water management facilities which provide treatment and recharge of the required Recharge Volume will be designed as part of a storm water management facility which incorporates groundwater recharge BMPs as a primary benefit of using that facility, in accordance with design specifications contained in *Pennsylvania Handbook of Best Management Practices for Developing Areas*, 1998.
- 616.11. 6.2.6 The Groundwater Recharge volume shall be infiltrated within 48 hours after the end of the design storm.
- 616.11. 6.2.7 Watersheds where the post-developed impervious area is equal to or less than the pre-developed impervious area shall not be required to provide Ground Water Recharge volume.
- 616.11. 6.2.8 When ground water recharge is provided, a detailed geologic evaluation shall be performed to determine the suitability of the recharge facility. The evaluation shall be performed by a registered professional geologist, and shall, at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and sub-grade stability. Where pervious pavement is proposed, construction specifications shall be noted on the Plan.

616.12 Erosion and Sedimentation Control. The following principles shall be applied to the design plan and construction schedule to minimize soil erosion and sedimentation:

- 616.12.1 Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.
- 616.12.2 Natural vegetation shall be retained and protected, whenever feasible.
- 616.12.3 The extent of the disturbed area and the duration of its exposure shall be kept to a minimum, within practical limits.
- 616.12.4 Temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction.

- 616.12.5 Drainage provisions shall accommodate the storm water runoff, both during and after construction.
- 616.12.6 Soil erosion and sedimentation facilities shall be installed before any on-site grading.....
- 616.12.7 All earthmoving activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall, at a minimum, meet the standards of the Centre County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
- 616.12.8 The erosion and sedimentation control plan must be available at all times at the project site. When required, a permit allowing earthmoving activity shall be obtained by the developer before any construction on the project site shall begin.
- 616.12.9 Approval of an erosion and sedimentation control plan by the Township shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth.
- 616.12.10 The erosion and sedimentation control plan shall be submitted to the Centre County Conservation District for its review and approval. Building permits will not be issued and construction shall not start until the erosion and sediment control plan is approved or an NPDES permit is received by the Township.
- 616.13 Easements. Easements shall be provided where storm water or surface water drainage facilities are proposed, whether located within or beyond the boundaries of the property. Although normal lot grading does not require easements, swales which receive runoff from more than one other lot or from more than one-half ($\frac{1}{2}$) acre must be provided with an easement.
- Easements shall have a minimum width of ten feet (10') from each side of the watercourse, body of water, or drainage structure and shall be adequately designed to provide area for:
- 616.13.1 Collection and discharge of water,
- 616.13.2 Maintenance, repair and reconstruction of the drainage facilities, and
- 616.13.3 Passage of machinery for such work.
- 616.13.3.1 Easements shall include a description of an ownership and maintenance program, in a recordable form, that clearly sets forth responsibility for all temporary and permanent storm water management facilities.
- 616.13.3.2 Easements that are not along the centerline of a described property line shall be located by a centerline bearing and distance from a known point.
- 616.14 Maintenance of Storm Water Management Facilities.
- 616.14.1 Maintenance During Development. Maintenance of storm water management facilities during development of a project site shall be the responsibility of the developer and the landowner. Maintenance shall include, but not be limited to:
- 616.14.1.1 Removal of silt and debris from basins, traps or other structures and all programs stated in the approved erosion and sediment control plan. When required, clean-

out shall restore the original design volume to the basin or other structure. The elevation corresponding to the maximum allowable sediment level shall be determined and stated in the design data as a distance below the top of the riser. The elevation shall be clearly marked on the riser to enable proper maintenance.

- 616.14.1.2 Periodic maintenance of temporary control facilities, such as replacement of straw bale dikes, straw filters or similar measures.
- 616.14.1.3 Establishment or restoration of vegetation by seeding, mulching or sodding of scoured areas, or areas where vegetation has not been successfully established.
- 616.14.1.4 Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.
- 616.14.1.5 Removal of all temporary storm water management control facilities upon installation of permanent storm water management facilities at the completion of the development.

616.14.2 Maintenance of Facilities Not Dedicated or Accepted by Township.

- 616.14.2.1 The Township shall not become responsible for maintenance of storm water management facilities, unless such facilities are within a street right-of-way dedicated to, and accepted by, the Township, or unless the Township specifically grants an exception to this standard.

Maintenance of storm water facilities shall be the responsibility of the developer and may be assigned to a private entity (e.g., property owner, homeowners' association, and condominium association), when deemed acceptable to the Township.

- 616.14.2.2 When possible, storm water management facilities shall be owned and maintained by one (1) entity. Storm water management facilities shall be designed with consideration for facilities that can be effectively accommodated within the property of one (1) responsible private entity, and reasonably maintained by the private entity.

- 616.14.2.3 When maintenance of storm water management facilities are assigned to the developer and/or private entity, a legally-binding agreement between the responsible parties and Township shall be recorded. Such agreement shall provide the Township with the rights established in Section 705 of the Pennsylvania Municipalities Planning Code, relating to the maintenance of common open space when a private entity fails to adequately maintain the facility. This agreement shall stipulate as a minimum:

1. All facilities shall be maintained in accordance with the approved maintenance schedule and in a safe and attractive manner.
2. Easements and/or rights-of-way shall be conveyed to the Township to assure access for periodic inspections by the Township and maintenance if required.

3. The name, address and telephone number of the person or company responsible for maintenance activities shall be filed with the Township. In the event of a change, new information will be submitted to the Township within ten (10) days of the change.
4. IF the facility owner fails to maintain the storm water control facilities, the Township may perform the necessary maintenance work or corrective work following the notice by the Township to the facility owner to correct the problem(s). The facility owner shall reimburse the Township for all costs within thirty (30) days of the date of the Township's cost statement and, where appropriate, municipal liens shall be imposed on any assets within the subdivision/land development.
5. Other items shall be included in the agreement where determined by the Township to be necessary to guarantee the satisfactory maintenance of all storm water control facilities.

Deeds for property that contain private maintenance of storm water management facilities shall include a specific deed reference to such grantee's responsibility for the maintenance and care of the storm water management facilities. Such deed reference shall be in the form of a deed restriction stating responsibilities of the property owner or private entity for the maintenance, as may be necessary to maintain the storm water management facility in accordance with the terms of this Ordinance. Such maintenance shall include, at a minimum, the following:

- 616.14.2.3.1 Re-establishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not been successfully established.
- 616.14.2.3.2 Liming and fertilizing vegetated channels and other areas according to specifications in *The Agronomy Guide*, Penn State University, College of Agricultural Sciences.
- 616.14.2.3.3 Mowing as necessary to maintain adequate stands of grass and to control weeds. Chemical weed control may be used if applicable regulations are met.
- 616.14.2.3.4 Removal of silt debris or any other obstruction from all facilities in order to maintain the design storage volumes.
- 616.14.2.3.5 Regular scheduled inspection and maintenance program.
- 616.14.2.4 Deed restrictions shall also include notice that, in the event that the private entity fails to comply with the terms of this Ordinance, the Township shall have the authority to carry out those duties imposed upon the private entity.
 - 616.14.2.4.1 The Township may, after giving notice to the private entity of improper maintenance, and providing a reasonable time for compliance, enter upon said property and take such actions as may be required to bring the area into compliance with this Ordinance.
 - 616.14.2.4.2 The Township shall further have the right to file a municipal lien against such property for the cost of maintenance work carried out under this section, plus

a penalty of ten percent (10%) of the costs of such work. The Township may, in addition to the filing of a municipal lien, pursue any other remedies provided by law against any private entity that should fail to comply with the terms of this Ordinance.

616.14.3 Maintenance of Existing Facilities. No person shall modify, remove, fill, landscape, or alter storm water management facilities, unless a storm water management plan has been approved, which authorizes such modification, removal, filling, landscaping, or alteration. No person shall place any structure, fill, landscaping, or vegetation into a storm water management facility or within a drainage easement that will limit or alter the functioning of the facility or easement in any manner.

616.14.3.1 The Township may, after giving notice to the private entity of the improper condition, and providing a reasonable time for compliance, enter upon said property and take such actions as may be required to bring the area into compliance with this Ordinance.

616.14.3.2 The Township shall further have the right to file a municipal lien against such property for the cost of maintenance work carried out under this section, plus a penalty of ten percent (10%) of the costs of such work. The Township may, in addition to the filing of a municipal lien, pursue any other remedies provided by law against any private entity that should fail to comply with the terms of this Ordinance.

616.14.4 Maintenance Guarantee. When the Township accepts dedication of storm water management facilities, the applicant shall post a financial security for the structural integrity and function of said facilities, in accordance with the approved design and specifications. The financial security shall extend for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The financial security shall be the same type as required in Section 502. The amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said facilities.

Section 617 Floodplain

The purpose of the floodplain requirements is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses which, acting alone or in combination with other existing or future uses, will cause unacceptable increases in flood heights, velocities and frequencies;
2. Restricting or prohibiting certain uses from locating within areas subject to flooding;
3. Requiring all those uses that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and,
4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

- 617.1 Warning and Disclaimer of Liability.
- 617.1.1 The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the floodplain, or that land uses permitted within the floodplain, will be free from flooding or flood damages.
- 617.1.2 This section shall not create liability on the part of Rush Township or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
- 617.2 Establishment of Floodplain. The various floodplains shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these floodplains shall be the Flood Insurance Study, Township of Rush, Pennsylvania, Centre County, dated November 16, 1990, Community Number - 421468, prepared by the Federal Emergency Management Agency.
- 617.2.1 The Floodway is delineated for purposes of this section using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of the flood more than one foot (1') at any point. The areas included in this Floodway are specifically defined in Table 1 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
- 617.2.2 The Flood Fringe shall be that area of the one hundred (100) year floodplain not included in the Floodway. The basis for the outermost boundary of this Floodway shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study, and as shown on the accompanying Flood Insurance Rate Map.
- 617.2.3 The General Floodplain shall be that floodplain area for which no detailed flood profiles or elevations have been provided. Such areas are shown on the Flood Insurance Rate Map accompanying the Flood Insurance Study prepared for the Federal Emergency Management Agency. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by Professional Engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township.
- 617.3 Boundary Changes. The delineation of the Floodplain may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, or other qualified agency or individual documents the advisability for each change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency or its successor agency.

