

Mount Carmel Township Subdivision and Land Development Ordinance



Adopted: October 19, 2011

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ARTICLE I GENERAL PROVISIONS

100 LONG TITLE

An Ordinance establishing rules, regulations, and standards for regulating Subdivision and Land Development activity within Mount Carmel Township, Northumberland County, Commonwealth of Pennsylvania setting forth the powers, duties and procedures to be followed by the Township in administering this Ordinance; and setting forth the penalties for violation thereof.

101 SHORT TITLE

This Ordinance shall be known as and may be referenced and cited as the Mount Carmel Township Subdivision and Land Development Ordinance.

102 AUTHORITY

The Mount Carmel Township Board of Supervisors is vested by law with the authority to regulate subdivision and land development within the Township pursuant to the authority granted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247 and as from time to time reenacted and amended.

103 AUTHORITY OF MOUNT CARMEL TOWNSHIP BOARD OF SUPERVISORS

The Mount Carmel Township Board of Supervisors shall have the authority to receive, review, approve, and disapprove all Subdivision and Land Development plans within the Township pursuant to this Ordinance and to otherwise administer the provisions herein.

104 PURPOSE

The purpose of this ordinance is to promote the health, safety and general welfare of the citizens of Mount Carmel Township through the establishment of uniform standards and procedures for the regulation of subdivisions and land developments. It is intended that the coordination of development throughout Mount Carmel Township will be of mutual long-term benefit to developers, purchasers of property, local officials, and the general public. The Mount Carmel Township Board of Supervisors cites the following as the specific purposes for which this Ordinance was ordained and enacted:

- A. To promote new development that is well designed, of high quality, and suited to the natural conditions of the site.
- B. To provide for orderly, safe, efficient and harmonious development throughout the Township.
- C. To promote new development that is coordinated and aims to avoid excessive public costs of infrastructure.
- D. To secure the equitable processing of all subdivision and land development plans.

- E. To ensure the provision of public improvements which are necessary and the coordination of subdivision and land development proposals with existing streets, public improvements, and county and municipal public improvement plans, policies, and programs.
- F. To ensure that streets in and bordering subdivisions and land developments will be coordinated, be of such widths and grades, and in locations as deemed necessary to accommodate prospective traffic and facilitate fire protection.
- G. To ensure sites are suitable for development, building, and human habitation purposes and to prevent development that may be hazardous, aggravate an existing hazard, or that which may endanger life or property.
- H. To ensure that the adverse impacts of development on unique and valued natural, scenic, historic, and cultural features and resources are minimized to the greatest extent practical.
- I. To assure that adequate easements and rights-of-way are provided for access, drainage facilities, public utilities, and other appropriate general public purposes.
- J. To assure that any reservation of land area for public use is suitable in size and location for the intended and designated use.
- K. To facilitate the safe and efficient movement of people and goods through the Township.
- L. To secure the protection of soil and water resources and natural drainage ways.
- M. To ensure that land subject to flooding or subsidence shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- N. To promote the consideration of and compliance with other Federal, State, County, and/or Local acts, codes, laws, ordinances, plans, policies, rules, regulations, and statutes.
- O. To provide uniform standards and procedures for the preparation and recording of plans with the Northumberland County Recorder of Deeds so that county land records are accurate and complete.

105 AUTHORITY AND JURISDICTION

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

B. The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

1. The Mount Carmel Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
2. Plans for subdivision and land development shall be submitted to the Mount Carmel Township Planning Commission for their review. The Planning Commission will provide the Board of Supervisors with a recommendation for plan approval, disapproval, or conditional approval. Said submission shall take place before approval of any plans by the Township Supervisors.
3. Plans for subdivision and land development located within Mount Carmel Township shall be submitted by the developer to the Northumberland County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the Northumberland County Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.

106 APPLICATION

The provisions of this Ordinance shall be considered to be the minimum standards necessary to meet the purposes contained herein and the general purposes of the Pennsylvania Municipalities Planning Code.

107 EFFECT OF ADOPTION

- A. **General.** No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- B. **Pending or Approved Applications.** The provisions of this Ordinance shall not affect any application for subdivision or land development that is pending approval prior to the effective date of this Ordinance. Such applications shall comply with regulations in effect at the time the application was filed. In addition no provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this ordinance in accordance with the terms of such approval within five years from the date of first approval.
- C. **Recording Required.** All subdivision and land development plans approved by the Mount Carmel Township Board of Supervisors in accordance with this Ordinance shall be recorded within 90 days of the date of approval affixed to the plan in the Recorder of Deeds Office for Northumberland County, Pennsylvania.
- D. **County Review Notation.** The Northumberland County Recorder of Deeds shall not accept any subdivision or land development plan for recording unless the plan officially notes the review of the Northumberland County Planning Department.

108 COMPATIBILITY WITH OTHER ORDINANCES

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable act, code, law, ordinance, plan, policy, regulation, rule or statute.

109 CONFLICT WITH OTHER PROVISIONS

- A. **Public Provisions:** This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation or other provision of law. Where this ordinance conflicts with the provisions of any other ordinance, rule, regulation or provision of law the more restrictive or higher standard shall control.
- B. **Private Provisions:** This Ordinance is not intended to interfere with, abrogate, or annul any private provision such as easements, covenants, or any other private agreements or restrictions; however, this Ordinance shall prevail when it is more restrictive or imposes higher standards than the private provisions.

110 REPEALER

All other ordinances or sections thereof and resolutions, which are inconsistent with any of the provisions herein, are hereby repealed. Repeal of said Ordinances or resolutions shall not be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed hereby; nor shall any right or remedy be lost, impaired, or affected by this Ordinance.

111 SEVERABILITY

Should a court of competent jurisdiction declare any section, subsection, or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part of the remaining provisions of the Ordinance. The Mount Carmel Township Board of Supervisors hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, or application.

112 LIABILITY DISCLAIMER

The granting of approval of a subdivision or land development plan or any improvement installed as a condition thereof, shall not constitute a representation, guarantee, or warranty of any kind by Mount Carmel Township, or by any official, employee, or appointee thereof, of the practicality or safety of the proposed use or improvement, and shall create no liability upon or cause of action against the Township, its officials, employees, or appointees for any damage that may result pursuant thereto. The applicant is responsible for ensuring that any subdivision or land development will not cause injury or damage to other persons or property.

113 AMENDMENTS

The Mount Carmel Township Board of Supervisors may, from time to time, revise, modify, and amend this Ordinance pursuant to the provisions of the Pennsylvania Municipalities Planning Code or other applicable law in effect at the time of said amendment. Provided, however, in the event that amendments of the Pennsylvania Municipalities Planning Code mandates changes in the provisions of this Ordinance (i.e. definitions, approval requirements, guarantee for completion of improvements, etc.) said amendments shall automatically become a part of this

Ordinance and the Mount Carmel Township Board of Supervisors shall be authorized to attach to this Ordinance and to copies hereof written addendum setting forth such Pennsylvania Municipalities Planning Code amendments and the sections of this Ordinance affected thereby.

114 PERIODIC ORDINANCE REVIEW

The Mount Carmel Board of Supervisors shall or authorize the Mount Carmel Township Planning Commission to review this Ordinance every year to determine if the Ordinance should be amended due to, but not limited to, any of the following: changing conditions within the municipality; to correct inconsistencies with federal and state statutes; to incorporate improved design, engineering, and planning practices.

115 EFFECTIVE DATE

This Ordinance shall become effective on October 19, 2011.

ARTICLE II PLAN PROCEDURES

200 GENERAL

The procedures in this Article shall apply to all subdivision and land development applications requiring approval from the Mount Carmel Township Board of Supervisors.

201 EXEMPTIONS

The following activities may be exempted from the requirements of this Ordinance with Commission concurrence.

- A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless the units are intended to be a condominium.
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- C. The addition or conversion of buildings or rides within the confines of an amusement park. This shall not apply to newly acquired acreage by an amusement park until proper authorities have approved initial plans for the expanded area.
- D. The division of land by lease for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings. Upon the request of the property owner, and upon receipt of a signed statement or letter from the landowner and buyer stating that such lands to be leased shall be used solely for agricultural purposes and does/will not involve any new streets or easement of access or residential dwellings, the Commission will forward a statement of exemption to the above parties.
- E. When the replacement of a building is necessitated due to unpreventable "Acts of God" (e.g. including but not limited to fire, flood, storm damage) and meets the following conditions: (1) the structure has been left uninhabitable; (2) damage repair is significantly more costly than to replace; (3) replacement of the structure will result in relatively the same size (does not increase by more than 15%), dimensions, layout, and lot access approved under a previous subdivision and/or land development application; (4) the applicant can provide a letter from the local municipality that the proposal meets or exceeds its applicable ordinances; and (5) the applicant can demonstrate the proposal meets or exceeds applicable state regulations.
- F. Where an addition of no more than fifteen (15) percent of the square footage is being added to an existing building, but in no case of an addition of more than two thousand (2,000) square feet, a building permit and a site plan approval is required to be obtained from the appropriate officer of the Township but, submission of a land development plan and review by the Planning Commission and approval by the Board of Supervisors may be waived, only when (1) the building is added to the existing structure and is not separated, and (2) there is no change to any street or public way, and (3) there is no interference or substantial change to drainage or the flow of water, and (4) when the appropriate officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

202 PLAN TYPES

The following plan types are recognized by this Ordinance and Article III, Article IV, Article V, and Article VI contain the specific plan requirements and design standards to be met for each type:

- A. Minor Subdivision – A minor subdivision is a subdivision of no more than five (5) lots, parcels of land, or other division of land that does not involve the installation of improvements or require modifications to this Ordinance.
- B. Minor Land Development – A minor land development is the placement of a second single family residence on an existing lot of record or the addition of not more than 2,000 square feet to an existing non-residential building when not exempted from the land development process as permitted in Section 201.F.
- C. Major Subdivision and Major Land Development– All other applications not meeting the criteria for a Minor Subdivision or Minor Land Development in Section 202.A and 202.B above.

203 SKETCH PLAN AND PRE-APPLICATION REVIEW

- A. The purpose of the voluntary Sketch Plan and Pre-Application Review is to provide an applicant access to the Planning Commission, Board of Supervisors, and Township staff for guidance on subdivision and land development procedures, Ordinance requirements, and to alert the applicant of other factors that might influence design of the subdivision or land development. It is also intended to present the overall development concept to the Township.
- B. A Sketch Plan and Pre-Application Review is recommended before submission of a formal plan, particularly for proposals that involve non-residential structures and/or the creation of new streets, storm water facilities, or other improvements.
- C. The Sketch Plan and Pre-Application Review shall not constitute the filing of an application for approval of a plat, and all such meetings and/or review shall be considered informal and no formal action will be taken by the Commission or its staff.

204 PLAN APPLICATION DEADLINES AND FILING DATES

- A. **Plan Application Deadlines.** Subdivision and Land Development Plans along with applications, supporting documentation, and review fees shall be submitted to the Township fourteen (14) calendar days prior to the regularly scheduled Planning Commission meeting. No formal action will be taken on plans that are filed after the deadline.
- B. **Plan Filing Dates.** Subdivision and Land Development Plans shall be considered officially filed, for purposes of starting the 90 day approval/disapproval period, on the date of the first Mount Carmel Township Planning Commission meeting that follows submission of a completed application, applicable fees, and the required number of plans and other supporting documents to the Township Office. However if the next meeting of the Planning Commission will be more than 30 days after the completed application was submitted, then the official filing date shall be the 30th day following the filing of the application.

C. Effect of Filing Date

1. After a complete application has been filed as per Section 204, and while a decision is pending, no change in any zoning, subdivision, or other local governing ordinance or plan shall effect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and regulations effective on the official plan filing date.
2. After a complete plan application has been filed the Township has 90 days from the official filing date to make a formal decision to either approve or disapprove the plan, or receive a time extension from the applicant.

205 PRELIMINARY AND FINAL PLAN APPLICATIONS

A. Preliminary Plan Applications. A Preliminary Plan application is required for proposals involving any of the following:

1. An applicant opts to forgo posting an improvement guarantee in accordance with Article VII of this Ordinance and intends to construct improvements prior to Final Plan approval and the sale of lots.
2. Where an applicant proposes phasing of development and construction activities.
3. A subdivision resulting in more than five (5) residential lots.
4. Subdivision of commercial or industrial land into new lots.
5. Land development resulting in greater than ten (10) parking spaces.
6. Subdivision or land development proposing construction of public improvements.

B. Final Plan Applications. An application for Final Plan may be submitted when the following conditions have been met:

1. The applicant has unconditional Preliminary Plan approval.
2. Final Plan application is not required to be preceded by a Preliminary Plan.
3. The improvements required by this Ordinance have been completed and acknowledged by the Township Engineer as having been completed correctly as shown on the Preliminary Plan or an improvements guarantee is provided as required by Article VII of this Ordinance.
4. The Final Plan may be submitted in phases as long as the following conditions are met:

- a. Each phase covers a reasonable portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan.
- b. Each phase of a residential project, except for the last section, contains a minimum of twenty-five percent (25%) of the total number of units of occupancy shown on the approved Preliminary Plan unless the Commission approves a lesser percentage for one of the phases.
- c. A schedule is submitted indicating the intended submission dates of final plans for remaining phases.
- d. Final Plan approval for all phases is obtained within five (5) years of Preliminary Plan approval.