- 617.4 Interpretation of Floodplain Boundaries. Interpretations of the boundaries of the Floodplain shall be made by the Township Engineer. Should a dispute arise concerning the boundaries, the person questioning or contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board of Supervisors, and to submit his own technical evidence if he so desires.
- 617.5 Use Within Floodplain.
- 617.5.1 All uses, activities, land filling and development occurring within any floodplain shall be undertaken, only in strict compliance with the Rush Township Floodplain Ordinance, the provisions of this section and with all other applicable codes and ordinances.
- 617.5.2 Under no circumstances shall any use, activity, land filling and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the floodway, a permit shall be obtained from the U. S. Army Corps of Engineers/PA DEP, Water Management Program.
- 617.6 Use Within Floodway. In the Floodway, no development shall be permitted, except where it does not require structures, fill, or storage of materials and equipment.
- 617.7 Flood-Fringe. In the Flood-Fringe, the development and/or use of land shall be permitted, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the Rush Township Floodplain Ordinance and related provisions contained in all other applicable codes and ordinances.
- 617.8 General Floodplain. In the General Floodplain, no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) is permitted, unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one foot (1') at any point. Increases in flood heights shall be calculated by means of current, generally accepted, engineering methods.
- 617.9 Waivers.
- 617.9.1 Waivers from the provisions of Section 617 are discouraged. Where, however, a waiver is essential, the following requirements must be complied with, in addition to all other waiver provisions of Section 306.
- 617.9.1.1 The proposed use, development, or activity shall not cause any increase in flood levels during the one hundred (100) year flood.
- 617.9.1.2 Materials shall not be swept onto other lands or downstream to the injury of others.
- 617.9.1.3 Water supply and sanitation systems shall not be exposed to infiltration of flood waters.
- 617.9.1.4 The proposed facility and its contents shall not be susceptible to flood damage.

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- 617.9.1.5 No alternative location, which is not subject to flooding, is available for the proposed use.
- 617.9.1.6 The proposal requires a waterfront location.
- 617.9.1.7 The proposal will not jeopardize the flood insurance program of the Township.
- 617.9.1.8 Such other factors which are relevant to the purposes of this Section 617.
- 617.9.2 Waivers shall only be issued after the Board of Supervisors has determined that the waiver will not result in threats to public safety, extraordinary public expense, or nuisance.
- 617.9.3 The Board of Supervisors may refer any application and accompanying documentation pertaining to any request for a waiver to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
- 617.9.4 In all waiver proceedings, the burden of proof shall be on the applicant.
- 617.9.5 Whenever a waiver is granted, the applicant should be aware that:
- 617.9.5.1 Increased premium rates for flood insurance may result; and
- 617.9.5.2 The risks to life and property may increase.
- 617.10 Existing Structures in Floodplains. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued, subject to the following conditions:
- 617.10.1 Existing structures and/or uses located in any Floodway shall not be expanded or enlarged, unless such expansion or enlargement meets the requirements of all applicable Township ordinances and the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- 617.10.2 Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any Floodplain, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or shall incorporate flood-proofing measures, regardless of its location in the floodplain. However, minor repairs shall be exempt from this provision, provided that no structural changes or modifications are involved. Minor repairs shall include the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but shall not include any addition, change or modification in construction, exit facilities, or permanent fixtures or equipment.
- 617.10.3 The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in a floodplain to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
- 617.10.4 Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

Section 618 Wetland

All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the U.S. Environmental Protection Agency; U. S. Army Corps of Engineers; Pennsylvania Department of Environmental Protection; or the U. S. Soil Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the U. S. Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No action by the Township shall be relied upon in lieu of a permit issued by the appropriate agency.

Section 619 Landscaping

619.1 Protection of Natural Features. The finished topography of the site shall adequately facilitate the proposed development, without excessive earth moving and destruction of natural amenities. Natural features shall be preserved and incorporated into the final landscaping wherever possible and desirable. The applicant shall demonstrate the means whereby the natural features are protected during construction.

Protection shall be provided from invasive flora species, including, but not limited to, the following species under section 3(b) of the Noxious Weed Control Law [3 P.S. § 255.3(b)]:

- 619.1.1 *Cannabis sativa*, commonly known as marijuana.
- 619.1.2 The *Lythrum salicaria* Complex: Any non-native *Lythrum*, including *Lythrum salicaria* and *Lythrum virgatum*, their cultivars and any combination thereof.
- 619.1.3 *Cirsium arvense*, commonly known as Canadian thistle.
- 619.1.4 *Rosa multiflora*, commonly known as multiflora rose.
- 619.1.5 *Sorghum halepense*, commonly known as Johnson grass.
- 619.1.6 *Carduus nutans*, commonly known as musk thistle.
- 619.1.7 *Cirsium vulgare*, commonly known as bull thistle.
- 619.1.8 *Datura stramonium*, commonly known as jimson weed.
- 619.1.9 *Polygonum perfoliatum*, commonly known as mile-a-minute.
- 619.1.10 *Puerria lobata*, commonly known as kudzuvine.
- 619.1.11 *Sorghum bicolor* cv. *drummondii*, commonly known as shattercane.
- 619.1.12 *Heracleum mantegazzianum*, commonly known as Giant Hogweed.
- 619.1.13 *Galega officinalis*, commonly known as Goatsrue.

619.2 Existing Wooded Area. Existing wooded areas shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of six inches (6") or more, as measured at a height of four and one-half feet (4½') above existing grade, shall not be removed, unless their location interferes with a planned improvement that cannot be relocated to coordinate with the existing wooded areas.

619.3 Strip and Interior Landscaping. Any required landscaping shall include a combination of deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.

619.4 Landscape Screening. Any required landscape screening shall include a combination of evergreens (trees, hedges or shrubs), walls, fences, earth berms, or other approved similar materials. Wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged to block the ground level views between grade, and a height of six feet (6'). Landscape screens must achieve this visual blockage within two (2) years of installation.

619.5 Landscape Material. Plantings shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems and shall be free from disease, insects, insect eggs, and larvae. Plantings shall be selected from stock that was grown under climatic conditions similar to the locality of the property. All planting shall be performed in conformance with good nursery and landscape practice. Plantings shall be properly maintained and replaced if dead.

The varieties of plantings shall be subject to the approval of the Township. The applicant is encouraged to be creative in selecting varieties and locations to achieve a pleasing appearance. Planting materials shall meet the following criteria:

Shade trees shall be a minimum trunk caliper of two inches (2") at a height of six inches (6") above finished grade.

Flowering and/or ornamental trees shall be a minimum trunk caliper of one and one-half inches (1½") at a height of six inches (6") above finished grade.

Evergreen trees shall be a minimum height of six feet (6').

Shrubs shall be a minimum diameter of twenty-four inches (24").

Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.

619.6 Ground Cover. Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas that are not covered by paving, stone, pine needles, bark mulch, or other solid material shall be protected with a vegetative growth. Varieties of ground cover shall be subject to the approval of the Township.

Section 620 Sanitary Sewage Disposal

620.1 When the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, requires a Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Supplement, approval of the Revision or Exemption shall be submitted with the Final Plan Application.

620.2 The applicant shall provide the type of sanitary sewage disposal facility consistent with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

- 620.3 Sanitary sewer systems shall be designed in accordance with the Rush Township Sanitary Sewer Specifications as amended.
- 620.4 Where individual on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply, in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended. On-site sanitary sewage disposal facilities shall be set back from street right-of-way a sufficient area to accommodate future street improvements without disturbing the function of the disposal facility.

Section 621 Water Supply and Fire Hydrants

- 621.1 Water supply systems shall be designed in accordance with the prevailing rules and regulations of the PA DEP and any applicable bona fide water authority, or cooperative association of lot owners.
- 621.2 Fire hydrants shall be provided wherever the water supply system contains sufficient capability, or will in the near future, with or without developer assistance. Type and location of fire hydrants shall meet the specifications of the fire department that services the project, any applicable bona fide water authority, and the Insurance Services Office.
- Fire hydrants shall typically be located at street intersections no more than ten feet (10') from the curb. The maximum distance between fire hydrants shall be six hundred feet (600'). All fitting types shall be in accordance with the standards of the applicable fire department. The large fitting shall face the street.
- 621.3 Where an individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.
- 621.4 If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan application shall include:
- 621.4.1 Evidence that the supplier is a certified public utility; a bona fide cooperative association of lot owners; or a municipal corporation, authority or utility. Acceptable evidence shall be a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate.
 - 621.4.2 Notice of approval of the design, installation and possible financial guarantee from the provider.
 - 621.4.3 Appropriate measures, as deemed necessary by the Board of Supervisors, to ensure adequate future maintenance of the system.

Section 622 Refuse Disposal and Recycling

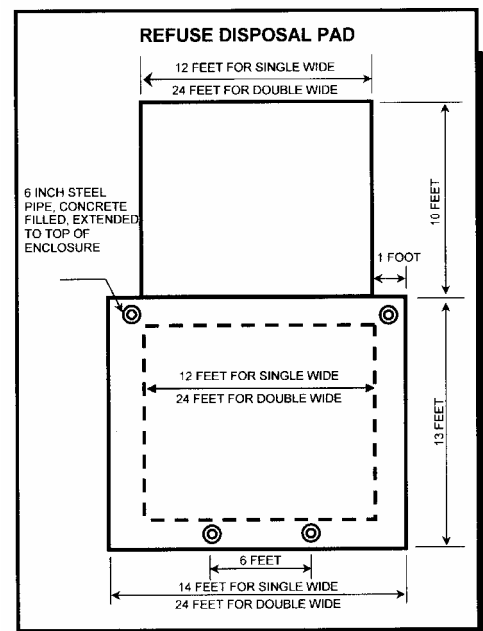
Refuse disposal sites shall be provided for each lot. Lots with multiple residential uses and all non-residential uses shall provide containers in sufficient number and capacity to properly store all refuse.

622.1 Nonresidential Refuse Disposal and Recycling Area. Nonresidential disposal and recycling areas shall be screened with densely planted evergreens or other thick foliage, solid or closely woven fences, stone walls or planted earth berms. The storage area and access pad shall be provided with a minimum six inch (6") thick poured concrete slab over a minimum six inch (6") stone base. The concrete slab shall be certified to develop a compressed stress of at least three thousand, five hundred (3,500) P.S.I. at twenty-eight (28) days. The configuration of the area shall be based upon the needs of the collection company.

The storage, collection and disposal shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident, fire or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers.

Racks or holders shall be provided for all containers. Such containers shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning around them.

622.2 Construction Refuse Disposal. Debris, rubbish, or other waste material resulting from construction activities shall be removed from the lot prior to the release of the issuance of a Certificate of Use and Occupancy. No debris, rubbish, or other waste material resulting from construction activities shall remain in the area covered by an improvement guarantee when a request is made for a release of the improvement guarantee.



Section 623 Burning

Burning of wood, brush and other organic materials stockpiled during the clearing operations of land developments shall be permissible only by written approval from Rush Township, subject to any and all burning restrictions imposed by Federal, State and local authorities.

Article 7

Mobile Home Parks

Section 701 General

The standards and requirements contained in this Article shall apply as minimum design standards for mobile homes, mobile home lots and mobile home parks. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

Section 702 Procedure

In addition to the requirements of this Article, all new mobile home parks, and expansions to mobile home parks, shall follow the procedure specified in this Ordinance for subdivision or land development plans (see Article 3).

Section 703 Minimum Mobile Home Park Area

A mobile home park shall contain a minimum of three (3) acres.

Section 704 Density

The total density of a mobile home park shall not exceed the following:

| | |
|-------------------------------------|-------------------------------------|
| On-Lot Water and On-Lot Sewer | One (1) unit per 60,000 square feet |
| Either Public Water or Public Sewer | One (1) unit per 30,000 square feet |
| Both Public Water and Public Sewer | One (1) unit per 8,500 square feet |

Section 705 Recreation Area

There shall be a minimum of six percent (6%) of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner. Should the landowner neglect to maintain the designated recreational area as depicted on the plan, the Township may then maintain said areas and assess the landowner for any costs incurred. The maintenance of said recreation area by the Township shall not relieve the landowner from prosecution and the penalties provided herein.

Section 706 Mobile Home Lot Dimensions

- 706.1 Each mobile home lot shall contain at least ten thousand (10,000) square feet.
- 706.2 No mobile home or other structure shall be closer than seventy-five feet (75') from any property line or street right-of way line defining the external boundary of the park.
- 706.3 Mobile homes, office, service, utility or other buildings shall have a minimum front yard of thirty feet (30'), rear yard of twenty-five feet (25'), and two side yards of ten feet (10') each. In no case shall the distance between two mobile homes be less than twenty-five feet (25').
- 706.4 No more than five (5) adjacent mobile home spaces shall be located parallel to each other.

Section 707 Mobile Home Unit Requirements

All mobile homes shall have a minimum of seven hundred fifty (750) square feet of habitable space.

Section 708 Street, Curb and Shoulder

Streets, curbs and shoulders shall conform to the street standards of Sections 602 and 610.

Section 709 Alley

The use of alleys is prohibited.

Section 710 Driveway

Driveways shall conform to Section 604. Driveways to all mobile homes must access onto the interior street or access drive system of the mobile home park. Direct driveway access to an existing adjoining public street is prohibited.

Section 711 Access Drive

Access drives shall conform to Section 605. Additionally, a tangential arc shall round the cartway edge at all intersections of both streets and access drives with a minimum radii of fifty-five feet (55').

Section 712 Vehicular Parking

Off-street parking spaces shall comply with Section 607 of this Ordinance.

Section 713 Sidewalk

Sidewalks shall comply with Section 609. Sidewalks shall be provided along both sides of streets and access drives and, where necessary, to connect individual mobile homes to parking compounds and service buildings.

Section 714 Sanitary Sewage Disposal

- 714.1 Mobile home parks shall be served by public or community sanitary sewer facilities.
- 714.2 Sanitary sewage disposal systems that are part of a mobile home park shall conform to Section 620.
- 714.3 Connection. All mobile home units shall be provided with a building sewer as specified in the Rush Township Sanitary Sewer Specifications. The building sewer connection shall be sealed with a securely-fastened plug or cap when the mobile home lot is unoccupied.
- 714.4 Protection. Adequate provision shall be made to protect sanitary sewers from storm water infiltration and damage. All sewer lines shall be constructed as specified in the Rush Township Sanitary Sewer Specifications.

Section 715 Water Supply and Fire Hydrants

- 715.1 All mobile home parks shall be serviced by a public or community water supply system.
- 715.2 All water supply systems and fire hydrants that are part of a mobile home park shall conform to Section 621.
- 715.3 Connection. All mobile home units and service buildings shall be connected to the water supply system. Individual water riser pipes having an inside diameter of not less than three-quarter inch ($\frac{3}{4}$ ") shall be provided for each mobile home stand, and shall terminate no less than four inches (4") above the mobile home stand.
- 715.4 Protection of Water Lines. Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve, below the frost line for each mobile home stand.

Section 716 Storm Water Management

Mobile home parks shall conform to the Storm Water Management standards specified in Section 616.

Section 717 Floodplain

Mobile home parks shall conform to the floodplain standards specified Section 617.

Section 718 Wetland

Mobile home parks shall conform to the wetland standards specified in Section 618.

Section 719 Refuse Disposal and Recycling

Refuse disposal and recycling shall conform to the standards of Section 622.

- 719.1 Mobile home park refuse disposal sites shall be provided at locations which are not more than one hundred feet (100') from any mobile home space, and no less than fifty feet (50') from the mobile home park boundary. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- 719.2 All refuse shall be collected at least once weekly and comply with current recycling requirements. Where suitable collection service is not available, the mobile home park operator shall provide this service. All refuse shall be collected and transported in enclosed vehicles or containers.

Section 720 Exterior Lighting

Streets, access drives, driveways, and walkways shall be lighted at night with an average illumination of at least 0.2 foot candles at their service. Lighting fixtures shall be so spaced and so equipped as to provide adequate levels of illumination throughout the mobile home park for the safe movement of vehicles and pedestrians. Lighting fixtures shall be shielded to avoid glare on adjacent properties and streets.

Section 721 Landscaping

Landscaping shall be provided within the mobile home park boundary area, as established in the Zoning Ordinance. This area shall conform to Section 619.

Section 722 Easement

Easements located within a mobile home park shall conform to Section 614.

Section 723 Survey Monument and Marker

Mobile home parks shall conform to monumentation specified in Section 615.

Article 8

Administration

Section 801 General

This Article outlines the procedures for enforcement and amendment of this Ordinance, as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

Section 802 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the residents of the Township.

In interpreting the language of this Ordinance, to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists, as to the intended meaning of the language written and enacted by the governing body in favor of the property owner and against any implied extension of the restriction.

Section 803 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a Subdivision and Land Development Ordinance in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended.

Section 804 Waiver

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Board of Supervisors may modify any mandatory provision of these regulations in accordance with the provisions of Section 306.

Section 805 Challenge and Appeal

The decision of the Board of Supervisors may be appealed, as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended.

Section 806 Fee and Charge

The Township shall impose fees and charges to recover all costs incurred in the administration of this Ordinance. All fees and charges shall be adopted by resolution. These fees shall include, but not be limited to, an application fee; fees for the review of the plans, studies, financial security, and associated documentation by the Township Engineer, Township Solicitor or other professional consultant; fees for the inspection of improvements installed in connection with development authorized by a plan; and fees for the acceptance of dedication of improvements.

Filing fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, Township Solicitor, or consultant for similar service in the community. In no event will these fees exceed the rate or cost charged by the Township Engineer, Township Solicitor, or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such filing fee, the applicant shall, within fourteen (14) days of the applicant's receipt of the bill, notify the Board of Supervisors that such fees are disputed, in which case, the Township will not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

In the event that the Township and the applicant cannot agree on the amount of the fee which is reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.

Section 807 Violation

Any person, partnership or corporation, or the members of such partnership, or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall:

- 807.1 Lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or
- 807.2 Sell, transfer or agree or enter into an agreement to sell or transfer any land in a subdivision or land development, whether by reference to, or by use of, a plan of such subdivision or land development or otherwise; or
- 807.3 Erect any building or buildings which constitute a land development thereon; or
- 807.4 Commence site grading or construction of improvements before recording of a Final Plan, unless such grading or construction is for the sole purpose of installing improvements, as prescribed in Section 503.

unless, and until, a Final Plan has been prepared in full compliance with the provisions of this Ordinance, and has been recorded as provided herein, or who, or which, in any other way is in violation of, or violates any of the provisions of, this Ordinance, shall be subject to the penalties and remedies set forth in Section 808.

Section 808 Penalty and Remedy for Violation

District Justices shall have initial jurisdiction in proceedings brought under this Ordinance.

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

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

- 808.1 The owner of record at the time of such violation.
- 808.2 The vendee or lessee of the owner of record at the time of such violation, without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- 808.3 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.
- 808.4 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 such owner, current owner, vendee, or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Any person, partnership or corporation who, or which, has violated the provisions of this Ordinance, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, must pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable, until the date of the determination of a violation by the District Justice. If the defendant neither pays, nor timely appeals, the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation.

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

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

No person shall proceed with any site grading or construction of improvements prior to recordation of a Final Plan, unless such grading or construction is for the sole purpose of installing the public improvements, as prescribed in Section 503.

No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Board of Supervisors has approved the Final Plan, and such Plan is recorded with the office of the Centre County Recorder of Deeds.

Section 809 Record Custody

The Township shall keep an accurate, public record of its findings, decisions and recommendations relevant to all applications filed with it for review or approval.