C. **Application Requirements.** All Plan Applications shall include the following:

- 1. Six (6) copies of the Preliminary or Final Plan prints. Additional copies shall be submitted if required by the Township. Color copies are acceptable for review; however, black on white or blue on white prints might be required for recording purposes.
- 2. As per Article III, Sections 303, 304, and 305, two (2) copies of all reports, deed covenants, notifications, regulatory permit applications and reviews, and certifications which are not provided on the Plan, including but not limited to, traffic engineering reports, stormwater management narrative and calculations, maintenance and use agreements, improvement guarantee agreements, and sewage percolation test results. Additional copies shall be submitted if required by the Township.
- 3. Applications must include a completed "Mount Carmel Township Subdivision and Land Development Application" with all information legible and bearing the required signatures.
- 4. An application fee in the form of cash, or a check or money order made payable to "Mount Carmel Township", for an amount established by the most recent fee resolution adopted by the Mount Carmel Township Board of Supervisors, which is available from the Township Office.
- 5. **Incomplete Applications.** The Mount Carmel Township Secretary or designated personnel shall have five (5) days from the date an application was delivered to check the plans and accompanying documents to determine if on their face they are in proper form and contain all the information required by this Ordinance. If incomplete the application will be returned to the applicant with a statement that the application is incomplete; otherwise the application shall be deemed accepted for filing. Acceptance shall not constitute a waiver of any deficiencies or irregularities.

- D. **Distribution of Copies.** Upon receipt of a completed application the Township may refer a copy of the Plan and any related documentation to other individuals and agencies for review and report (i.e. PennDOT zoning officer, municipal authority, Township Engineer, Conservation District, water supplier, Sewage Enforcement Officer).
- E. **Phased Development.** If an applicant intends to develop land in phases, the Preliminary Plan application shall encompass the entire land area proposed for development and shall serve as a master plan. Subsequent Final Plans shall conform in all-important respects with the approved Preliminary Plan; otherwise the plan submitted shall be considered a revised Preliminary Plan.
- F. **Optional Hearing.** The Township may conduct a public hearing pursuant to public notice in order to inform the public and obtain comment prior to taking action on a Preliminary or Final Plan application.

206 PRELIMINARY AND FINAL PLAN ACTION

- A. **Commission Decision.** The Township Board of Supervisors shall review and make a decision to approve or disapprove Preliminary and Final Plans not later than 90 days after the official plan filing date established as per Section 204.B of this Ordinance, unless the applicant and the Commission mutually agree in writing to a time extension. The Township decision shall be in the form of approval, conditional approval (with conditions specified by the Township), or disapproval.
- B. **Improvements.** No Final Plan shall be approved unless the applicant has adequately installed all improvements required by this Ordinance or has filed with the Township a financial guarantee and agreement in accordance with Article VII of this Ordinance.
- C. **Written Decision.** The applicant shall be notified in writing of the Township's decision to approve or disapprove the Preliminary or Final Plan within 15 consecutive days following the decision. The notice will be mailed to the last known address on file at the Township Office with a copy provided as requested to other individuals and agencies (i.e. the landowner if different from the applicant, surveyor or engineer, municipality, zoning officer).
- D. **Acceptance of Conditions.** If an application for a Preliminary or Final Plan is approved subject to conditions, the conditions shall be specified by the Township and shall be accepted by the applicant in writing within fourteen (14) calendar days after the Township's written decision was mailed or delivered to the applicant. If the applicant does not accept the conditions within fourteen (14) calendar days the approval shall be automatically rescinded. The general policy of the Township is to not give conditional plan approval except when a state permit or approval is required or where other minor deficiencies exist.
- E. **Approval Pending Receipt of Additional Information.** When a Preliminary or Final Plan is conditionally approved the applicant shall submit revised plans and necessary documents to the Township for approval by the staff or designated individual. For plans conditionally approved, the date of plan approval shall be the date on which all conditions are met.
- F. **Specified Defects.** If an application for a Preliminary or Final Plan is disapproved as filed, the decision shall specify the defects found in the application and shall identify the

requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

- G. **Deemed Approval.** Failure of the Township to render a decision and communicate it to the applicant in the manner prescribed herein shall be deemed approval of the Preliminary or Final Plan application as presented.
- H. **Plan Certification.** After Preliminary or Final Plan approval and all conditions have been met the Township will execute the plan approval certification with two (2) copies retained by the Township.

207 EFFECT OF PRELIMINARY AND FINAL PLAN APPROVAL

A. Effect of Preliminary Plan Approval

1. Approval of the Preliminary Plan shall constitute approval of the proposed subdivision and/or land development in regard to general design, character and intensity of development, general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute Final Plan approval.
2. A Preliminary Plan shall not be accepted for recording by the Northumberland County Recorder of Deeds.
3. The Preliminary Plan will be effective for five (5)-years from the date of approval and Final Plan application(s) for the entire project shall be made within this five (5) year period unless the Township grants a written extension.
4. After receipt of Preliminary Plan approval the applicant may proceed to construct the improvements required by this Ordinance and shown on the approved Preliminary Plan. The applicant shall indicate the intent to construct improvements in writing to the Township prior to the start of construction.
5. Preliminary Plan approval shall not authorize the sale of lots or occupancy of proposed buildings shown on the plan regardless of whether or not proposed improvements have been installed.

B. Effect of Final Plan Approval

1. Approval of the Final Plan application by the Township shall entitle the applicant to record the plan with the Northumberland County Recorder of Deeds once necessary approval signatures are executed.
2. **Plan Recording.** All Final Plans approved by the Township shall be recorded by the applicant with the Northumberland County Recorder of Deeds within 90 days of the Township approval date on the plan. Failure of the applicant to record the plan within this time shall render the plan null and void. Under no circumstances shall a plan be recorded as an attachment to or an exhibit of the instrument of conveyance.
3. **Sale of Lots.** The sale of lots and/or construction and occupancy of proposed buildings in a subdivision or land development shall not commence until the approved Final Plan is filed and recorded with the Northumberland County

Recorder of Deeds. The Township may seek preventive remedies, injunction or enforcement action in accordance with Article VIII of this Ordinance if lots are sold or occupancy of buildings occurs prior to Final Plan approval and recording.

4. Recording the Final Plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to the public use unless reserved by the applicant.
 5. The applicant may place a note on the Final Plan indicating there is no offer of dedication of streets and other public areas and improvements, in which case the title to such areas and features shall remain with the owner or an association of owners and the local municipality and the county shall have no responsibility for improvement or maintenance.
- C. **Changes to Prior Approved Plans.** Any changes to a plan previously approved by the Township bearing approval signatures shall be submitted as a new plan with an application and review fee. The plan shall be treated as a new plan application and shall meet all the requirements of this Ordinance.
- D. **Effect of Ordinance Changes on Approval.** When an application has been granted Preliminary or Final Plan approval, no change in this Ordinance or in any applicable municipal ordinance shall affect adversely the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years. Where Final Plan approval is preceded by Preliminary Plan approval, the five (5) year period shall be counted from the date of Preliminary Plan 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 after the filing of an application for preliminary approval of a plat.

208 RESERVED FOR FUTURE USE

209 SUBMISSION TO THE NORTHUMBERLAND COUNTY PLANNING COMMISSION

These procedures shall be followed for all applications where the Northumberland County Planning Commission's jurisdiction is that of review and recommendation.

- A. All review requests shall be accompanied by the following:
1. Copies of the Plan that has been submitted to the municipality, two (2) copies of which will be retained by the Commission.
 2. One (1) copy of all reports, notifications, and certificates that are not provided on the Plan, and which have been submitted to the municipality. This may include but not be limited to the stormwater narrative, E & S Plan approvals, etc.
 3. An application and appropriate filing fees.
- B. Mount Carmel Township shall not approve applications for Preliminary or Final Plan approval prior to receiving a report and/or recommendations and a signed copy of the plan with the Northumberland County Planning Commission's Review Certification executed and/or a "Review" stamp affixed; or until the expiration of 30 days from when the plan was received by the Northumberland County Planning Commission.

- C. If a municipality acts upon any plan application prior to receipt of the County review and recommendation or prior to the expiration of the 30 day period, the Commission shall not review, sign the Review Certification nor affix any applicable "Review" stamp to the plan.
- D. **Plan Requirements.** All plans shall be prepared in conformance with the prevailing regulations of the Mount Carmel Township, Commonwealth of Pennsylvania, and all other relevant requirements of law.
- E. **Staff Review.** Upon receipt of the plan, reports, application, and fee the Northumberland County Planning Commission staff will evaluate the plan based upon the applicable laws, sound planning principles, consistency with the County Comprehensive Plan, and probable effects of development. A review will be completed within 30 days of receipt and a recommendation provided to the applicant and municipality.
- F. **Commission Certification.** After completion of the Commission's review and recommendation the Preliminary or Final Plan should be presented to the Commission for signature at which time the Review Certification will be executed with applicable signatures and/or a "Review" stamp will be affixed to the Plan.
- G. **Deemed Review.** A plan that has not been reviewed within 30 days from the date of receipt due to failure of the Commission staff to respond shall be signed to execute the Review Certification and/or affixed with a "Review" stamp once the plan is returned bearing municipal approval.
- H. **Recording.** In accordance with the Pennsylvania Municipalities Planning Code the Northumberland County Recorder of Deeds shall not accept Final Plans for recording that do not bear the signature and/or "Review" stamp of the Commission.

210 REVIEWS BY ENGINEER OR OTHER QUALIFIED PERSON

- A. The Township Engineer and/or other consultants may review any application that involves engineering or other specialized considerations, and any comments received from the engineer and/or other consultants shall be considered a part of the application review. Review costs by the Township Engineer and/or other consultants shall be paid by the applicant.

211 SITE VISIT

The Township, its staff, and engineer and/or other consultants may visit any site proposed for subdivision and/or land development before any action is taken to approve or disapprove a plan in order to further evaluate the plan on the basis of the information presented.

ARTICLE III PLAN REQUIREMENTS

300 GENERAL

Plans submitted to the Township shall include the requirements specified in this Article.

301 SKETCH PLAN

Sketch Plans should contain sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities where it will be located. Two (2) copies of the Sketch Plan should be submitted and include the following data and information, legibly drawn, but not necessarily to scale or showing precise dimensions:

- A. Location with sufficient detail, showing roads and significant community facilities to enable the Township to locate the property.
- B. Existing tract boundaries accurately labeled with the names of adjacent landowners.
- C. Title Block indicating the applicant and/or landowner, municipality, date, individual that prepared the plan, scale or notation "Drawing Not to Scale".
- D. North Arrow
- E. Significant topographic and physical features (i.e. water bodies, floodplains, streets, structures)
- F. Proposed general street, parking, building and lot layout including the acreage of the area to be developed.
- G. Proposed land use(s).
- H. Methods of water supply and sewage disposal to be used.

302 DRAFTING STANDARDS

All Preliminary and Final plans shall be prepared in accordance with the following drafting standards:

- A. The preparation of all plans shall adhere to the laws of the Commonwealth of Pennsylvania, including but not limited to, the Engineer, Land Surveyor, and Geologist Registration Law, May 23, 1945, P.L. 913, No. 367 (63 P.S. 148 et seq.) and the Landscape Architects Registration Law, January 24, 1966, 1965 P.L. 1527, No. 535 (63 P.S. 901 et seq.) as from time to time reenacted and amended.
- B. Plans shall have a sheet size no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is drawn in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet with the match lines showing. All sheets shall be the same size and numbered to show the relationship to the total number of sheets in the plan, i.e. "Sheet 1 of ____, Sheet 2 of ____, Sheet 3 of ____, etc". Color prints will be accepted for review;

however, black on white or blue on white prints might be required for recording purposes.

- C. The Plan shall be clearly and legibly drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet (1" = 50' or 1" = 100') or other suitable scale approved by the staff.
- D. Dimensions shall be in feet and decimals to the nearest 100th of a foot; bearings shall be in degrees, minutes, and seconds.
- E. Lot line descriptions shall read in a clockwise direction.
- F. Surveys and other professional services associated with plan preparation shall be consistent with prevailing professional standards and the Laws of the Commonwealth

303 PRELIMINARY PLANS

All Preliminary Plan applications shall be prepared in accordance with this Section to provide sufficient design information to demonstrate conformance with the requirements of this Ordinance.

- A. **Project Description and Location.** For Preliminary Plan applications the following shall be shown on, or where appropriate accompany, the plan.
 - 1. A brief narrative describing the proposed project if required.
 - 2. Title Block containing the project name or identifying title including the words "Preliminary Plan", municipality in which it is located, plan date and dates of all revisions, and the name and address of the owner and/or applicant.
 - 3. Name, address, and telephone number of individual or firm preparing the plan, registration number, seal, and signature of engineer, surveyor or landscape architect that prepared the plan.
 - 4. North arrow and graphic and written scale.
 - 5. A legend of symbols, lines, and appropriate explanatory notes.
 - 6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including the roadway system, municipal boundaries, and community facilities.
 - 7. Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
 - 8. Total acreage of the entire existing tract.
 - 9. The tract boundary showing the relationship of the proposed development to the entire tract and all prior conveyances.
 - 10. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.

11. Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different for tract to be subdivided or developed.
12. List, with supporting evidence for the request, any modifications that are requested in accordance with Section 803 of this Ordinance. Modifications granted shall be so noted on the plan.

B. Existing Site Characteristics. These existing conditions shall be shown on the plan:

1. Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours will be required for more densely developed projects, when improvements are proposed, or when deemed appropriate by the Commission. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used.
2. Steep Slopes delineated as areas 15 to 25 percent and areas greater than 25 percent.
3. Soil types and boundaries as shown in the Northumberland County Soil Survey.
4. Existing natural and topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-Year floodplains and floodways, tree masses, habitat for rare, threatened, or endangered plants and animals, and other pertinent elements that may influence design.
5. General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
6. Note on the plan regarding potentially unstable geologic or subsurface conditions such as limestone, dolomite, or mines.
7. Location of quarry sites, mines, solid waste disposal areas, illegal dumps, EPA Superfund sites, and other potentially hazardous conditions on the site and adjacent tracts which are visible, documented by a regulatory agency at the time of application, or as determined by other due diligence such as Phase I environmental investigations.
8. Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and visible from the perimeter of the subject tract or documented by an agency at the time of application.

9. All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width of pavement, and in the case of easements the purpose for which it was created.
10. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas, and other significant man-made features on or adjacent to the site.
11. Location and material of all existing permanent monuments and lot line markers.

C. **Proposed Site Conditions.** These proposed conditions shall be shown on the plan:

1. Total acreage, number of lots, number of dwelling units, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area, and the amount of tract residual. Multi-Family and non-residential shall also show the total square footage of all proposed buildings, percent of lot coverage, number of parking spaces required, and the number provided.
2. All required yards and building setback lines.
3. Lot layout with lot lines, distances and bearings of all straight lines and radii, arcs, and central angles of all curves, lot square footage, acreage, and lot line markers and monuments.
4. Block and lot numbers in a consecutive and clockwise order.
5. Exact location, name, width, and grade of proposed streets, alleys, driveways, or other means of access.
6. Location and width of rights-of-ways, cart ways, and driveways.
7. Delineation of clear sight triangles and measured sight distances for cart ways and driveways.
8. Design information for horizontal curves (i.e. degree of curvature, point of tangents, radius, arc length, chords, etc.)
9. Length of tangents between reverse curves.
10. Curb radii at intersections and intersection equalities between streets.
11. Typical street cross-section for each proposed street and any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width and show materials for base and surfacing, and method of construction.

12. Street centerline profile for each proposed street showing finished grade at a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical or other appropriate legible scales.
13. Curbs and gutter location, design, materials, and construction methods.
14. Location of sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements, design, materials, and construction methods.
15. Location of streetlights, street name signs, and traffic control devices and/or signs and pavement markings.
16. Location and type of vegetation, landscaping, and street trees to be planted.
17. Lighting plan in accordance with Sections 423 of this Ordinance indicating the types, size, quantity and location of light fixtures.
18. Proposed public buildings and areas, playgrounds, reserved areas, open space areas, and any related conditions or restrictions with accurate dimensions and descriptions.
19. Identification of buildings and historic features proposed for demolition.
20. Location, width, and intended use of proposed easements.
21. Location and pipe diameter of storm water, sanitary sewer, and water mains and laterals to each lot and cross sections and profiles for main lines.
22. Location of fire hydrants and other operational water main infrastructure.
23. Location and design of all proposed stormwater management and erosion control facilities.
24. Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including the identification of applicable isolation distances.

D. Other Required Information and Reports to be Submitted

1. Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
2. Preliminary design of proposed bridges and culverts.
3. A grading plan showing final topographic contours for general site development activities including parking areas, buildings, stormwater facilities, etc.
4. A Sewage Facilities Plan and/or Engineering Feasibility Study and required documentation in accordance with Section 426 of this Ordinance.
5. A Water Facilities Plan and required documentation in accordance with Section 427 of this Ordinance.

6. For proposals to be served by an existing utility, water and/or sewer service provider(s), a letter of intent or an executed agreement to provide service shall be provided from the service provider(s).
7. A Stormwater Management and Drainage Plan and narrative in accordance with Section 429 of this Ordinance including runoff calculations with complete hydrologic, hydraulic, and structural design computations, analysis of all conveyance and control facilities, horizontal and vertical profiles of all open channels, effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection and conveyance systems.
8. Plan for the long-term maintenance of all storm water management facilities, including a Standard Stormwater Facilities Maintenance Agreement suitable for recording in the Northumberland County Recorder of Deeds Office. See Appendix D.
9. When the Preliminary Plan covers only a part of the applicant's holdings, a sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract may be required.
10. For a Preliminary Plan indicating phased installation of improvements, a schedule shall be filed detailing all proposed phases as well as deadlines when it is expected that applications for Final Plan approval for each phase will be filed.
11. A landscaping plan shall be prepared in accordance with the Zoning Ordinance.
12. An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures (temporary and permanent) and proof the same was submitted to the Northumberland County Conservation District.
13. If any portion of the project is in a flood hazard area, documentation shall be submitted indicating compliance with all applicable municipal and state floodplain management regulations.
14. Proof of application for permits required by the PA DEP and/or other appropriate regulatory agencies.
15. A Traffic Engineering Study, Community Impact Analysis, and Natural Features Analysis shall be submitted in accordance with Sections 410 and 435 of this Ordinance.
16. If an encroachment is proposed into easements for a natural gas pipeline, petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility approving the encroachment.
17. A letter of zoning compliance from the municipal zoning officer.
18. A letter from the Emergency Communications Center verifying approval of proposed names for the subdivision and/or land development and road names.

19. When the land included in the subject tract includes agricultural, woodland, or other natural resource protection easement(s), and the eased area is being impacted by the project, the application shall be accompanied by a letter from the party holding the easement(s) stating whether the proposed subdivision or land development is consistent with the easement.
20. For lots requiring access onto a state route or highway, proof of application for a PennDOT Highway Occupancy Permit (HOP) must be submitted. For lots requiring access onto a township street the proof of application for the appropriate municipal driveway permit shall be submitted if applicable.
21. When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.
22. An application and review fees.

E. Certifications

1. Signature and seal, of the professional land surveyor certifying the accuracy of the survey.
2. Signature, and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct. Stormwater management and water and sewer infrastructure designs shall be certified within the limits allowed by professional licensing in the Commonwealth of Pennsylvania.
3. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix A.
4. Preliminary Plan Certification indicating approval of the general design, street layout, sewage, water supply, and storm water drainage. See Appendix B.
5. Preliminary Plan Review Certification block for the Northumberland County Planning Commission. See Appendix B.

SECTION 304 FINAL PLANS

All Final Plan applications shall be prepared in accordance with this Section to provide sufficient design information to demonstrate conformance with the requirements of this Ordinance.

- A. Project Description and Location.** For Final Plan applications the following shall be shown on, or where appropriate, accompany the plan.

1. A brief narrative describing the proposed project.

2. Title Block containing the project name or identifying title including the words "Final Plan", municipality in which it is located, plan date and dates of all revisions, and the name and address of the owner and/or applicant.
3. Name, address, and telephone number of individual or firm preparing the plan, registration number, seal, and signature of engineer, surveyor or landscape architect that prepared the plan.
4. North arrow and graphic and written scale.
5. A legend of symbols, lines, and appropriate explanatory notes.
6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including the roadway system, municipal boundaries, and community facilities.
7. Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
8. Total acreage of the entire existing tract.
9. The tract boundary showing the relationship of the proposed development to the entire tract and all prior conveyances.
10. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
11. Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different for tract to be subdivided or developed.
12. List, with supporting evidence for the request, of any modifications that are requested in accordance with Section 803 of this Ordinance. Modifications granted shall be so noted on the Final Plan.

B. Existing Site Characteristics. These existing conditions shall be shown on the plan:

1. Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours may be required for more densely developed projects, when improvements are proposed, or when deemed appropriate by the Commission. For minor subdivision and land developments, that do not propose construction of improvements, contours may be interpolated from USGS contours at the 10 or 20 foot intervals with staff approval. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used.
2. Steep Slopes delineated as those areas 15 to 25 percent and those areas greater than 25 percent.

3. Soil types and boundaries as shown in the Northumberland County Soil Survey.
4. Existing natural and topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-Year floodplains and floodways, tree masses, habitat for rare, threatened, or endangered plants and animals, and other pertinent elements that may influence design.
5. General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
6. Note on the plan regarding potentially unstable geologic or subsurface conditions such as limestone, dolomite, or mines.
7. Location of quarry sites, mines, solid waste disposal areas, illegal dumps, EPA Superfund sites, and other potentially hazardous conditions on the site and adjacent tracts which are visible, documented by a regulatory agency at the time of application, or as determined by other due diligence such as Phase I environmental investigations.
8. Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and visible from the perimeter of the subject tract or documented by an agency at the time of application.
9. All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width of pavement, and in the case of easements the purpose for which it was created.
10. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas, and other significant man-made features on or adjacent to the site.
11. Location and material of all existing permanent monuments and lot line markers.

C. Proposed Site Conditions. These proposed conditions shall be shown on the plan:

1. Total acreage, number of lots, number of dwelling units, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area, and the amount of tract residual. Multi-Family and non-residential shall also show the total square footage of all proposed buildings, percent of lot coverage, number of parking spaces required, and the number provided.
2. All required yards and building setback lines.
3. Lot layout with lot lines, distances and bearings of all straight lines and radii, arcs, and central angles of all curves, lot square footage, lot acreage and location

and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.

4. Block and lot numbers in a consecutive and clockwise order.
5. Exact location, name, width, and grade of proposed streets, alleys, driveways, or other means of access.
6. Location and width of rights-of-ways, cart ways, and driveways.
7. Delineation of clear sight triangles and measured sight distances for cart ways and driveways.
8. Design information for horizontal curves (i.e. degree of curvature, point of tangents, radius, arc length, chords, etc.)
9. Length of tangents between reverse curves.
10. Curb radii at intersections and intersection equalities between streets.
11. 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 and show materials for base and surfacing, and method of construction.
12. Street centerline profile for each proposed street showing finished grade at a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical or other appropriate legible scales.
13. Curb and gutter location, design, materials and construction methods.
14. Location of sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements and design, materials, and construction methods.
15. Location of streetlights, street name signs, and traffic control devices and/or signs and pavement markings.
16. Location and type of vegetation, landscaping, and street trees to be planted.
17. Lighting plan in accordance with Section 423 of this Ordinance indicating the types, size, quantity and location of light fixtures.
18. Proposed public buildings and areas, playgrounds, reserved areas, open space areas, and any related conditions or restrictions with accurate dimensions and descriptions.
19. Identification of buildings and historic features proposed for demolition.
20. Location, width, and intended use of proposed easements.
21. Location and pipe diameter of storm water, sanitary sewer, and water mains and laterals to each lot and cross sections and profiles for main lines.

22. Final vertical and horizontal alignment for sanitary sewer, water distribution system, and storm sewer drainage systems. Manhole locations, size and type of material shall be shown.
23. Location of fire hydrants and other operational water main infrastructure.
24. Location and design details of all proposed stormwater management and erosion control facilities.
25. Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including showing of applicable isolation distances.

D. Other Required Information and Reports to be Submitted

1. Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
2. Final design of proposed bridges and culverts.
3. A grading plan showing all final topographic contours and cross sections for cut and fill areas for general site development activities including parking areas, buildings, stormwater facilities, etc.
4. A Sewage Facilities Plan, Engineering Feasibility Study and required documentation in accordance with Section 426 of this Ordinance.
5. A Water Facilities Plan and required documentation in accordance with Section 427 of this Ordinance.
6. For proposals to be served by an existing utility, water and/or sewer service provider(s), a letter of intent or an executed agreement to provide service shall be provided from the service provider(s).
7. A Stormwater Management and Drainage Plan and narrative in accordance with Section 429 of this Ordinance including runoff calculations with complete hydrologic, hydraulic, and structural design computations, analysis of all conveyance and control facilities, horizontal and vertical profiles of all open channels, effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection and conveyance systems.
8. Plan for the long-term maintenance of all storm water management facilities, including a Standard Stormwater Facilities Maintenance Agreement suitable for recording in the Northumberland County Recorder of Deeds Office. See Appendix D.
9. When the Final Plan covers only a part of the applicant's holdings, a sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract may be required.