Section 810 Validity

Should any section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

Section 811 Conflict

Whenever there is a difference between the standards specified herein and those included in other applicable regulations, the more stringent requirement shall apply.

Section 812 Erroneous Approval

An approval issued in violation of the provisions of the Ordinance is void without the necessity of any proceedings for revocation. Any work undertaken pursuant to such an approval is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

Section 813 Developer Responsibility

The developer shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

Section 814 Severability

The provisions of this Ordinance are severable, and should any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid.

Section 815 Saving Clause

This Ordinance shall not affect any act done, or any offense committed, prior to its effective date nor affect any action to enforce any prior ordinance or to punish any offense against a prior ordinance.

Section 816 Adoption and Effective Date

This Subdivision and Land Development Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Rush Township, County of Centre, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 24 day of May, 2007.

BOARD OF SUPERVISORS OF RUSH TOWNSHIP

By: *John A. Shannon*
John A. Shannon, Chairman

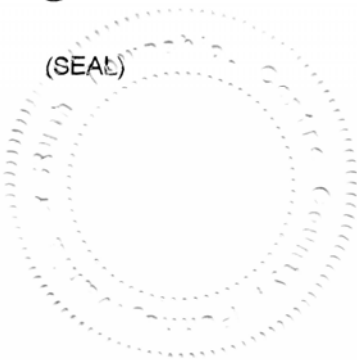
Patrick E. Couturiaux
Patrick E. Couturiaux, Vice-Chairman

Steven Knowles
Steven Knowles, Supervisor

ATTEST:

Jean T. Cooker
Secretary

(SEAL)



Appendices

**The following Appendices, adopted by Resolution,
are supplemental documents to be used in accordance with the
requirements of the Subdivision and Land Development Ordinance.**

APPENDIX NO. 1

STATEMENT OF ACCURACY

SURVEY DATA

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Rush Township Subdivision and Land Development Ordinance. The error of closure is no greater than one foot (1') in ten thousand feet (10,000').

_____, 20____ * _____

*Signature and seal of the registered land surveyor responsible for the preparation of the plan.

GENERAL PLAN/REPORT DATA

I hereby certify that, to the best of my knowledge, the * _____ shown and described hereon is true and correct to the accuracy required by the Rush Township Subdivision and Land Development Ordinance.

_____, 20____ ** _____

*Title of Plan/Report Data

** Signature and seal of the registered land surveyor responsible for the preparation of the plan.

(See Sections 402.6 and 403.6.)

APPENDIX NO. 2

**STATEMENT OF OWNERSHIP,
ACKNOWLEDGMENT OF PLAN,
AND OFFER OF DEDICATION**

INDIVIDUAL

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, disposes and says that he/she is the _____ of the property shown on this plan, that the plan thereof was made at his/her direction, that he/she acknowledges the same to be his/her act and plan, that he/she desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

CO-PARTNERSHIP

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, being one of the firm of _____, who being duly sworn according to law, disposes and says that the co-partnership is the _____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be its act and plan, that it desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

CORPORATE

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, being _____ of _____, the _____ of the property shown on this plan, that he/she is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded, and on behalf of the corporation further acknowledges that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

(See Section 403.6.)

APPENDIX NO. 3

PLANNING COMMISSION REVIEW STATEMENT

At a meeting on _____, 20____, the Rush Township Planning Commission reviewed this plan.

RUSH TOWNSHIP PLANNING COMMISSION

Chairman or Designee

(See Sections 402.6 and 403.6.)

APPENDIX NO. 4

PRELIMINARY PLAN APPROVAL STATEMENT

At a meeting on _____, 20____, the Board of Supervisors of Rush Township granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) _____ through _____, which form a part of the application dated _____, 20____, last revised _____, 20____. This plan may not be recorded in the office of the Centre County Recorder of Deeds, nor may any construction be initiated.

RUSH TOWNSHIP BOARD OF SUPERVISORS

Chairman or Designee

ATTEST:

Rush Township Secretary

(See Section 402.6.)

APPENDIX NO. 5

FINAL PLAN APPROVAL STATEMENT

At a meeting on _____, 20____, the Board of Supervisors of Rush Township granted FINAL PLAN APPROVAL of this project, based upon its conformity with the standards of the Rush Township Subdivision and Land Development Ordinance, and all conditions of approval have been met. This approval includes the complete set of plans/reports that are filed with the Township and available for public review.

RUSH TOWNSHIP BOARD OF SUPERVISORS

Chairman or Designee

ATTEST:

Rush Township Secretary

RECORDER OF DEEDS CERTIFICATE

Recorded in the Office of the Recorder of Deeds, in and for Centre County, Pennsylvania, in Subdivision Plan Book _____, Volume _____, Page _____.

Witness my hand and seal of office this _____ day of _____, 20____.

Recorder

(See Section 403.6.)

APPENDIX NO. 6

RUSH TOWNSHIP

APPLICATION FOR CONSIDERATION OF A SUBDIVISION AND/OR LAND DEVELOPMENT PLAN

| | | |
|------------------------------------|------------------------------------|----------------------------|
| <i>(For Township Use Only)</i> | | |
| Township File No.: _____ | Date of Filing: _____ | Deadline for Action: _____ |
| Revised Deadline for Action: _____ | Revised Deadline for Action: _____ | |
| Revised Deadline for Action: _____ | Revised Deadline for Action: _____ | |

| |
|---|
| <p>NOTICE OF MEETING SCHEDULE</p> <p>Township Planning Commission: _____*</p> <p>Township Board of Supervisors: _____*</p> <p>Attendance at the Township Planning Commission meeting by the applicant or authorized agent is required. The applicant or authorized agent must be prepared to:</p> <ol style="list-style-type: none"> 1. Display a plan for public viewing which identifies at least the horizontal location of streets, parking, building, lot layout, storm water detention/retention basin, water supply, sanitary sewage disposal, and other planned features; 2. Verbally describe the property location and planned features in a presentation of no more than five (5) minutes; 3. Establish the acceptance or rejection of any recommendations of the Township and other officials; and, 4. Establish the intent to avail the applicant to the procedure for complying with the recommendations of the Township. <p>*The meeting schedule is based upon the minimum and typical processing procedures. Additional time may be required by the Township or applicant. The applicant will be advised of any change in the meeting schedule.</p> |
|---|

The undersigned hereby applies for approval under the Rush Township Subdivision and Land Development Ordinance for the Plan, submitted herewith and described below:

1. Plan Name: _____
2. Plan No. : _____ Plan Date: _____
Project Location: _____

3. Name of Property Owner(s): _____
Address: _____ Phone No.: _____
4. Land Use and Number of Lots and/or Units (indicate answer by number of lots or units):

| | |
|--|------------------------------------|
| _____ Single-Family (Detached) | _____ Commercial |
| _____ Multi-Family (Attached - Sale) | _____ Industrial |
| _____ Multi-Family (Attached - Rental) | _____ Institutional |
| _____ Mobile Home Park | _____ Other (please specify) _____ |

- 5. Total Acreage: _____
- 6. Application Classification:
 - _____ Pre-Application Review Section 302 _____ Revised Preliminary Plan (Sections 303.7. & 303.9.)
 - _____ Preliminary Plan (Section 303) _____ Revised Final Plan (Section 304.8. & 304.11.)
 - _____ Final Plan (Section 304) _____ As-Build Plan (Section 404)
 - _____ Alternative Plan Processing (Section 305), Plan Type _____
- 7. Name of Applicant (if other than owner): _____
 Address: _____ Phone No.: _____
- 8. Firm Which Prepared Plan: _____
 Address: _____ Phone No.: _____
 Person Responsible for Plan: _____
- 9. Is a Zoning Variance, Special Exception, Conditional Use, or Waiver approval requested? _____ If yes, please specify.

- 10. Type of Water Supply Proposed:
 _____ Individual _____ Public _____ Semi-Public _____ Capped
- 11. Type of Sanitary Sewage Disposal Proposed:
 _____ Individual _____ Public _____ Semi-Public _____ Capped
- 12. Lineal Feet of New Street: _____
- 13. Sewer Facilities Plan Revision or Supplement Number _____ and Date Submitted _____

The undersigned hereby represents that, to the best of his/her knowledge and belief, that they are the owners/equitable owner of the land that is the subject matter of this Application, that they have the authority to proceed on behalf of all parties claiming an ownership interest therein, and that all information listed above is true, correct and complete.

Furthermore, the signatories agree that all legal and engineering costs incurred by Rush Township, in the processing and/or review of the subdivision and /or land development plan and supplemental documents shall be paid by the applicant(s) and/or owner(s), whether the application is approved or rejected.

Date: _____

 Signature of Landowner or Applicant

Revision Date: _____

 Signature of Landowner or Applicant

Revision Date: _____

 Signature of Landowner or Applicant

Revision Date: _____

 Signature of Landowner or Applicant

(See Sections 302, 303, 303.3, 304.4, 303.7, 303.9, 304, 304.8, 304.11, 305, and 404.)

APPENDIX NO. 7

RUSH TOWNSHIP

APPLICATION FOR CONSIDERATION OF A WAIVER

| |
|--------------------------------|
| <i>(For Township Use Only)</i> |
| Plan No.: _____ |
| Date of Receipt/Filing: _____ |

The undersigned hereby applies for approval of a waiver, submitted herewith and described below:

1. Name of Project: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____ Phone No.: _____

4. Name of Applicant (if other than owner): _____

Address: _____ Phone No.: _____

5. Specify section(s) of the Rush Township Subdivision and Land Development Ordinance for which a Waiver is requested:

6. The proposed alternative to the requirement: _____

7 Justification for the Waiver: _____

8. Identification of Plans, Reports or Supplementary Data which are part of the Application.

Furthermore, the signatories agree that all legal and engineering costs incurred by Rush Township, in the processing and/or review of the subdivision and /or land development plan and supplemental documents shall be paid by the applicant(s) and/or owner(s), whether the application is approved or rejected.