10. Final cost of all improvements, including an itemized list of components of work, with quantities, unit cost, and total cost.
11. An improvements guarantee and appropriately executed Improvements Guarantee Agreement that sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements in accordance with Article VII of this Ordinance. See Appendix E.
12. A landscaping plan shall be prepared in accordance with the Zoning Ordinance.
13. An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures (temporary and permanent) and an approval letter from the Northumberland County Conservation District.
14. If any portion of the project is in a flood hazard area, documentation shall be submitted indicating compliance with all applicable municipal and state floodplain management regulations.
15. Copies of all permits required by the PA DEP and/or other appropriate regulatory agencies.
16. A Traffic Engineering Study, Community Impact Analysis, and Natural Features Analysis shall be submitted in accordance with Sections 410 and 435 of this Ordinance.
17. If an encroachment is proposed into easements for a natural gas pipeline, petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility approving the encroachment.
18. A letter of zoning compliance from the municipal zoning officer.
19. A letter from the Emergency Communications Center verifying approval of proposed names for subdivision and/or land development and road names.
20. When the land included in the subject tract includes agricultural, woodland, or other natural resource protection easement(s), and the eased area is being impacted by the project, the application shall be accompanied by a letter from the party holding the easement(s) stating whether the proposed subdivision or land development is consistent with the easement.
21. For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit (HOP) or a letter from PennDOT indicating a HOP can be obtained shall be submitted. For lots requiring access onto a township street the appropriate municipal Driveway Permit shall be submitted if applicable.
22. When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.

23. An application and review fees.

E. Certification and Notification

1. Signature and seal of the professional land surveyor certifying the accuracy of the survey.
2. Signature and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan is correct. Stormwater management and water and sewer infrastructure designs shall be certified by a Professional Engineer.
3. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix A.
4. Final Plan Municipal Certification indicating review of the general design, street layout, sewage, water supply, and storm water drainage. See Appendix C.
5. Final Plan Approval Certification block for the Mount Carmel Township Board of Supervisors and review blocks for the Mount Carmel Township Planning Commission and the Northumberland County Planning Commission. See Appendix C.
6. A certificate of dedication of streets, sidewalks, and other public property. See Appendix F.
7. A notification placed on the Plan indicating any area and/or improvement(s) that are not to be offered for dedication. See Appendix F.

SECTION 305 LOT ADDITIONS and CONSOLIDATIONS

Lot Additions and consolidations shall be subject to the plan requirements in this Section. In addition, surveys to correct survey errors of existing lots of record and/or for property transfer purposes, when no new subdivision or land development activity is proposed, may be prepared in accordance with this Section.

- A. **Project Description and Location.** For all Final Plan applications for Lot Additions and Consolidations the following shall be shown on, or where appropriate, accompany the plan.
1. Title Block containing the project name or identifying title including the words "Lot Addition or Consolidation", municipality in which it is located, plan date and dates of all revisions, and the name and address of the owner and/or applicant.
 2. Name, address, and telephone number of individual or firm preparing the plan, registration number, seal, and signature of engineer, surveyor or landscape architect involved in preparation of the plan.
 3. North arrow and graphic and written scale.

4. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities.
5. Deed book and page number and tax parcel identification number of the subject tract(s) and/or those to be subdivided
6. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
7. Total acreage of the entire existing tracts.
8. The boundary of the receiving lot and the proposed lot addition with bearings and distances. An overall plan shall be provided showing the relationship of the proposed development to the entire tract and all prior conveyances. Unless deemed necessary by the Township, the residual area of the lot addition tract can be described by deed.
9. Schedule or table of zoning district requirements indicating lot area, width and density.

B. Existing Site Characteristics. These existing conditions shall be shown on the plan:

1. All existing or recorded streets, roads, alleys, or other means of access and easements on the subject tract(s); including name or number, jurisdiction of ownership, right-of-way or easement width and in the case of easements, the purpose for which they were created.
2. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas, and other significant man-made features on or adjacent to the site.
3. Location and material of all existing permanent monuments and lot line markers.

C. Proposed Site Conditions. These proposed conditions shall be shown on the plan:

1. Lot layout with lot lines, distances and bearings of all straight lines and radii, arcs, and central angles of all curves, lot square footage, and acreage.
2. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.
3. All required yards and building setback lines.
4. Lot square footage and acreage.

D. Other Required Information and Reports to be Submitted

1. Copies of private deed restrictions, covenants, grants of easements, homeowner association agreements or other restrictions.
2. Letter of zoning compliance from the municipal zoning officer.
3. When the land included in the subject tract includes agricultural, woodland, or other natural resource protection easement(s), and the eased area is being impacted by the project, the application shall be accompanied by a letter from the party holding the easement(s) stating whether the proposed subdivision or land development is consistent with the easement.
4. An application and review fees.

E. Certification and Notification

1. Signature and seal of the professional land surveyor certifying the accuracy of the survey.
2. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix A.
3. Final Plan Approval Certification block for the Mount Carmel Township Board of Supervisors and review certification blocks for the Mount Carmel Township Planning Commission and Northumberland County Planning Commission. See Appendix C.
4. Appropriate notation for lot additions, lot consolidations, and correction of previous survey errors, etc. See Appendix G.
5. Pennsylvania Department of Environmental Protection Non-Building Waiver notation for sewage facilities and that a permit for sewage disposal has neither been requested nor granted for the lot and that the grantee, his heirs and assigns, accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary.

ARTICLE IV DESIGN STANDARDS

400 GENERAL REQUIREMENTS

- A. The standards and requirements of this Article shall be applied by the Township in evaluating and reviewing proposed subdivision and land development plans, and shall be considered the minimum standards.
- B. Land shall be suited to the purpose for which it is to be subdivided or developed.

401 HAZARDOUS AREAS

Lands which are subject to hazards of life, health, or property as may arise from fire, flood, disease, geologic conditions, excessive slopes, contamination by hazardous materials and substances, unstable soils or soils of inadequate weight bearing strength, sites with very poor access, or considered to be uninhabitable for other reasons shall not be approved for development unless the hazards have been eliminated or adequate safeguards and/or remediation have been taken to the satisfaction of the Township to prevent further aggravation to and damage from the hazards.

402 PLANNING AND ZONING CONSISTENCY

- A. The location and design of all subdivisions and land developments shall be generally consistent with the municipal other plans and maps that have been adopted by the municipality.
- B. The location and design of all subdivision and land developments shall conform to the Mount Carmel Township Zoning Ordinance.

403 BLOCKS

- A. Blocks for residential developments shall generally have a minimum length of 300 feet and a maximum length of 1,600 feet.
- B. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots. Exceptions to this may be permitted for double or reverse frontage lots that border an arterial or collector street or where a barrier such as a watercourse or railroad is present.
- C. The depth and width of blocks in nonresidential areas shall be determined by the nature of the use in order to serve the public convenience. Nonresidential blocks shall be adequate to provide for safe and convenient traffic circulation, off-street parking and loading areas, setbacks, and landscaping, as required by this Ordinance and the zoning ordinance.

404 LOT STANDARDS

- A. Lots shall be laid out to provide buildable areas, reasonable access, usable yards and open space areas, with minimum disturbance to the site. The soil, geologic, and topographic conditions of the site should be compatible with proposed lot uses.

- B. Lots that are two (2) or more times the minimum lot area requirements shall be designed with configurations that allow for additional subdivision.
- C. Wherever feasible lot lines shall follow municipal boundaries rather than cross them.
- D. Wherever feasible side lot lines shall be substantially at right angles or radial to street lines.
- E. All lots shall front on and have access to an existing or proposed street.
- F. Lots shall be laid out and graded to provide proper drainage away from all buildings.
- G. Unless designed to include open space, all portions of a tract being developed shall be taken up in lots, streets, public grounds, recreation areas or other proposed uses so that remnants and landlocked areas shall not be created.
- H. Corner lots shall have additional width to permit sufficient setbacks from both streets.
- I. Double frontage lots are prohibited except where provided as reverse frontage lots to reduce driveway intersections along a street with a high volume of vehicular movements.

405 LOT OR AREA REQUIREMENTS

- A. The minimum lot or area requirements shall be determined by the applicable provisions of the zoning ordinance.
- B. Lot area requirements for Mobile Home Parks and Special Subdivisions and Land Developments shall be in accordance with Article V and Article VI of this Ordinance.

406 BUILDING SETBACK LINES

Building setback lines shall conform to the applicable zoning district.

- B. Setback criteria for Mobile Home Parks and other Special Subdivisions and Land Developments shall follow the requirements of Article V and Article VI of this Ordinance as applicable.

407 PINS AND MONUMENTS

- A. All pins and monuments shall be established by a professional land surveyor licensed in the Commonwealth of Pennsylvania. The work shall be performed in accordance with criteria recognized by the professional licensing board. No existing property line evidence shall be disturbed or removed in the course of establishing and locating boundaries, but shall be located and identified on a property survey plan and labeled as is deemed necessary to delineate ownership.
- B. Pins and monuments shall consist of the following materials and dimensions:
 - 1. Pins - Steel and other similar durable all weather permanent marker materials shall be at least 24" x 1/2" diameter. Spikes or similar products can be used to locate intersections of streets and property corners within paved surfaces.

2. Monuments - Concrete shall be at least 4"x4"x36" or similar circular area with a permanent distinguishing magnetic mark identifying the point on the property.
 3. For newly erected monuments it is recommended that a brightly colored wooden stake at least 1"x1"x36" be placed near the monument and/or colored flagging be placed on the monument. Survey caps and underground magnetic markers may also be utilized in conjunction with bars used for markers.
- C. Pins shall be placed at all newly established property corners and right-of-way lines to identify the intersection of adjoining properties, separately deeded properties of the same ownership, and access, utility, and drainage easements. Curved lines shall be identified at the points of tangent and changing degree of curvature.
 - D. In subdivisions of 20 lots or greater, a minimum of two permanent reference monuments shall be established in the external boundary of the subdivision where the bar is set in concrete to meet the standards of a monument.
 - E. Pins and monuments disturbed during construction shall be re-established by the professional land surveyor promptly at the completion of construction activities, but in all cases prior to any lot sale or building occupation.

408 EASEMENTS

Easements for sanitary sewer, water supply, stormwater drainage facilities, public or private utilities, and pedestrian access shall meet the standards of this Section.

- A. Easements shall be adjacent to property lines and street right-of-ways to the fullest extent possible.
- B. Nothing shall be placed, planted, set or put within an area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- C. Utility Easements. The location and size of utility easements shall be reviewed and approved by the applicable utility company, but such easements shall not be less than 20 feet in width. Also there shall be a minimum of 20 feet between the right-of-way or easement from any dwelling unit and any petroleum product or natural gas transmission line.
- D. Drainage Easements. Where a subdivision or land development is traversed by an existing or proposed watercourse, drainage way, channel, or stream, a drainage easement shall be provided that conforms substantially with the line of such feature at a width adequate to preserve the unimpeded flow of natural drainage without damaging adjacent property. There is no minimum width of drainage easements. Easements shall be measured fifteen (15) from top of bank on either side of the conveyance system and including the conveyance system itself.
- E. Stormwater Facility Easements. Easements shall be reserved where stormwater drainage facilities that are existing or proposed and shall have a minimum width of 20 feet. They shall be adequately designed to provide an area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, and the passage of machinery for such work. They shall prohibit excavation, the placing

of fill, buildings or other permanent structures or any other alterations that may adversely affect the flow of stormwater within any portion of the easement.

- F. Right of Access and Maintenance. All easements shall clearly identify who has the right of access and the responsibility for maintenance.
- G. Easements, including easement maintenance provisions, shall be prepared in a format suitable for recording and shall be referenced in the deeds of the lots.

409 GENERAL STREET REQUIREMENTS -These criteria shall be considered in the design of streets (including private streets not dedicated) in all subdivisions and land developments.

- A. The arrangement of streets shall minimize congestion, avoid hazardous intersections, and provide convenient and safe access to the property.
- B. Proposed streets shall be coordinated with existing or proposed streets on adjacent properties and shall be planned and designed for the continuation of existing streets into adjoining areas, and the continuation of proposed streets to the boundaries of the tract being developed. No subdivision or land development shall be approved that will result in a tract or parcel of land being landlocked.
- C. Streets shall be laid out to be harmonious with the existing and proposed site characteristics including, but not limited to, slope, best use, parcel layout, runoff, soil capacity, water table, floodplain, sight distance, traffic volume and safety, pedestrian use, traffic control, and parking.
- D. Streets shall be laid out to conform as much as possible to the topography in order to permit efficient drainage and utility systems, to require the minimum number of streets to provide convenient and safe access, and to result in usable lots and satisfactory street grades.
- E. Streets which provide ingress and egress to residential areas of single and multiple family dwellings shall be laid out to discourage and minimize their use by through traffic and to discourage excessive speeds; however, street connectivity into and from adjacent areas is encouraged and may be required.
- F. If lots resulting from a subdivision or land development, including the tract residual, are large enough for re-subdivision, adequate street right-of-way to permit further subdivision and land development shall be provided as necessary.
- G. Where a subdivision or land development abuts a collector or arterial street the Township shall require an internal street system, marginal access street, rear service street, reverse frontage lots, shared driveways, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections and driveways with the collector or arterial street, and separation of local and through traffic.
- H. Where streets continue into adjacent municipalities the applicant shall coordinate the design of the street with both municipalities in order to ensure uniform cartway widths, pavement cross sections, and other public improvements.
- I. All proposed connections to existing streets shall be approved by the jurisdiction owning the existing streets.