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct and complete.

Date: _____

Signature: _____

(See Section 306.3)

APPENDIX NO. 8

**ACCEPTANCE OF CONDITIONS UPON APPROVAL OF
SUBDIVISION AND/OR LAND DEVELOPMENT PLAN**

I have reviewed the conditions imposed by Rush Township upon the approval of the subdivision and/or land development plan entitled _____, prepared by _____, dated _____, 20____, last revised _____, 20____. In my capacity as landowner/landowner’s agent, and being authorized to do so, and intending to be legally bounded, I hereby accept the imposition of the conditions attached hereto as part of the approval of the above-described subdivision and/or land development plan. If signing as agent, I expressly state that I have been authorized to agree to the conditions imposed upon the approval of the above-described subdivision and/or land development plan.

Date: _____

(Signature)

[Printed Name]

(See Sections 303.8 and 304.9)

APPENDIX NO. 9

STANDARD PLAN FORMAT

| | | | |
|--|----------------------------|---------------|------------------|
| Statement of Ownership | See Appendix No. 2 | | |
| Plan Review and Approval Certificates | See Appendix Nos. 3, 4 & 5 | | |
| Zoning Data | Site Data | | |
| Recorder of Deeds Certificate | SEAL | | |
| Statement of Accuracy | See Appendix No. 1 SEAL | | |
| Individual/Firm | Name | | |
| Address | Address | | |
| Landowner/Developer | Name | | |
| Address | Address | | |
| Final Plan | of | | |
| Scale | 1"=xxx | Graphic Scale | Date xx/xx/xx |
| Xxxx X. Xxxx RUSH TOWNSHIP CENTRE COUNTY, PA | | | |

| | | | |
|--------------|-----------------|-----------|----------|
| | North Arrow | Sheet No. | xx of xx |
| | Source of Title | Book | Page |
| | Revisions | | |
| Plan Notes | | | |
| Location Map | | | |
| Tax Map | | Book | Lot |

(See Section 402.1 and 403.1.)

APPENDIX NO. 10

RUSH TOWNSHIP

APPLICATION FOR INSTALLATION OF PUBLIC IMPROVEMENTS

| |
|--------------------------------|
| <i>(For Township Use Only)</i> |
| Plan No.: _____ |
| Date of Receipt/Filing: _____ |

The undersigned hereby applies for approval to construct public improvements in conjunction with conditional Final Plan approval:

1. Name of Project: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____ Phone No.: _____

4. Name of Applicant (if other than owner): _____

Address: _____ Phone No.: _____

5. Specify the specific public improvements for construction: _____

Furthermore, the signatories agree that all legal and engineering costs incurred by Rush Township, in the processing and/or review of the subdivision and /or land development plan and supplemental documents shall be paid by the applicant(s) and/or owner(s), whether the application is approved or rejected.

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct and complete.

Date: _____ Signature: _____

(See Section 503.1)

APPENDIX NO. 11

DEVELOPER'S AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 20__, by and between the Township of Rush, a township operating under the laws of the Commonwealth of Pennsylvania with municipal offices at 150 North Richard Street, Philipsburg, Pennsylvania ("Township") and _____, a _____ ("Developer").

WITNESSETH

WHEREAS, Developer is the legal or equitable owner of a certain tract of ground comprising ____ acres, more or less, located at _____, _____, in Rush Township, Centre County, Pennsylvania, which entire parcel is more fully described in the legal description attached hereto, made a part hereof and marked Exhibit "A" (the "Tract"); and,

WHEREAS, Developer desires to develop the Tract in accordance with certain final plans of subdivision or land development for the development known as _____, _____, as shown on the plans prepared by _____ being Plan No. _____, consisting of ___ sheets, dated _____, with the last revision dated _____, setting forth the proposed development of the Tract into _____ lots and _____ units of occupancy in accordance with those plans, said plans hereinafter referred to as "Plans" (a complete schedule of the plan to be recorded and all supporting plans are attached hereto as Exhibit "B" and expressly made a part hereof); and,

WHEREAS, Developer desires to develop the Tract and install the public improvements shown on said Plans in accordance with the Township Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code; and,

WHEREAS, the Township is prepared to approve aforesaid Plans provided the duties and obligations of the Developer with regard to the public improvements shown on the Plans and such other

off-site public improvements as are reasonably related to the burdens to be placed upon the Township by the development are clarified and the completion of those public improvements is secured in the manner prescribed by the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants and agreements contained herein, and intending to be legally bound hereby, agree as follows:

1. IMPROVEMENTS. All public improvements to be constructed and/or installed and/or financed in whole or in part by the Developer (as well as the estimated costs of completing each) are listed on Exhibits "C" and "D" attached hereto, which are expressly made a part hereof (the said public improvements hereinafter referred to collectively as "Improvements"). The following provisions shall be applicable to the Improvements:
 - A. Streets. Developer shall construct all streets as shown on the Plans. No street shall be paved between November 15 and March 15 of any year without prior written approval of the Township Engineer.
 - B. Sanitary Sewers. Developer shall construct and install all sanitary sewer lines shown on the Plans so that each building to be constructed on the Tract shall be served with public sanitary sewer facilities.
 - C. Water Lines. Developer shall construct and install all water lines shown on the Plans so that each building to be constructed on the Tract shall be served with public water facilities.
 - D. Storm Water Management. Developer shall construct storm water management facilities as shown on the Plans in order to adequately drain the Tract of surface waters. In the event that, at any time during the construction period, the Township Engineer determines that the storm water management facilities as designed are inadequate, Developer shall submit for approval a revised storm water management plan and shall make all of the changes necessary to the storm water management facilities to adequately drain the Tract of surface water. However, if, in such an instance, Developer does not agree with the Township Engineer that the design is inadequate or that changes are necessary, Developer, within ten (10) working days of written notice of inadequacy from the Township, may notify the Township that the determination of inadequacy is disputed. If, within twenty (20) days of the date of written notice of inadequacy from the Township, the Township and Developer cannot agree on the changes, if any, necessary to the storm water management plans, Developer and the Township shall jointly, by mutual

agreement, appoint an independent professional engineer licensed as such in the Commonwealth to review the determination of adequacy of the storm water management plan and to determine the changes, if any, that are necessary. The determination by said professional engineer and the appointment of an engineer if the parties cannot agree on one shall be determined in a manner consistent with that set forth with respect to fee reimbursement disputes in the Pennsylvania Municipalities Planning Code at Section 510(g)(3), (4) or any amendment to those statutory provisions. The fee of the appointed professional engineer shall be paid by the Township if the independent engineer determines that Developer's existing or proposed revised storm water management plans are adequate. If the plans or revised plans are not adequate in the opinion of the independent professional engineer, Developer shall pay the fee of the appointed professional engineer and shall make all of the changes necessary to the storm water management facilities. Developer shall obtain at its sole expense any necessary storm drainage easements. Developer and the Township shall enter into a separate agreement concerning the maintenance of the storm water management facilities.

- E. Plantings. Developer shall plant all trees, shrubs, lawns, and other landscaping materials as shown on landscaping plans filed with the Township and, in addition thereto, shall comply with all screening and buffering requirements of Rush Township ordinances. Developer shall remove all unauthorized plantings within the rights-of-way of the Township and refrain from the planting of any shrubbery or landscaping materials in any of the rights-of-way or intersection lines of sight as shown on the Plans.
- F. Signs. Developer shall reimburse the Township for installation of such street sign or signs, traffic control sign or signs and no parking sign or signs within the Tract as shall be determined exclusively by the Township. Such signs shall be of the type, size and construction designated by the Township. Developer shall also pay for the cost of any traffic studies required to be performed under the Vehicle Code and any legal and advertising costs incurred by the Township to enact the necessary traffic ordinances in connection with the erection of such signs.
- G. Other Improvements. The list of Improvements contained in paragraphs 1.A. through G. is not intended to encompass all of the Improvements required or shown on the Plans aforesaid. Developer shall install, construct or supply all other Improvements set forth on the Plans, listed

on Exhibit "C" or required by Township, County, State, or Federal laws, ordinances, rules, or regulations as the same may be required.

- H. Capital Improvements. Developer and Township expressly recognize that development of the Tract will have effects which cannot be addressed through the Improvements constructed and/or installed by Developer on the Tract. Developer and Township also expressly realize that the effects of the development of the Tract will interact with existing conditions and other proposed and potential development within the Township. Developer and Township agree that development of the Tract will contribute to the need for the Improvements set forth on Exhibit "D", but that development of the Tract is not the sole cause of such need. In order to address the need for the Improvements set forth in Exhibit "D", Developer shall contribute the sums set forth in Exhibit "D" which shall be placed in a capital or similar account maintained by the Township and/or install such Improvements as are indicated on Exhibit "D" and the Plans. Should one or more of the Improvements set forth on Exhibit "D" not be completed within ten (10) years from the date of this Agreement, the Township, upon Developer's written request, shall return to Developer the sum contributed for such Improvement or Improvements.

Developer acknowledges that the capital contributions and/or off-site improvements set forth in Exhibit "D" herein have not been required by the Township as a condition of the approval of the Plans and are voluntarily made by Developer to address the effects of the proposed development. Developer acknowledges that the capital contributions set forth herein are not impact fees and are not governed by Article V-A of the Pennsylvania Municipalities Planning Code.