- J. All streets being offered for dedication must meet the Pennsylvania Department of Transportation (PennDOT) requirements for liquid fuel allocation.
- K. When streets are offered for dedication the applicant shall provide the required right-of-way, street geometry, street section, drainage facilities, and traffic control. Additional infrastructure may be required where design standards warrant further improvements based on traffic impact studies.
- L. Where a subdivision or land development abuts or contains an existing street right-of-way of improper width or alignment, the Township may require the dedication or reservation of additional land sufficient to widen the street or correct the alignment. Where an additional dedication or reservation is required, all building setback lines will be measured from such dedicated or reserved right-of-way line.

410 TRAFFIC ENGINEERING STUDY

- A. The applicant shall prepare a Traffic Engineering Study where any of the following conditions exist:
 - 1. The subdivision or land development will generate over one hundred (100) new vehicle trips entering or exiting during any one hour time period.
 - 2. The subdivision or land development will result in the creation of twenty-five (25) or more lots or unit.
 - 3. The subdivision or land development is expected to have an ADT of 3,000 or more.
 - 4. Current traffic problems exist in the local area, such as a high accident location, confusing intersection, or a congested intersection that directly affects access to the subdivision or land development.
 - 5. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.
 - 6. The proposed development alters the transportation patterns on a public street providing access to the development or proposes the removal or relocation of a street.
- B. The Traffic Engineering Study shall be prepared under the supervision of qualified and experienced transportation engineer with specific training in traffic and transportation engineering and at least two (2) years of experience in preparing Traffic Engineering Studies for existing or proposed developments.
- C. The Traffic Engineering Study shall at minimum be prepared in accordance with PennDOT, Publication 201, "Engineering and Traffic Studies".
- D. The scope of the traffic study shall be reviewed and approved by the Township and Township Engineer prior to commencement. The scope shall include the proposed intersection and roadway, as well as the surrounding impacted transportation facilities.

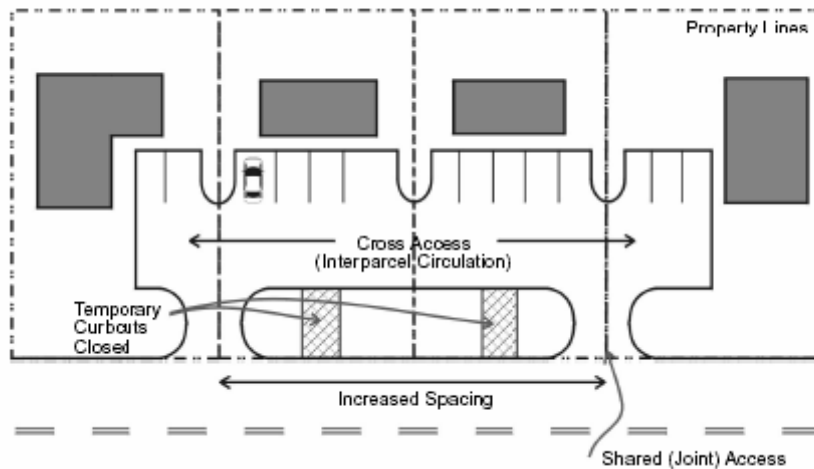
411 REQUIRED RIGHT-OF-WAYS AND CARTWAYS

- A. Right-of-way and cartway widths contained in this Ordinance are the minimum required for public streets based upon the need to provide efficient movement of vehicles, serve utilities, accommodate runoff, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance and accidents, and to accommodate future improvements.
- B. Right-of-way and cartway widths should not be less than those required for all elements of the design cross sections, utility accommodation, and appropriate border areas, such as in cul-de-sacs. All plans shall be designed to provide for the entire right-of-way and cartway widths. Refer to Table 4 of this Ordinance for the minimum requirements.
- C. The Township shall reserve the right to require a right-of-way width greater than PennDOT specifications and the standards set forth in Table 4 of this Ordinance for reasons of public safety and convenience, for acceleration and deceleration lanes into parking lots, streets, or high density residential developments, or to provide for future service roads.
- D. The right of way and cartway width of a new street that is a continuation of an existing street shall not be continued at a width less than the existing street. Where the right-of-way and cartway width of the new street is greater than the existing street, a transition area shall be provided, the design of which is subject to Township approval.
- E. Where a subdivision or land development adjoins undeveloped acreage, new streets or reserved rights- of- way shall be provided to the boundary lines of the development.

412 LOT ACCESS

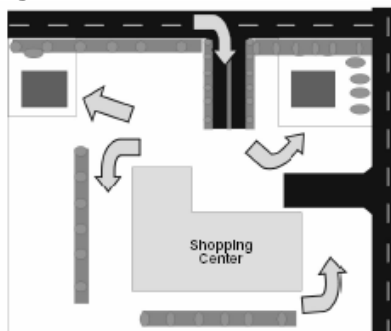
- A. Access to any lot, tract, parcel, subdivision or land development shall be provided in a manner that promotes a safe and efficient ingress and egress to a public street, limits the number of driveways, and promotes common points of ingress and egress that are adequate for existing and future growth.
- B. The Township may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
- C. The Township may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of his property or other properties over which the applicant has control.
- D. In approving ingress and egress from any State road or highway, the Township can only approve those access points that are not in conflict with safety standards of PennDOT. A Highway Occupancy Permit is required for each access point onto a state highway prior to plan approval.
- E. Adjacent non-residential properties shall provide a joint or cross access driveway to allow circulation between sites along arterials and collectors. See Figure 1.

Figure 1



- F. Access to outparcel(s) under the same ownership in non-residential developments comprised of more than one building site, whether developed initially or in phases, shall be served by an internal access road that is separated from the main roadway. See Figure 2.
- G. Where joint or cross access is required an access/driveway maintenance and use agreement must be entered into by the respective property owners and recorded with the subdivision or land development plan.
- H. For a property that abuts two or more roadways the Township may restrict access to only that roadway which can more safely and efficiently accommodate traffic.

Figure 2



413 RESERVED FOR FUTURE USE

414 SAFE SIGHT DISTANCE

- A. Safe sight distance shall be available for all permitted turning movements at all driveway and street intersections.

- B. PennDOT's Publication 441 and Publication 282 for driveways and Publication 70 for local roads shall be referenced to determine minimum driveway and roadway intersection safe sight distance requirements. A clear line of sight shall be provided and maintained as open space with no visual obstructions and be incorporated into the right-of-way.
- C. All driveways and intersecting roadways shall be designed and located so sight distance is optimized to the degree possible without jeopardizing other requirements such as intersection spacing and minimum sight distance requirements.
- D. If sight distance requirements specified in this Section cannot be met, the Commission may: prohibit left turns by exiting vehicles; restrict turning movements to right turns in and out of a driveway; require installation of a right turn acceleration or deceleration lane; require installation of a separate left turn standby lane; alter the horizontal or vertical geometry of the roadway; require the removal of the physical obstruction from the line of sight; or deny access to the highway.

415 STREET DESIGN STANDARDS - These design criteria shall be considered the minimum standards in the design of streets in all subdivisions and land developments.

- A. Streets shall be designed for a twenty (20)-year service life. If a street is to be utilized prior to completion of construction, the utilized portion must be structurally designed to support all anticipated loading without significant loss of the designed service life of the street.
- B. Streets located in floodplain or flood prone areas shall be designed and constructed to meet the requirements of the municipal Floodplain Management Ordinance and this Ordinance.
- C. The existing Level of Service (LOS) on any adjacent street and intersection that will be affected by a proposed subdivision or land development shall not fall below LOS C if it is currently at LOS A, B, or C and shall not be further reduced if it is at LOS D, E, or F.
- D. Traffic calming techniques should be considered with projects that result in high vehicular or pedestrian traffic, areas of commercial development, and transition areas between commercial and residential development. Techniques shall be employed based on PennDOT, Publication 383 and other technical guides approved by the Township Engineer.
- E. **Design Speed.** The maximum design speeds and operating speeds shall be as shown in Table 4.
- F. **Vertical and Horizontal Alignment.**
 - 1. Vertical curves shall be used in changes of grade exceeding one percent. In order to provide proper sight distances, the minimum length (in feet) of vertical curves shall be as computed in accordance with the Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441.
 - 2. The minimum grade on all local streets shall be one half (0.5) percent. The maximum grade on any street shall not exceed twelve (12) percent; however, grades of not more than fifteen (15) percent may be used for limited distances

less than 300 feet and shall be subject to the approval of the Commission prior to design. Refer to Table 4.

3. Grades at intersections shall be as flat as possible. The grade of the approach where the traffic is required to stop shall not exceed four (4) percent grade change for forty (40) feet or greater depending on the stacking length of the vehicles caused by high traffic volume areas. Refer to Table 5 for further design requirements.
4. Horizontal curves shall be designed in accordance with Table 4.

G. Intersections

1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five (75) degrees, or more than one-hundred and five (105) degrees.
2. No more than two (2) streets shall intersect at the same point.
3. Street intersections shall be designed with a minimum of twenty (20) foot radii, but should at all times be designed to safely accommodate the intended vehicular traffic such as combination trucks and buses. Refer to Table 5 for additional minimum curb radii.
4. Sight distances for all horizontal alignments and vertical alignments shall be designed to achieve the required minimum safe sight distances and safe stopping distances in accordance with Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441.
5. Any street intersecting with another street shall not be located closer than the distances specified in Table 5. Distances shall be measured from the centerline of the two intersecting streets along the centerline of the local, collector, or arterial street.
6. Turning lanes, medians, acceleration and deceleration lanes, traffic signals, lane markers and other such traffic control devices required shall be designed in accordance with PennDOT Design Manuals.

H. Roadway Cross Sections

Minimum and desirable widths of roadway surface, shoulders, curbs, base, subbase material and surface courses shall be in accordance with the requirements specified in Table 4, Table 5, and Table 6 and the applicable PennDOT Design Manual(s).

I. Structures

1. Bridges, culverts, walls, tunnels and other structures should be designed in accordance with the current AASHTO publication "Standard Specifications for Highway Bridges" and PennDOT Design Manual, Part 4, "Structures".
2. The design of all structures is subject to the review and approval of the Township Engineer.

3. The minimum width criteria and minimum design load structural capacities shall be as indicated in the applicable PennDOT Design Manual, Part 2, Design Criteria Charts.

Table 4 – Street Design Specifications

Criteria	Collector	Local	Private
ADT	1,000-3,000	200-1,000	25-750
Design Speed	40	30	25
Operating Speed	35	25	20
Minimum Grade	0.5%	0.5%	0.5%
Maximum Grade	8%	12% ¹	12% ¹
Right-Of-Way Width	50' to 60' ⁴	50' to 60' ⁴	50'
Cartway Width	22'	20' ³	20' ³
Shoulder Width	6'	4'	4'
Parking Lane Width	10' if Permitted	8' Minimum	8' Minimum
Horizontal Curvature	500'	250'	250'
Reverse Curve Offset	150'	100'	100'

¹ – Greater grades may be allowed at the discretion of the Township.

² – Shoulders in streets with curbs shall be constructed to cartway standards.

³ – All streets shall be curbed where lot widths are less than 80 feet.

⁴ – At the direction of the Township Engineer.

Table 5 – Intersection Design Standards

Description	Intersection Types				
	Arterial w/Collector	Arterial w/ Local ³	Collector w/Collector	Collector w/ Local	Local w/Local
Minimum Distance between Centerlines¹	800'/800'	800'/300'	800'/300'	500'/300'	300'/150'
Angle of Intersections²	90	90	90	75 to 105	75 to 105
Length of Grade Change at Approaches	100'/4%	80'/4%	80'/4%	80'/4%	80'/4%
Minimum Curb Radius	50'	25'	35'	20'	20'

¹Same side/opposite side

²Angles should be designed to 90 degrees when possible.

³Where the centerlines of local streets opening onto opposite sides of an arterial street are within 150 feet of each other, they shall be made to coincide by curving the streets to form a four-way intersection whenever possible.

416 SPECIAL STREETS

A. Single Access Streets

1. Cul-de-sac and self-looping streets will not be permitted when a through street is feasible. The feasibility of a through street will be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other government regulations, and the ability to design to meet all other requirements of this Ordinance.
2. When a cul-de-sac or self-looping street is proposed, the applicant may be required to justify its use with a written analysis of the merits of the design and the reasons that a through street would not be feasible. Approval of cul-de-sac and self-looping streets shall be at the sole discretion of the Township.
3. Cul-de-sacs shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and projects the historic grid.
4. Cul-de-sacs shall be prohibited where it is possible to provide loop streets that provide better access for emergency vehicles, fewer restrictions on snow removal, and improved pedestrian access.
5. Cul-de-sac and self-looping streets shall not exceed eight hundred (800) feet in length and shall not be used where average daily traffic volume (ADT) will exceed 300 trips per day.