2. CONDITIONS PRECEDENT TO CONSTRUCTION

- A. Before commencing construction of the Improvements, Developer shall submit to the Township Engineer the specifications for materials to be used in such construction, and Developer shall not proceed with any construction without the written approval of the Township Engineer.
- B. No building permit shall be issued and no construction of the Improvements shall commence until:
- (1) the Plan is recorded according to law;

- (2) Developer presents evidence satisfactory to the Township Solicitor that Developer has legal title to the Tract;
 - (3) this Agreement is duly signed, acknowledged and delivered;
 - (4) all fees required by Township ordinances and regulations are paid, including payment of legal and engineering fees and expenses incidental to review of the Development;
 - (5) Developer provides Financial Security to Township; and,
3. CONSTRUCTION, INSTALLATION OR SUPPLY OF IMPROVEMENTS IN ACCORDANCE WITH THE SPECIFICATIONS. Developer shall construct, install or supply all Improvements in accordance with the requirements and specifications of the Township of Rush, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and all other laws, ordinances, rules, and regulations of all duly constituted public authorities which shall have jurisdiction over the installation, construction, supply, or maintenance of any Improvements. Developer shall install all utility lines in the Tract underground. Developer shall locate all underground structures and utilities which may be encountered during the construction of the Development, including, but not limited to, water, steam, oil and gas mains and lines, storm and sanitary sewers, telephone lines, cable television lines, electric conduits, and other underground installations, and shall make adequate provisions to protect the same from damage or disruption. In order to determine the location of the underground structures and utilities aforesaid, Developer shall arrange with the owners of such underground structures or utilities to assign a representative to mark the locations thereof. Developer shall pay the cost of determining the location and all other costs attendant with the identification and protection of all underground utilities in accordance with the provisions of the Act of December 10, 1974, P.L. 852, No. 287, as amended 73 P.S. §176 et seq. Developer shall not enter upon or occupy with workers, tools or materials, any private lands outside the Tract, without the written permission of the owners of such private adjacent tracts having been obtained in advance.
4. DAMAGE TO EXISTING STREETS, DRAINAGE STRUCTURES OR OTHER FACILITIES. In the event any existing Township streets, drainage structures or other facilities are disturbed, subjected to excessive wear and tear, damaged or destroyed during the course of the development of the Tract, including, but not limited to, damages resulting from openings into streets to install underground facilities or resulting from travel to use by vehicles or construction equipment, Developer agrees, at its cost, to repair or, if necessary, replace such facilities.

Developer shall be responsible for all damage to the public sanitary sewer system or public water system which results from Developer's construction or development of the Tract and shall immediately repair all such damage.

5. PRIOR NOTICE TO THE TOWNSHIP OF INTENT TO BEGIN GROUND CLEARING. No grading, excavating, removing or destruction of top soil, trees or other vegetative cover of any kind nor changes in the contours of the Tract shall be made unless and until the Township Engineer has been given five (5) calendar days written notice of Developer's intention to do so. Upon receipt of such written notice, the Township Engineer shall certify that all appropriate soil erosion and sedimentation control measures applicable to the specific work being initiated by Developer have been installed and are operational. In addition, Developer shall have installed snow fencing or other barriers acceptable to the Township Engineer to specify the limits of ground clearing so that trees and other vegetation not proposed to be affected by the construction of roads, buildings or other Improvements are not affected during the ground clearing process. The Township Engineer shall not grant permission to grade and/or clear ground for any portions of the Tract on which soil and erosion control measures have not been fully installed. If it is the intention of Developer to clear lots on an individual basis, the notice required by this paragraph shall be given to the Township Engineer for each lot on which grading or tree clearing of any kind is necessary.
6. SOIL EROSION, SEDIMENTATION CONTROL AND CONTROL OF WATER POLLUTION. No changes shall be made in the contours of the Tract and no grading, excavating, removing or destruction of topsoil, trees or other vegetative cover on the Tract shall be made until such time as a plan for minimizing soil erosion and sedimentation has been reviewed and approved by the Centre County Conservation District and the Township. Developer shall submit such a plan for minimizing soil erosion and sedimentation control to the Centre County Conservation District. Developer shall deliver evidence of the approval of such plan to the Township prior to the date of this Agreement, and Developer shall comply with the plan during the course of construction. Developer shall use all care possible to prevent accelerated soil erosion and other pollution of the waters of the Commonwealth of Pennsylvania, even if measures exceeding those set forth on approved plans prove necessary.
7. COMPLIANCE BY CONTRACTORS. Developer shall procure and be responsible for compliance by all of its contractors, subcontractors and suppliers with all applicable Federal, State, County, and Township statutes, ordinances, rules, and regulations in connection with any of the work

on the Tract. Such compliance shall include, but not be limited to, the procuring of all necessary bonds, permits and licenses in connection with the work to be done and the payment of all of the contributions, fees, premiums, and taxes required by such laws, ordinances, rules, and regulations.

8. PROTECTION OF REASONABLE ACCESS DURING CONSTRUCTION. At all times during the construction of the Development, Developer and its contractors and subcontractors as aforesaid, shall conduct their work in such manner as to insure that there is a minimum obstruction to traffic and that the convenience of the general public, the residences and/or the commercial or industrial establishments adjacent to the Tract are provided for in an adequate manner. No materials shall be stored upon any dedicated public roads or streets. Any materials which must be stored upon streets yet to be dedicated shall be placed so as to cause as little obstruction to traffic as possible. Fire hydrants on or adjacent to the Tract shall be kept accessible to fire apparatus at all times, and no materials or obstructions shall be placed within fifteen feet (15') of any such hydrant. All storm drainage and storm sewer inlets shall be kept unobstructed at all times. Developer shall maintain such barricades and warning lights or flares as are necessary during the course of construction to protect traffic and the public in general. Any work in a street which is unfinished for any reason whatsoever shall be left in such a condition as to make the Tract accessible at all points to fire and other emergency apparatus. Access to the Development by construction vehicles and equipment during all phases of construction shall be limited to _____ (location) _____. Developer agrees that construction vehicles and equipment shall not enter or leave the Development site from any other point of access.
9. INSURANCE/INDEMNIFICATION. Developer agrees to defend, indemnify and hold harmless the Township and its agents and employees from and against all claims, damages, liability, losses and expenses, including attorneys fees and costs of investigation, arising out of or resulting from
- A. the performance of the work on the Tract,
 - B. the approval of the Improvements or Plans,
 - C. the granting of any permit or approval,
 - D. the rough grading and final grading of the land within the Tract, and
 - E. any water or storm drainage runoff from Developer's premises.

Developer assumes all risks and shall bear all loss resulting from any injury to property or persons occasioned by neglect or accident during the progress of development of the Tract.

Developer shall obtain and maintain at all times during the course of construction, comprehensive general liability insurance with minimum limits of liability with respect to bodily injury and property damage combined of at least \$2,000,000.00 for each occurrence, aggregate, and personal injury; automobile liability, bodily injury and property damage combined of at least \$2,000,000.00; excess liability, umbrella form, bodily injury and property damage combined of at least \$3,000,000.00. The said insurance shall contain a provision prohibiting its cancellation by the carrier without thirty (30) days prior written notice of such cancellation to the Township. Prior to the commencement of any construction, Developer shall deliver to the Township a certificate issued by an insurance company, reasonably satisfactory to the Township, indicating that Developer has obtained comprehensive general liability insurance in accordance with the provisions of this Agreement, and that premiums for the said insurance have been paid in advance for the entire period covered by said insurance. At least thirty (30) days prior to the expiration date(s) of the said insurance, Developer shall deliver to the Township a certificate of insurance indicating that the said policy or policies have been renewed and that the premiums for the renewal period have been paid in advance. During the construction period, Developer shall have the right to substitute other insurance policies containing the same provisions as the original policies, provided however, that all such policies shall be in a form and issued by insurance companies reasonably acceptable to the Township. All policies which name the Developer and/or contractor(s) for Developer as an insured must also name Rush Township and the Township Engineer and their agents and employees as additional insured.

In the event that a third party, his agents, servants, employees, heirs, assigns, or grantees should institute any legal action whatsoever against Rush Township, it or its agents, servants or employees for the hereinbefore stated reasons, Developer hereby agrees to further pay any and all attorneys fees, engineering fees, court costs, or any other expenses whatsoever incurred by Rush Township, it or its agents, servants or employees in regard thereto. Developer agrees that if suit is brought by Township against Developer to enforce this Agreement, Township shall be entitled to collect from Developer, provided that Township shall prevail in its suit, all reasonable costs and expenses of suit, including reasonable attorneys fees.

10. WASTE MATERIALS AND MAINTENANCE OF SANITARY FACILITIES DURING CONSTRUCTION. Developer shall collect and properly discard all waste material, such as paper, cartons and the like, and shall prevent the same from being deposited, and then either thrown or blown upon the tracts adjacent to the Tract or upon the Tract itself. In addition, Developer shall require that all

contractors, subcontractors and material suppliers shall comply with the provisions of this Paragraph.

All rubbish and unused materials and tools shall be removed promptly from the Tract and, as work progresses, the Tract shall be carefully cleaned and kept clean of any rubbish or refuse. Developer shall maintain the Tract in a clean condition by removing all debris from the site or otherwise disposing of such debris in an appropriate fashion and with the prior approval of the Township. If Developer or any of the contractors, subcontractors or material suppliers shall fail to comply with any of these conditions, the Township shall have the right to enter upon the Tract and perform such cleaning and disposal with its own employees or with its contractors, and the Township may draw upon Developer's Financial Security to reimburse itself for such expense.

Developer shall provide and maintain properly secluded sanitary conveniences in accordance with existing regulations of the Departments of Labor and Industry, Health, and Environmental Protection for the use of the workers.