6. Cul-de-sac streets shall have a paved, circular turnaround with a minimum radius to the curb line of forty-five (45) feet and the minimum radius of the right-of-way lines shall be fifty (50) feet.
7. The centerline grade on a cul-de-sac street shall not exceed ten (10) percent and the grade of the diameter of the turnaround shall not exceed four (4) percent.
8. Temporary cul-de-sacs may have circular, "T" shaped, or "hammerhead" shaped turnarounds. Turnarounds shall be constructed completely within the right-of-way. Restoration of paved areas within the right-of-way shall be the responsibility of the developer connecting to the temporary cul-de-sac.
9. Unless future extension is clearly impractical or undesirable and is clearly demonstrated by the applicant to the Commission, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

B. Dead End Streets

1. Dead end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
2. Any dead end street for access to an adjoining property or because of authorized phased development shall be provided with a temporary, all weather turnaround. The use of such turnaround shall be guaranteed to the public until such time the street is extended.

C. Half or Partial Streets - New half or partial streets are prohibited.

D. Private Streets

1. Private streets are discouraged and shall be approved at the sole discretion of the Township
2. Private streets shall be prohibited unless design objectives of the development warrant private ownership, and the Township will not accept dedication of the street.
3. Private streets shall serve not more than five (5) lots.
4. Private streets require a private right-of-way agreement that shall be executed between the landowner granting the access and all affected parties abutting and adjoining the easement. The right-of-way shall not be less than fifty (50) feet and shall run with the land and be available for the use of all owners, present and future. The agreement at a minimum shall include all the provisions listed in Appendix H of this Ordinance and must be approved by the Township prior to plan approval.
5. The private street system shall be designed and built to accommodate the type and volume of traffic anticipated to be generated and shall be constructed in accordance with the standards and criteria established in this Ordinance.

6. Notation shall be included on the final plan and reflected in the deeds of sold lots identifying the street right-of-way as "Private" and identifying the entity responsible for maintenance.
7. All gates on private streets shall be located a minimum of thirty (30) feet from the public right-of-way and shall not open outward. Local fire department personnel shall have ready access to locking mechanisms on any gate restricting access.
8. Private streets shall be considered a required improvement and must be constructed prior to Final Plan approval or, in lieu of completion of improvements, the applicant must provide an acceptable guarantee as per Article VII of this Ordinance.

417 STREET CONSTRUCTION STANDARDS

- A. At a minimum all street construction activities shall be performed in accordance with PennDOT Design Manuals, Publication 408 including all references, supplements, and revisions, with applicable municipal ordinances, and Table 6 in order to ensure proper serviceability

Table 6 – Road Construction Standards

	Arterial	Collector	Local	Commercial Industrial
Wearing Course	1.5"	1.5"	1.5"	1.5"
Binder Course	3"	1.5"	None	2"
Bituminous Concrete Base Course	4"	4"	4"	4"
2A Aggregate Sub- base	8"	8"	6"	6"

418 CURBS AND GUTTER

- A. Curbing may be required by the Township for storm water management, road stabilization, at intersections, at corners, for tight radii, and to delineate parking areas.
- B. Curbs shall be required on public and private streets in subdivisions and land developments having lots 80 feet or less in width or where sidewalks are required.
- C. Curbs shall be constructed in accordance with PennDOT Form 408 specifications.

- D. Concrete curb shall be eighteen (18) inches high, eight (8) inches wide, and have an exposed face of eight (8) inches. Alternative types of curbing can be approved at the Township's discretion with the concurrence of the Township Engineer.
- E. Terminal concrete curbs or terminal radii shall be provided at the start or cut-off locations as needed for streets to transition from one pavement section to another.
- F. Curbing shall be designed to provide a ramp for bicycles and/or wheelchair access at each intersection, at the principal entrances to buildings which front on parking lots, and at all crosswalks.

419 PEDESTRIAN FACILITIES

- A. Sidewalks shall be required for streets:
 - 1. Where students are required to walk to school;
 - 2. To continue existing sidewalks from adjoining subdivisions or land developments;
 - 3. To provide access to community facilities such as schools, shopping centers, recreation areas, and other similar facilities as identified by the township.
 - 4. In subdivisions and land developments with lots less than ½ acre in size or less than 80 feet in width, including planned developments; and
 - 5. Within planned business, commercial, and industrial developments, apartment complexes, townhouses, condominiums, and mixed-use developments.
- B. The Township may grant an exemption from the requirements of this Section for small subdivisions and land developments of less than 25 lots or units where there is no current or planned future connection to external pedestrian destinations, and traffic volumes are low enough that the street itself may serve as an adequate means of pedestrian connectivity between residences within the subdivision or land development.
- C. Subdivisions and land developments not requiring sidewalks that are located adjacent to or within a reasonable distance of an existing or future rail trail, greenway, or other public trail system shall consider access from the proposed development to the trail or greenway system through a network of pathways in the design and layout.
- D. Pedestrian way easements ten (10) feet wide may be required by the Township through the center of blocks more than six hundred (600) feet long, to provide circulation or access to schools, playgrounds, shopping, or other community facilities.
- E. Sidewalks, where provided, shall be located within and be parallel to the street right-of-way; however, alternative locations will be considered to preserve topographic features or to provide visual interest, provided the applicant shows that an alternative maintains safe and convenient pedestrian circulation.
- F. Sidewalks, where provided, shall be on both sides of the street in front of all residential units. Where lot widths are greater than 80 feet and lots sizes are greater than one half (1/2) acre, sidewalks are only required on one side of the street. In lieu of sidewalks the Commission may alternatively approve trails as part of a trail network.

- G. The minimum width of all sidewalks shall be five (5) feet. Wider widths may be necessary near major pedestrian generators and employment centers and to accommodate Americans with Disability Act (ADA) requirements.
- H. There shall be a minimum four (4) foot planting strip of grass between the curb or shoulder and the sidewalk.
- I. The grades and paving of the sidewalks shall be continuous across driveways except in non-residential and high-density developments and in certain other cases where heavy traffic volume dictates special treatment.
- J. Sidewalks shall be constructed with a cross slope of 1% to 2% with a construction tolerance of ¼ inch in ten (10) feet.
- K. At corners and pedestrian street-crossing points, sidewalks shall be extended to the curb line with an adequate apron area for anticipated pedestrian traffic and curb cuts and ramps designed in accordance with ADA accessibility requirements.
- L. Sidewalks shall not exceed eight (8) percent grade. All sidewalks and ramps, e.g. slopes greater than five (5) percent, shall be designed in accordance with ADA accessibility requirements.
- M. Sidewalks shall be surfaced with concrete and shall meet the minimum construction standards in accordance with PennDOT Form 408 specifications.
- N. Trails may be designed and constructed of other firm and slip resistant materials including pervious materials, provided that the construction is appropriate to the surrounding land use and the expected volume of pedestrian traffic, and is approved by the Township Engineer.

420 STREET SIGNS

- A. Design and placement of traffic control, regulatory, and street signs shall be provided by the applicant as needed and shall follow the requirements specified in PennDOT Publication 236M, Handbook of Approved Signs.
- B. Street name signs shall also be consistent, of a style appropriate to the Township, of a uniform size and color, and erected in accordance with municipal standards.
- C. The applicant shall be responsible for obtaining and installing all necessary street signs and posts in accordance with the materials and workmanship prescribed in PennDOT Publication 408 and all other applicable federal, state, and local requirements.

421 STREET TREES

- A. A minimum of two (2) street trees with a minimum caliper of two and one half inches (2 ½") shall be planted for every 100-feet of street on both sides of the street in an alternating manner in residential developments with densities greater than one (1) dwelling unit per acre and in all non-residential land developments. Credit may be given for existing trees within the right-of-way that are maintained.

- B. The trees shall be of sound nursery stock and shall consist of the species recommended by a qualified person for the county and conditions. No invasive species will be permitted. Consult the Pennsylvania Department of Conservation and Natural Resources or the Bureau of Forestry Service Forester for an updated list.
- C. Trees shall be placed along right-of-way lines or setback from streets in a sufficient manner to maintain clear sight distances and safety.
- D. Trees shall be placed at least four (4) feet behind the back of the curb. If the street is not curbed trees shall not be planted within the clear zone.

422 STREET NAMES

- A. All streets shall be named.
- B. Continuations of existing streets shall be known by the same name.
- C. All street names shall be submitted to and approved by the Northumberland County Emergency Management Department and the Township prior to plan approval.

423 STREET AND PARKING LOT LIGHTING

- A. Lighting shall be required as needed for public safety and convenience at all new intersections in commercial and industrial areas, in parking areas, along sidewalks, between buildings, and in residential areas.
- B. Street and parking lot lighting shall be provided in accordance with an illumination plan designed by a qualified professional in conformance with the standards of the local electric utility company and coordinated with the Township.
- C. A lighting plan shall be provided to illustrate the locations of all free standing and wall mounted luminaries and the photogrammetric contours at 0.1 intervals of candlepower.
- D. Pole mounted luminaries used to illuminate streets shall have a maximum height of 25 feet above the street surface.
- E. With the exception of decorative lighting, luminaries shall be fully and permanently shielded to direct light toward the ground and be "Dark Sky Compliant".
- F. The placement of lighting standards shall provide adequate lighting without hazard to drivers or nuisance to nearby residents.
- G. Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.5 foot-candles intensity.
- H. All lighting plans, fixtures, standards, and foundations shall be approved by the Township and shall be designed in accordance with the National Electric Code and with accepted standards of practice established by the Illuminating Engineering Society of North America.

424 RESERVED FOR FUTURE USE

425 RESERVED FOR FUTURE USE

426 SEWAGE FACILITIES

A. General Requirements

1. Applicants shall submit all necessary plans and specifications for the entire sanitary sewage disposal system, including the facilities related to collection, conveyance, and treatment.
2. Plan approval shall not be granted until the applicant has received all necessary sewage planning approvals from the Township and the PA DEP.
3. Subdivisions and land developments shall be connected to an existing public sewer system in accordance with the Township or municipal/sewer authority requirements.
4. All plans for sanitary sewer systems (both public and private) shall be designed by a registered professional engineer in accordance with the requirements of the PA DEP or other governing rules and regulations, and shall be approved by the local sewer authority, and/or Township Engineer, the Township, and the PA DEP.
5. Adequate sewage disposal must be provided to every lot in the proposed subdivision or land development.
6. Subdivisions and land developments proposing no development of buildings or improvement of land for purposes requiring sewage facilities need not provide sanitary sewage facilities if the PA DEP has approved a non-building waiver request. Where a waiver is approved by the Sewage Enforcement Officer and PA DEP, the final plan for recording shall include the standard non-building notation.
7. Lot additions and consolidations need not provide sanitary sewage facilities if the receiving tract(s) has an existing permitted method of sewage disposal or if the lot is vacant and no new building or development are proposed and the non-building waiver notation is on the plan.
8. All subdivision and land development plans shall contain appropriate notation indicating the method of sewage disposal.

B. Public Sanitary Sewer. Where connection to public sewer is proposed or required by the Township or municipal authority, the applicant shall provide a written statement from the sewer service provider indicating that sufficient capacity to serve the proposed development is available, and such notice shall:

1. Be dated within 90 days of the Final Plan application;
2. Include a statement from the sewer service provider indicating approval of the plans for design, construction standards, installation, and financial guarantees as applicable.

- C. Private Sanitary Sewer. Where connection to an existing public sewer system is not available, or has been determined to be unfeasible to the satisfaction of the Township, the Township may require the applicant to evaluate the installation of a privately owned sanitary sewer system. Where the use of a private sanitary sewer is proposed the applicant shall provide the following:
1. A detailed operations and maintenance plan;
 2. Evidence of approval from the municipality, municipal engineer, and the PA DEP;
 3. Agreements or covenants, acceptable for recording, as deemed necessary by the Township, and/or the PA DEP, to guarantee the maintenance and operation of said facility;
 4. A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants; and
 5. Any terms stipulating conditions of metering, inspection, rights of access, minimum standards for materials and workmanship, testing and enforcement.
- D. Individual Sewage Disposal. Where connection to an existing public sewer system or the installation of a private system is not feasible, the applicant may propose to utilize individual sewage disposal technology in accordance with this Section.
1. Soil percolation tests shall be performed by the municipal Sewage Enforcement Officer, with no less than one test pit per lot shown on the plan, and where marginal conditions are discovered, satisfactory alternative sites shall be identified and preserved.
 2. Each lot shall be of a size and shape to accommodate the necessary individual sewage disposal systems in accordance with setback and design standards established by the municipality and/or PA DEP. Such standards shall ensure safe distances from buildings, property lines, water supplies and other improvements affecting normal function.
 3. The individual sewage disposal system shall be located on and fully contained within the lot it is intended to serve. In addition all isolation distances must be contained within the property boundary.
 4. The individual sewage disposal system shall be approved by the PA DEP through the appropriate sewage planning review process, and written confirmation shall be received by the Township prior to plan approval. The Township shall not approve any subdivision or land development where an application fails to meet the required sewage planning requirements of the Township and the PA DEP.

427 WATER SUPPLY

A. General Requirements

1. All subdivisions and land developments shall be provided with an adequate and safe supply of water for all intended land uses, and the water supply shall meet

all applicable state drinking water standards or be capable of economical treatment to attain such standards.

2. Subdivisions and land developments shall be connected to an existing public water supply system in accordance with the Township, municipal/water authority, or public utility requirements.
3. Applicants shall submit all necessary plans and specifications for the entire water supply system including the facilities related to sources, storage, treatment, and distribution.
4. For subdivisions and land developments not connecting to a public water supply, the Township may require the applicant to demonstrate that a reliable, safe and adequate supply exists to support the water usage demands of the proposal without detrimental effects to future users and water sources of adjacent land uses. Such analysis would at a minimum contain information regarding estimated water demand, source of supply and capacity, source reliability, and source quality. The Township reserves the right to require the applicant to drill a test well for the establishment of water quality and quantity in that area.
5. An eight (8) hour standard well test for source development will be required for all subdivisions and land developments of ten (10) or more lots or units.
6. In areas where known groundwater problems exist, resulting from contamination or inadequate yields of potable supplies, the Township may require the applicant to provide a feasibility study by a licensed professional engineer or hydrogeologist to evaluate the adequacy of water quality and quantity for the proposed development.
7. Applications for plan approval shall not be granted until the applicant has received all necessary water supply approvals from the Township, the water supplier, the PA DEP, and/or the Susquehanna River Basin Commission.
8. Subdivisions and land developments shall be connected to an existing public water supply unless the applicant can clearly demonstrate that such connection is not feasible. The Township may require a feasibility study prepared by a registered professional engineer to show that a connection is not feasible.
9. All plans for water supply systems (both public and private) shall be designed by a registered professional engineer and shall conform to current regulatory requirements. The local water supplier, and/or Township Engineer, the Township and the PA DEP shall approve them.
10. Fire hydrants shall be installed as an integral part of any public or private water supply system and the placement, design, and construction of such shall meet the specifications of the local fire company, the public water supplier, and the Township when applicable.
11. Applicants shall present evidence that the subdivision or land development is to be supplied with water by a certified public utility, a bona fide cooperative association of lot owners, or a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative

agreement or commitment or agreement to serve the area, whichever is appropriate, shall be acceptable evidence. In addition applicants shall be responsible for obtaining applicable Water Extension Permits from the PA DEP.

12. All subdivision and land development plans shall contain appropriate notation indicating the method of water supply.
- B. Public Water Supply. Where connection to public water supply is proposed or required by the water supplier the applicant shall provide a written statement from the public water supplier indicating that sufficient supply to serve the proposed development is available, and such notice shall:
1. Be dated within ninety (90) days of the Final Plan application;
 2. Include a statement from the public water supplier indicating approval of the plans for design, construction standards, installation, and financial guarantees as applicable.
- C. Private Water Supply. Where connection to an existing public water supply is not available or has been determined to be unfeasible to the satisfaction of the Township, the Township may require the applicant to evaluate the installation of a privately owned water supply system. Where the use of a private water supply system is proposed the applicant shall provide the following:
1. A business plan consistent with the PA DEP, PUC, and/or American Waterworks Association (AWWA) guidelines to address all appropriate physical, operational, managerial, and financial issues necessary to determine system viability;
 2. A detailed operations and maintenance plan that identifies the source of supply, source capacity, source reliability, source quality, proposed treatment, pumping and storage, distribution system, fire service, customer connections, system management, etc.
 3. An operation, maintenance, and restoration fiscal plan that determines users fees for normal annual operations, upgrades and replacement based on the projected life and a contingency plan to address future treatment if the water source falls out of compliance with applicable safe drinking water regulations.
 4. Evidence of approval from the Township, Township engineer, and the PA DEP;
 5. Agreements or covenants acceptable for recording as deemed necessary by the Commission, the municipality, and/or the PA DEP to guarantee the maintenance of said facility; and
 6. A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants.
- D. On-Lot Water Supply. Where connection to an existing public water supply or the installation of a private water supply is not feasible the applicant may utilize on-lot water supply in the form of individual water wells in accordance with this Section.
1. Wells shall be installed according to applicable federal, state, and local well construction and permitting standards.

2. Wells shall be adequately isolated from on-lot sewage treatment facilities in accordance with the requirements of the PA DEP and the municipality and shall be safely isolated and protected from other potential sources of contamination.

428 OTHER UTILITIES

- A. Electric, telephone, television cable, and other utilities, both main and service lines, shall be placed underground, except if otherwise authorized by the Public Utility Commission, within easements or dedicated public rights-of-way, but not under cartways unless approved in writing by the Township and utility provider,
- B. All utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies and authorities providing such services and the laws of the Commonwealth.
- C. Underground utility installation shall not be required for the following:
 1. For service to industrial development; and
 2. For a project where the local utility service provider determines that the physical conditions render such underground installation unfeasible.
- D. Underground installation of the utility distribution and service lines shall be completed prior to street paving, storm drainage, and curbing and sidewalk installation.
- E. The Township may require the installation of utilities prior to final plan approval where the cost of installation, including the cost of excavation for underground utilities, will not be completely paid by the utility company. In each case the Township shall also consider the procedures for the applicable utility company involved with the extension of services.

429 STORMWATER MANAGEMENT AND DRAINAGE

The purpose of this section is to: control accelerated runoff, erosion and sedimentation; promote the utilization and preservation of desirable existing natural drainage systems; encourage groundwater recharge; maintain existing natural flows of streams, including quantity, peak flows, flow type, and quality; preserve and restore flood carrying capacity of streams; provide for proper maintenance of all permanent stormwater management structures; protection of wellhead areas and community water supplies, and protection of downstream properties from impacts resulting from increased development.

A. Exemptions

1. Subdivisions and land developments that create disconnected impervious areas smaller than 1,000 square feet are exempt from the Peak Rate Control of Section 429.D and the storm water management plan preparation requirement of this Ordinance.
2. Subdivisions and land developments that create disconnected impervious areas equal to or greater than 1,000 square feet and less than 5,000 square feet are exempt only from the Peak Rate Control requirements of Section 429.D and all other requirements shall apply.

3. Exemptions from any provisions of this Section shall not relieve the applicant from the other requirements of this Section.

B. General Stormwater Management Requirements

1. Stormwater runoff generated from development, discharged directly into a wetland or other waters of the Commonwealth shall be done in accordance with Federal and State regulatory requirements and shall be adequately treated to prevent water quality degradation of the receiving water body.
2. Groundwater recharge rates shall be maintained by promoting infiltration to the greatest extent practical.
3. Applicants may select a combination of runoff control techniques that are most suitable to control stormwater runoff from the development site. All stormwater designs are subject to the approval of the Township Engineer.
4. All storm water management facilities including detention basins, Best Management Practices (BMP's), conveyance systems, and culverts shall be designed by a person qualified and/or experienced in their design and in accordance with the professional registrations laws of the Commonwealth of Pennsylvania. These qualifications should be listed on the front cover of the plan narrative.
5. The anticipated peak rate of stormwater runoff from the site during and after full development shall not exceed the peak rate of runoff from the site prior to development activities, measured in accordance with the standards and criteria of this Ordinance.
6. Roof drains, to the greatest extent practical, shall drain to the land surface to promote overland flow and infiltration of stormwater but shall not discharge stormwater directly onto sidewalks, streets, neighboring property or into sanitary sewer lines.
7. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without permission of the affected property owner(s).
8. If existing diffused stormwater flow is to be concentrated the applicant 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, including water quality degradation, will result from concentrated discharge.
9. Storm sewers, swales, culverts, bridges, and related facilities shall be provided to:
 - a. Permit the unimpeded flow of natural watercourses;
 - b. Insure the drainage of all points along the line of streets and under driveways;
 - c. Intercept stormwater runoff along streets at reasonable intervals related

to the extent and grade of the area drained, and to prevent the flooding of intersections and concentration of storm water.

10. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing conditions, unless an alteration is approved by the Township due to topographic conditions.
11. All stream encroachment activities, including work in and adjacent to waters of the Commonwealth or wetlands, shall comply with applicable PA DEP requirements.
12. Any stormwater facility located on a state or local highway right-of-way shall be subject to the approval of PennDOT or the municipality prior to plan approval.
13. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Township shall reserve the right to disapprove any design that would result in the continuation of an existing, or create a new, adverse hydrologic or hydraulic condition.
14. Techniques for Low Impact Development Practices described in *The Pennsylvania Stormwater Best Management Practices Manual* Doc# 363-0300-002, December 30, 2006 as amended (PA SWM Manual) should be used to the maximum extent practicable.

C. **Volume Controls**

1. Areas Tributary to High Quality or Exceptional Value Waters

All subdivisions and land developments occurring in drainage areas tributary to waters designated as High Quality or Exceptional Value pursuant to 25 Pa. Code, Chapter 93, shall not change any biological, chemical, or physical characteristics, including volume, rate, velocity, course, current, cross-section, or temperature of the waters unless the activity is specifically permitted in accordance with the environmental laws of the Commonwealth and all permits have been obtained from the PA DEP.

2. Areas Not Tributary to High Quality or Exceptional Value Waters

All subdivisions and land developments in drainage areas that are not tributary to special protection waters shall implement water quality controls using the *Design Storm Method* in Subsection A or the *Simplified Method* in Subsection B below. For developments where activity will impact an area equal to or less than one (1) acre that do not require hydrologic routing to design the storm water facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- a. The *Design Storm Method* (CG-1 in the PA SWM Manual) is applicable to any size of subdivision or land development. This method requires detailed modeling based on site conditions.

- i. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.
 - ii. For modeling purposes existing (pre-development) non-forested pervious areas must be considered meadow in good condition or its equivalent and 20% of existing impervious area, when present, shall be considered meadow in the model for existing conditions.
- b. The *Simplified Method* (CG-2 in the PA SWM Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to sites greater than one (1) acre or for projects that require detailed design of storm water storage facilities. For new impervious surfaces:
 - i. Stormwater facilities shall capture at least the first two inches (2.0") of runoff from all new impervious surfaces.
 - ii. At least the first one inch (1.0") of runoff from new impervious shall be permanently removed from the runoff flow---i.e. it shall not be released into surface waters. Removal options include reuse, evaporation, transpiration, and infiltration.
 - iii. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first on-half inch (0.5:") of the permanently removed runoff should be infiltrated.

D. Peak Rate Control

1. In areas not covered by a Release Rate Map from an approved Act 167 Stormwater Management Plan post-development discharge rates shall not exceed the predevelopment discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year storms. If it is shown, that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.
2. In areas covered by a Release Rate Map from an approved Act 167 Plan, the post-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year storms shall follow the applicable approved release rate map. For any areas not shown on the release rate map, the post-development discharge rates shall not exceed the predevelopment discharge rates.
3. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, on the Internet at <http://hdsc.nws.noaa.gov/hdsc/pfds/> or from the most current PennDOT, Design Manual Part 2 regional 24-hour rainfall depths.

E. Calculation Methodology

1. Calculation methodology not specified in this Ordinance or the referenced PA SWM Manual shall be coordinated with and approved by the Township Engineer prior to preparing and submitting a storm water management plan and narrative.
2. Any method approved by the Pennsylvania Department of Transportation or the Pennsylvania Department of Environmental Protection may be used to design the waterway areas of bridges.

F. Design Considerations

1. All storm sewers shall be able to convey the post-development runoff from a 10-year design storm without surcharging inlets, and shall be constructed using PennDOT Form 408 Specifications, Standard Details, unless otherwise directed by the Commission.
2. Inlets shall be placed at the curb line where a curbed section is installed. Inlets required for parallel or cross drainage without a curbed section shall be set at the centerline of the ditch.
3. Structures shall meet PennDOT standards, or cast-in-place Class A concrete. Brick or block structures shall not be permitted. Solid concrete block or brick may be incorporated into a structure only for grade adjustment of the casting.
4. All water obstructions (bridges, culverts, outfalls or stream enclosures) shall have ample waterway opening to carry expected flows, based on a minimum post development peak storm frequency of twenty-five (25) years and shall have a minimum of one (1) foot of freeboard measured below the lowest point along the top of the roadway. In areas where there is only one point of ingress and egress all structures on that access or road shall pass the one (100) hundred year storm.
5. Bridge and culvert construction shall be in accordance with the Penn DOT specifications and shall meet the requirements of the PA DEP.
6. Any drainage conveyance facility and/or channel that does not fall under PA DEP Chapter 105 Regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 10-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e. detention basins) shall be designed to convey the design flow to or from that structure.
7. Roadway crossings located within designated floodplain areas shall be able to convey runoff from a 100-year design storm.
8. Any stormwater management facility designed to store runoff and requiring an earthen berm or embankment shall be designed with an emergency spillway to handle flow up to and including the 100-year post-development conditions. The height of the embankment must be set to provide a minimum of one (1) foot of freeboard above the maximum pool elevation, computed when the facility functions for the 100-year post-development inflow.