11. "AS BUILT" PLANS. Upon the completion of all of the Improvements and all of the structures to be constructed within Tract, Developer shall cause its registered professional engineers to certify the plans and supply "as built" plans to the Township.
12. SURVEY MONUMENTS AND MARKERS. The monuments and markers shall be placed in locations as specified in the Township Subdivision and Land Development Ordinance. All such monuments and pins shall be placed by a registered land surveyor and shall be visible when final grading has been completed and before any occupancy permit is issued. Developer shall provide the Township with a plan showing the accurate placement of said monuments and pins which shall be certified by Developer's registered land surveyor.
13. INSPECTIONS. The Township shall have the right, at any time, to inspect any of the work to be performed on the Tract, and all such inspections may be made by the Township through its employees or by consultants retained by the Township to determine that the construction has been and is being carried out in compliance with the approved Plans, the specifications of the Township and other duly constituted authorities and this Agreement. Developer shall reimburse the Township for all costs incurred in such inspections, and if Developer fails to do so, the Township shall have the right to draw upon the Financial Security to reimburse itself for such costs.
14. OCCUPANCY PERMITS. No structure shall be occupied until it and all of its appurtenances have been completed, all roads necessary for ingress and egress to the said structure have been completed to an extent which will permit unquestionable ease of access for emergency vehicles, and

all of the other requirements of this Agreement and the Plans and other ordinances, laws, rules, or regulations regarding such structure have been complied with, and the same have been inspected and approved by the Township, and the Township has issued an occupancy permit or permits therefor. Furthermore, no structure shall be occupied until provisions satisfactory to the Township Engineer have been made (including, but not limited to, seeding and sodding) to prevent runoff of rain water, melting snow, etc. from being discharged onto adjacent tracts or onto the street or pavement, and to prevent such runoff from coming onto said lot, street or pavements from other adjacent tracts. The provisions of this paragraph shall not prevent occupancy where the asphalt base course of any roadway or easement is constructed to the extent required by the Township and Developer desires to delay the top surfacing of said roadway until the end of the term in which the Improvements are required to be completed.

15. FAILURE TO PROCEED. If Developer fails to perform the work of the development with promptness and diligence, or fails in the performance of any of the provisions contained in this Agreement, the Township shall give to Developer written notice of such default. In the event Developer does not commence to correct such default within two (2) business days of such notice, and thereafter to diligently continue to correct such default, the Township shall have the right to secure materials of the quality and quantity required by the Agreement and the Plans, and the necessary numbers of workers, mechanics and the required equipment in the open market, at the then current market prices, from any party or parties, to cure such default. Provided, however, if the Township shall determine that curing such default shall require the Township to undertake completion of the Improvements, the procedures and time limits of Paragraph 16(E) shall apply.

If the Township secures workers, mechanics and equipment in the open market to carry forward such work, the Township shall have the right to take possession of all materials, tools, appliances, and equipment on the premises intended for use in the performance of this Agreement for the purpose of including them in the Improvements, and Developer hereby assigns to the Township all of its right, title and interest in and to such materials, tools, appliances, and equipment for use in the completion of the Improvements.

All workmanship and materials incorporated into the Improvements shall be subject to inspection, examination and testing at any time and at all times during the installation or construction and at any and all places where such installation or construction is carried on. The Township shall have the right to reject defective materials and workmanship; and such workmanship shall be satis-

factorily corrected, and rejected materials, equipment and other articles shall be replaced. If Developer fails to proceed at once with the replacement of rejected materials, equipment or articles, or the correction of any defective workmanship, the Township may proceed with the work as provided in this Paragraph.

16. FINANCIAL SECURITY.

A. Financial Security.

(1) The term "Financial Security" shall have the same meaning as provided by Section 509 of the Pennsylvania Municipalities Planning Code.

(2) Concurrently with the execution of this Agreement, Developer shall provide the Township with Financial Security in the following form (check applicable Financial Security):

Irrevocable Letter of Credit

Escrow Agreement

Security Bond

in accordance with the requirements of Section 509 of the Pennsylvania Municipalities Planning Code. The terms and conditions of the Financial Security are subject to the approval of the Township Solicitor.

B. Amount of Financial Security. Developer agrees that the estimated cost of the improvements is _____ dollars (\$_____) as set forth on Schedule 1 attached hereto. Developer shall present to the Township Financial Security in the sum of _____ (\$_____) in a form acceptable to the Township Solicitor, which sum is one hundred ten percent (110%) of the estimated cost of the Improvements, calculated in the manner provided in Section 509 of the Pennsylvania Municipalities Planning Code. The amount of the financial security has been computed to reflect the costs which will be incurred by the Township, including, but not limited to, the costs of public bidding and Pennsylvania Prevailing Wage Act requirements, if the Township is required to complete the Improvements upon a default by Developer. Developer agrees that the Financial Security is to be held and released in accordance with the provisions of this Agreement.

C. Escrow for Reimbursement of Township Expenses. Developer shall deposit with the Township the sum of _____ dollars (\$_____) (the "Escrow Fund"). The Escrow Fund shall be used to reimburse the Township for all engineering, inspection and legal fees incurred in connection with the preparation of this Agreement, the preparation and recording of the appropriate deeds

of dedication and any other expenses which the Township may incur in the furtherance of the development of the Tract. The Township is hereby irrevocably authorized to withdraw from time to time any monies deposited in the Escrow Fund by Developer in order to pay expenses and fees incurred by the Township. At such point as the Escrow Fund has been reduced to the sum of _____ (\$_____) or less as a result of withdrawals as herein provided, then, and in that event, and at that time, the Township shall bill Developer an amount sufficient to restore the Escrow Fund to the sum of _____ (\$____). In the event the Escrow Fund is insufficient at any time to pay such costs, the Township shall bill Developer for the actual or anticipated additional costs. In the event the Escrow Fund is in excess of the Township's costs, the Township shall refund such excess monies, without interest, to Developer upon completion of the development of the Tract.

- D. Periodic Withdrawals from the Financial Security Upon Completion of the Improvements. As Developer completes the various segments or categories of the Improvements, it may certify to the Township that such Improvements have been completed in accordance with the terms of this Agreement and the Plans. The Township Engineer shall inspect the segments or categories of Improvements which Developer alleges have been completed. If the Township Engineer shall determine that the said Improvements have been completed in accordance with this Agreement and the Plans, the Township Engineer shall certify to the Township that portion of the Financial Security which is appropriate for release. No amount requested to be released by Developer shall exceed ninety percent (90%) of the value of the Improvements alleged to have been completed, nor shall such release result in the reduction of the total remaining Fund to an amount less than one hundred ten percent (110%) of the estimated cost of the work remaining to be completed. Upon receipt of the written certification of the Township Engineer, the Township shall release that portion of the Financial Security. If, at any time during the work, the Township Engineer believes that the funds necessary to complete the Improvements are in excess of the amount then held as Financial Security, the Township Engineer shall so notify the Township and Developer, and Developer shall provide such additional Financial Security as is determined by the Engineer to be needed to complete the Improvements. In lieu of the provision of additional Financial Security, the Township Engineer may require that any funds then due to be released to pay for completed Improvements shall continue to be held as Financial Security

so that at all relevant times the Financial Security equals one hundred ten percent (110%) of the estimated cost of the work necessary to complete the Improvements.

E. Default by Developer. If the Township determines that Developer has failed to construct or install the Improvements in accordance with the Plans and its obligations under this Agreement and the Township shall desire to undertake the completion of the Improvements, the Township shall notify Developer of its intention to undertake the completion of the Improvements in accordance with the Plans. Developer shall have twenty (20) days from the date of receipt of said notice in which to notify the Township in writing whether it will undertake the completion of the Improvements in accordance with the Plans. If Developer does not notify the Township of its intent to undertake completion of the Improvements within twenty (20) days, it will be conclusively presumed Developer has agreed to make the remainder of the Financial Security available to the Township to pay for the costs of the completion of the Improvements in accordance with the Plans. If the proceeds of the Financial Security are insufficient to pay the cost of installing or making repairs or corrections to all of the Improvements covered by this Agreement, the Township may, at its option, install part of such Improvements in all or part of the Development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the Improvements. In all cases, Developer shall be responsible for one hundred percent (100%) of the costs of the installation of the Improvements plus all related expenses, including such reasonable attorneys fees as may be incurred by the Township in enforcing the provisions of this Agreement against Developer.

F. Confession of Judgment.

(1) Developer agrees that, in the event of any default under the terms of this Agreement, Township may cause judgment to be entered against Developer, and for that purpose, Developer authorizes and empowers the Township or any prothonotary, clerk of court or attorney of any court of record to appear for and confess judgment against Developer and agrees that Township may commence an action pursuant to the Pennsylvania Rules of Civil Procedure for the recovery from Developer of all damages provided for herein, as well as for interest and costs and attorneys fees, for which authorization to confess judgment this Agreement, or a true and correct copy thereof, shall be sufficient warrant. Such judgment may be confessed against Developer for the amount of damages provided herein, as well as for interest, costs and attorneys fees in the amount of fifteen percent (15%) of the full amount

of the Township's claim against Developer. Neither the right to institute an action pursuant to said Pennsylvania Rules of Civil Procedure nor the authority to confess judgment granted herein shall be exhausted by one or more exercises thereof, but successive complaints may be filed and successive judgments may be entered for the aforesaid damages as they are incurred under the provisions of this Agreement.

- (2) In any procedure or action to enter judgment by confession for money pursuant to the above paragraph, if the Township shall first cause to be filed in such action an affidavit or averment of the facts constituting the default, the occurrence of the condition precedent, or the event, the happening of which default, occurrence or event authorizes and empowers the Township to cause the entry of judgment by confession, such affidavit or averment shall be conclusive evidence of such facts, default, occurrences, conditions precedent, or events, and if a true copy of this Agreement be filed in such procedure or action, it shall not be necessary to file the original as a warrant of attorney, any rule of court, custom or practice to the contrary notwithstanding.
- (3) Developer hereby releases to Township, and to any and all attorneys who may appear for Township, all errors in any procedure or action to enter judgment by confession by virtue of the warrant of attorney contained in this Agreement, and all liability therefor. Developer further authorizes the prothonotary or any clerk of any court of record to issue a writ of execution or other process and further agrees that real estate may be sold on a writ of execution or other process.

17. DATE OF COMPLETION.

- A. Developer shall complete all of the Improvements on or before _____, 20___. In the event that the Improvements are not completed by such date, or in the event that Developer is otherwise in default of this Agreement, then any undrawn funds remaining under the Financial Security shall, upon draw by Township, be paid to Township. Upon such payment, such funds shall be used and applied by Township for the purposes of paying the cost of completing the Improvements and for such other costs as are described herein. In completing said Improvements, Township may, at its option, have such Improvements completed by Developer or by independent contractors or by Township employees or by any combination of the foregoing, as Township may elect.

- B. The Improvements shall not be deemed to be completed until Township accepts by resolution the Certificate of Final Completion issued by the Township Engineer certifying that the Improvements have been satisfactorily completed in accordance with the terms of this Agreement. This Certificate of Final Completion shall be signed by Developer, the Township Engineer and the Township Secretary.
- C. In the event that Developer requires more than one (1) year to complete the required Improvements, the Township may adjust the amount of Financial Security by comparing the actual cost of the Improvements which may have been completed and the estimated cost for the completion of the remaining Improvements as of the expiration of the ninetieth (90th) day after the date scheduled for completion of the Improvements. Developer shall provide additional Financial Security, if necessary, in order that the posted Financial Security shall equal one hundred ten percent (110%) of the cost of completing the required Improvements as reestablished at that time.
18. DEDICATION OF STREETS AND OTHER IMPROVEMENTS. When all of the Improvements are completed to the satisfaction of the Township and certified as such by the Township Engineer, Developer shall dedicate the roads, rights-of-way and recreational areas as applicable, as shown on the Plans to be dedicated to the Township. Developer shall provide legal descriptions of the areas which have been so dedicated to the Township for the preparation of the Deeds of Dedication. The Deeds of Dedication shall be prepared or approved by the Township Solicitor, executed by Developer or the appropriate landowner for the transfer of the same to the Township. Prior to the acceptance of the Deeds of Dedication, Developer shall furnish to the Township, at Developer's expense, a commitment for title insurance issued by a title insurance company reasonably acceptable to the Township, indicating that the areas to be conveyed are free and clear of all encumbrances, restrictions, easements or covenants that are not acceptable to the Township. Such commitment and title insurance policy, to be issued to the Township at the time of the acceptance of the deeds, shall be in an amount satisfactory to the Township and shall be paid for by Developer. Developer shall also provide plans and specifications of such streets or other facilities as may be required by the Township Solicitor. Developer shall also be entirely responsible for any transfer tax which may be assessed by virtue of the deeds or other documents of title conveying the Improvements or any associated easements to the Township. Dedication of roads shall comply with the requirements of the Code of Ordinances of the Township. Developer shall reimburse the Township for all costs associated with

the acceptance of such Improvements, and if Developer fails to do so, the Township may draw upon Developer's Financial Security to reimburse itself for all costs incurred. A schedule of all the Improvements proposed to be dedicated upon completion is attached hereto as Exhibit "E".

19. RIGHT TO CONNECT TO STORM SEWER. Developer, on behalf of itself, its successors or assigns, irrevocably grants to the Township, and all others approved by the Township, the right to connect storm sewer lines at any time to the storm drainage system to be constructed by Developer within the Tract aforesaid or adjacent thereto.
20. MAINTENANCE SECURITY. Developer acknowledges that, pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, the Township is entitled to require the posting of Financial Security to secure the structural integrity of the Improvements, as well as the functioning of said Improvements, which are to be dedicated to the Township in accordance with the design and specifications as depicted on the final Plans (the "Maintenance Security"). This posting of Maintenance Security shall be for a period not to exceed eighteen (18) months from the date of the acceptance of the dedicated public improvements. It is agreed by Developer that simultaneously with the offering of deeds of dedication, Developer will supply Maintenance Security in the form authorized by the statute aforesaid and acceptable to the Township Solicitor, in an amount not to exceed fifteen percent (15%) of the actual costs of installation of said Improvements, said security being posted for a period of eighteen (18) months to guarantee the structural integrity of the Improvements as aforesaid. A condition to the Maintenance Security to be posted herein shall be that Developer shall, for the period of eighteen (18) months as aforesaid, repair and maintain such Improvements and construct and make good and replace of all materials, equipment and work, and remedy all defects in materials, equipment and workmanship, all shrinkage, settlement and other defaults of any kind whatsoever arising therefrom at its own expense, and to the satisfaction of the Township, when notified in writing to do so.

Developer agrees that the Township shall have the right to make or cause to be made good or replace all inferior materials, equipment and workmanship, and remedy all defects in materials, equipment and workmanship, all shrinkage, settlement or other faults of any kind whatsoever arising therefrom in case Developer shall fail or refuse to do so in accordance with the terms of this Agreement. In the event that the Township should exercise and give effect to such rights, Developer shall be liable hereunder to pay and indemnify the Township upon completion for the final cost thereof to the Township, including, but not limited to, engineering, legal and any

associated costs, together with any damages, either direct or consequential, which the Township may sustain as a result of the failure of Developer to carry out and execute all of the provisions of this Agreement.

21. STREET NUMBERS. Developer agrees that neither it nor its successors or assigns shall permit occupancy of any buildings erected on the Tract without placement of the address numbers of such buildings on the premises so erected.
22. WETLANDS. Approval by the Township of the Plans shall not be construed as compliance with the provisions of Federal or State laws or regulations regarding building, dredging or filling in areas which are or may be deemed to be wetlands within the jurisdiction of the U. S. Army Corps of Engineers, the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.
23. SNOW REMOVAL. During the period of construction and occupancy, and until the roads within the Development are deeded to and accepted by the Township, Developer shall keep the roads cleared of snow, and in default thereof, the Township will, at its option, contract for the removal of snow as the Township deems necessary to make the roads passable, and Developer shall reimburse the Township for the expense thereof. If Developer fails to provide snow removal service and fails to reimburse the Township for providing or contracting for such service, the Township may draw upon Developer's Financial Security to reimburse itself for all costs incurred. The removal of snow by the Township prior to acceptance of the roads shall not be considered an acceptance thereof.
24. SWALES AND DETENTION/RETENTION BASINS. All swale and detention/retention basin construction required by the Plans to be done by Developer on the Tract, or on the property of any third party, shall be done prior to the construction or erection of any buildings or other improvements which will create water runoff intended to be controlled by any such swale or detention/retention basin. The construction of such swales or basins shall be done simultaneously with, and in conjunction with, the construction of other public improvements for the Developer so that there can be a stabilization process before the erection and construction of any buildings.

25. FEES AND COSTS. Developer shall pay to the Township the following:
- A. All inspection and engineering fees incurred by the Township during the course of construction of the Development.
 - B. All recording fees and applicable transfer taxes (if any).
 - C. All legal fees and costs incurred for the negotiation, preparation, recording or enforcement of this Agreement or the acceptance of any public improvements, including streets.

If Developer fails or refuses to pay such fees after receipt of an invoice therefor, the Township may draw upon Developer's Financial Security to reimburse itself for such costs.

26. APPROVAL. Provided that Developer complies with all of its obligations at the time of the execution of this Agreement and the Plans are in conformity with all applicable laws and regulations, the Township shall approve the Plans.
27. NOTICES. All notices or other communications required to be given under the terms of this Agreement shall be in writing and shall be sent certified mail, postage prepaid, addressed as follows:

A. If to the Developer, addressed to:

B. If to the Township, addressed to:

Rush Township Municipal Office
 150 North Richard Street
 Philipsburg, PA 16866

With a copy to:

George S. Test, Esquire
 Moshannon Building - Room 311
 P.O. Box 706
 Philipsburg, PA 16886-0706

or to such other address or addresses and to the attention of such other person or persons as any of the parties may notify the other in accordance with the provisions of this Agreement.

28. COVENANTS RUNNING WITH THE LAND. This Agreement may be recorded in the Recorder of Deeds Office in and for Centre County, Pennsylvania, if the Township so desires, at the expense of Developer. The provisions of this Agreement shall be binding upon the heirs, personal representatives, assigns, grantees, lessees and successors of the parties hereto and shall constitute covenants running with the land.

IN WITNESS WHEREOF, the Township of Rush and _____
have caused this Agreement to be duly executed the day and year first above written.

TOWNSHIP OF RUSH
BOARD OF SUPERVISORS

Attest: _____
Secretary

By: _____
Chairman

[TOWNSHIP SEAL]

(Individual Developer)

(Signature of Individual) (SEAL)

Witness: Trading and doing business as:

(Partnership Developer)*

(Name of Partnership)

Witness:

By: _____ (SEAL)

By: _____ (SEAL)

By: _____ (SEAL)

By: _____ (SEAL)

*All partners must sign. Additional signature lines should be attached if necessary.

(Corporation Developer)

(Name of Corporation)

Attest: _____
By: _____
(President or Vice-President or
**Authorized Representative)
Title: _____
(Assistant) Secretary Title: _____

[CORPORATE SEAL]

**Attach appropriate proof, dated as of the same date as the Agreement, evidencing authority to execute on behalf of the corporation.

APPENDIX NO. 12

FILING FEES

Applicants shall pay a fee to cover the administrative cost for review and a fee to be placed in escrow to cover engineering and other consultant review costs. Any amount in the escrow funds which exceeds review costs shall be returned to the applicant. If the escrow amount is not sufficient to meet all review costs, the applicant will be billed and shall pay the amount due within forty-five (45) days of such billing.

Fees shall be paid according to the following schedule:

| Subdivision and Land Development Plans (Sections 302, 303, and 304) | | | | |
|---|-------------------------------|--------|---|--------------------|
| | Pre-application Review | | Fee Schedule for Preliminary and Final Plan Review | |
| | Fee | Escrow | Fee | Escrow |
| Subdivision | | | | |
| 1-10 Lots | N/A | N/A | \$500 | \$500 |
| 11-50 Lots | N/A | N/A | \$500 | \$50/Lot |
| 51 plus Lots | N/A | N/A | \$500 | \$40/Lot |
| Land Development | | | | |
| Residential | N/A | N/A | \$500 | \$50/Dwelling Unit |
| Commercial | N/A | N/A | \$500 | \$100/Acre |
| Industrial | N/A | N/A | \$500 | \$250/Acre |

| Alternative Plan Processing (Section 305) | |
|---|------------|
| | Fee |
| ECHO Housing | \$200 |
| Farm Housing | \$200 |
| Lot Annexation | \$200 |
| Revised Record Plan | \$200 |
| Minor Land Development | \$200 |
| Major Land Development | \$200 |

The fee for Waiver (Section 306) is \$25 per section of the Ordinance for which a waiver is requested.