9. Stormwater management facilities that require a dam safety permit under PA DEP Chapter 105 shall meet the applicable dam safety requirements, which may require the facility to pass storms larger than the 100-year event.
10. Adequate erosion protection shall be provided along all open channels and at all points of discharge.
11. Detention basins for stormwater peak discharge storage shall comply with the following criteria:
 - a. Basins located where unstable subsurface conditions exist (i.e. limestone or mined areas) may need a geologic evaluation to determine susceptibility to sinkhole or subsidence. The design of all facilities in these areas shall include measures to prevent ground and surface water contamination.
 - b. Soils used in construction of basins shall have low erosion factors ("K factors").
 - c. Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainage ways discharge to or from basins. Discharge from basins shall be into a natural waterway or drainage way.
 - d. Exterior slopes of compacted soil shall not exceed one foot (1') vertical per three feet (3') horizontal and may be further reduced if the soil has unstable characteristics.
 - e. Interior slopes of the basin shall not exceed one foot (1') vertical per three feet (3') horizontal except with the approval of the Township. Where concrete, stone, or brick walls are used for steeper interior slopes, the basin shall be fenced with a permanent wire fence at least forty-two inches (42") in height, and a ramp of durable, non-slip materials for maintenance vehicles shall be provided for basin access.
 - f. Outlet structures within basins that will control peak discharge flows and distribute the flows by pipes to discharge areas shall be constructed of concrete or polymer-coated steel or aluminum. They shall have childproof, non-clogging trash racks over design openings exceeding twelve (12") inches in diameter, except those openings used to carry perennial stream flows. Small outlet structures may be constructed of Schedule 40 PVC.
 - g. Where spillways will be used to control peak discharges in excess of the ten (10) year storm, control weirs shall be constructed of concrete of sufficient mass and structural stability to withstand the pressures of impounded waters and outlet velocities.
 - h. Concrete outlet aprons shall be designed as level spreaders and shall extend at a minimum to the toe of the basin slope. The incorporation into the concrete apron of any large stone found on the site is encouraged to provide a more natural appearance.

- i. Stormwater management basins shall not be placed in or over sinkholes, closed depressions, lineaments in carbonate areas, fracture traces, caverns, ghost lakes, disappearing streams, or areas of mine subsidence.
- 12. Where infiltration BMP's are used they should be spread out, made as shallow as possible, and located to maximize the use of natural on-site infiltration features while still meeting the requirements of this ordinance.
- 13. Storage facilities should completely drain both volume and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm.
- 14. The PA SWM Manual should be consulted for various BMP's and their design standards.
- 15. Stormwater management BMP's shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements of Pennsylvania Code Title 25, the Clean Streams Law, and the Stormwater Management Act, Act 167 of 1978.

G. Facility Maintenance and Management

- 1. Facilities, areas, or structures used as storm water management BMP's shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- 2. All subdivisions and land developments proposing permanent storm water management facilities, including BMPs, shall submit an executed maintenance agreement suitable for recording with the plan as a restrictive deed covenant in the Northumberland County Recorder's Office that specifies the long-term ownership and responsible operation and maintenance entity and includes an inspection and maintenance schedule that is to be followed. See Appendix D for an example of an acceptable agreement.
- 3. The plan to be recorded shall contain necessary notation regarding the on-going maintenance of the storm water management facilities, including but not limited to, identifying the person(s) or entity responsible, the typical maintenance measures that are required and frequency, and a reference to the maintenance agreement required in Section 429.G.2.

430 EROSION AND SEDIMENTATION POLLUTION CONTROL AND GRADING

Subdivision and land development activities shall be conducted as per this section to prevent accelerated erosion and resulting sedimentation.

- A. No changes shall be made in the contour of the land, no grading, excavating, removal, or destruction of topsoil, trees or other vegetative cover shall be commenced as part of a subdivision or land development until a plan for minimizing erosion and sedimentation has been reviewed and approved by the Northumberland County Conservation District.
- B. All applications for subdivision and land development approval will be required to submit Erosion and Sedimentation Pollution Control Plan and a letter of approval from the Northumberland County Conservation District where land disturbance is proposed.

- C. All subdivision and land development applications shall conform to applicable municipal ordinances and the requirements of Chapter 102 of Administrative Code, Title 25, "Erosion Control Rules and Regulations", as amended or replaced, and to the requirements of the PA DEP.
- D. Fill areas shall be prepared by removing organic material such as vegetation and rubbish and any other material determined by the engineer to prevent proper compaction and stability of the soil.
- E. Maximum steepness of graded and cut slopes shall be no greater than two (2) horizontal units to one (1) vertical unit (2:1) except when the Township approves alternatives. The Township may require the use of concrete or stone masonry retaining walls to maintain stability.
- F. Graded slopes of twenty (20) or more feet in height shall be benched every twelve (12) feet.
 - 1. Benches shall have a minimum width of six (6) feet and a maximum slope of five (5) percent.
 - 2. Benches shall be planted with trees at a rate of one (1) tree per thirty (30) lineal feet of bench.

431 RESERVED FOR FUTURE USE

432 FLOODPLAIN

All subdivision and land development activity shall be subject to the provisions of the Mount Carmel Township Floodplain Ordinance.

433 WETLANDS

- A. Disturbance of wetland areas should be avoided. No subdivision or land development shall involve uses, activities, or improvements that would result in encroachment into, regrading of, or placement of fill in wetlands in violation of state and/or federal regulations.
- B. If wetlands are to be altered by the proposed activity the Township shall require copies of appropriate permits and approvals granted by state and/or federal regulatory agencies prior to plan approval.
- C. The Township may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing wetland areas:

 "NOTE: Wetlands exist on Lot(s) No. _____. Wetlands are protected under state and federal law and caution should be exercised to ensure that any development proposed for Lot No. _____ does not disturb the wetlands."
- D. If the proposed project site contains hydric soils, soils with hydric inclusions, or any other characteristics that create suspicion of the presence of wetlands, the applicant shall have a qualified wetland specialist prepare a wetland delineation. The wetlands shall be

mapped on the plan and a report shall be prepared in accordance with the current standards set forth by the Army Corps of Engineers.

434 UNSTABLE LAND FORMS

- A. All subdivisions and land developments in areas underlain by carbonate geology or mined lands which are susceptible to subsidence shall be designed and constructed to minimize any impacts which may affect, increase, diminish, or change any natural drainage, natural springs, water quality, geological stability or groundwater table.
- B. Subdivisions and land developments that pose significant risks of stimulating the formation of sinkholes, mine subsidence, or of causing hydrologic connection of contaminated surface water with subsurface aquifers shall not be approved without certification, from a professional engineer and/or other qualified individual with demonstrated competency in geology or hydrogeology, that such proposed use and design is safe and environmentally sound.
- C. When the Township determines there is probability that a project will affect or be affected by carbonate geologic hazards or mine subsidence the Township may require the submission of a geologic and/or hydrogeologic report.
- D. In making a determination whether or not a project will affect or be affected by carbonate geologic hazards or mine subsidence, the Township shall consider the features in the vicinity, testimony of qualified experts (i.e. professional geologist, hydrogeologist, or engineer with documented expertise), recommendation by the municipality, and such other reasonable information as may be available.
- E. All sinkholes and deep mines shall be posted by permanent and clearly visible on-site notices prohibiting any disposal of refuse, rubbish, hazardous wastes, organic matter or soil into the sinkhole or mine. Concrete liners, rock fill or other acceptable capping procedures may be permitted in the sinkhole and mine for purposes of preventing dumping of said materials with the approval of the Township Engineer.
- F. All sinkholes and mines shall have a buffer as determined necessary for public safety. The buffer size will vary based upon site conditions and by a professional engineer or other qualified individual with demonstrated competency in geology, hydrogeology, and/or mining.
- G. New sinkhole formation and mine subsidence, as a result of construction activities or natural causes, shall be reported to the Township and the PA DEP. Emergency repairs may be required under the supervision of the PA DEP or the Township's Engineer to prevent groundwater contamination and injury to residents.
- H. Improvements necessary to safeguard against groundwater contamination or structural instability for proposed development, or construction activities as a result of the geologic and/or hydrological investigation, will be a condition of final subdivision or land development plan approval.
- I. Lot purchasers shall be made aware of the extent of previous underground mining activities and through notation on the plans and an indication that approval of the plan by Northumberland County does not guaranty structural protection from mine subsidence.

435 NATURAL FEATURES IMPACT ANALYSIS

- A. All subdivisions and land development applications that result in any of the following conditions shall be required to include a Natural Features Analysis in accordance with this Section: 25 or more lots or dwelling units; 100 or more new vehicle trips entering or exiting during any one hour period; an ADT of 3,000 or more; or is considered a development of regional significance.
- B. **Natural Features Analysis.** The Natural Features Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on natural features on the subject tract and the surrounding area. This analysis shall include but not be limited to the following:
1. An analysis of natural drainage patterns and water resources, including streams, natural swales, ponds, lakes, wetlands, floodplain areas and permanent and seasonal high water table areas.
 2. An analysis of the site geology that considers characteristics of underlying rock formations, shallow bedrock, aquifers, karst features, and factors that may cause the rock formations to be unstable.
 3. An analysis of soil types present on the site including a delineation of prime agricultural soils, hydric soils, unstable soils, soils most susceptible to erosion, and evidence that the soil is suitable for the intended uses.
 4. An analysis of topography.
 5. An analysis of existing vegetative cover emphasizing the location of woodland and meadowland areas. Dominant tree and plant species shall be identified and certification shall be given that no vegetation on the site is classified as Rare, Threatened or Endangered or listed as worthy of special protection in the Northumberland County Natural Heritage Inventory. A PNDI search shall be conducted.
 6. An analysis of impacts on wildlife and wildlife habitat and certification shall be given that no species of wildlife or wildlife habitat on the site is classified as Rare, Threatened or Endangered or listed as worthy of special protection in the Northumberland County Natural Heritage Inventory.
- C. The Community Impact and Natural Features Analyses shall contain proposals to minimize any adverse impacts identified, including, where appropriate, alternative solutions or proposals.

ARTICLE V MOBILE HOME PARKS

500 GENERAL

- A. The standards in this Article shall be applied in addition to the other requirements of this Ordinance in evaluating applications for mobile home parks.
- B. Applicants shall be responsible for obtaining all necessary permits and approvals from the Pennsylvania Department of Labor and Industry, Department of Environmental Protection, Department of Health, and other applicable local, state, and federal agencies.

501 DENSITY AND DIMENSIONAL STANDARDS

- A. Mobile home parks shall be designed to serve the long-term placement of mobile homes.
- B. The minimum tract size for a mobile home park development shall be ten (10) contiguous acres.
- C. The maximum number of mobile home lots within a mobile home park shall not be more than seven (7) lots per acre of the total area of the mobile home park.
- D. The minimum tract width of a mobile home park development shall not be less than two hundred fifty (250) feet.
- E. The minimum depth of individual lots within a mobile home park shall not be less than ninety (90) feet or the overall length of the mobile home to be placed on the lot plus thirty (30) feet, whichever is greater.
- F. The minimum width of individual lots within a mobile home park shall not be less than fifty (50) feet and those lots intended for doublewide mobile homes shall not be less than seventy-five (75) feet in width.
- G. The minimum lot size for individual lots within a mobile home park shall not be less than 6,000 square feet of area and individual lots intended for doublewide mobile homes shall not be less than 8,000 square feet in area.
- H. The minimum distance between mobile homes in the mobile home park shall not be less than twenty-five (25) feet.
- I. All mobile homes, auxiliary buildings, and other structures within the mobile home park shall be placed at least fifty (50) feet from any exterior boundary of the park and from any public street or right-of-way.
- J. The longitudinal gradient and cross slope of any mobile home park shall not exceed five percent (5%) and the slope of the individual mobile home lot pad areas shall not exceed three percent (3%).

502 SITE LAYOUT

- A. Mobile homes placed on individual lots within the mobile home park are preferably to be placed off-center on the lots so as to provide a larger usable open space in one section of the lot.
- B. Groups or clusters of units shall be placed, whenever feasible, to create interior spaces and courtyards.
- C. There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and existing trees.
- D. Mobile home parks shall be designed so that all lots and streets are well drained and free of standing water, and designed in accordance with the stormwater management requirements of Article IV, Section 429.
- E. All mobile home parks shall be landscaped in accordance with Article IV, Section 425 of this Ordinance.
- F. Each mobile home lot shall be provided with a concrete patio of a minimum of two-hundred (200) square feet.

503 STREETS AND ACCESS

- A. All mobile home lots shall be accessed from an internal street system of the mobile home park.
- B. All streets within a mobile home park shall be centered in a minimum fifty (50) foot right-of-way.
- C. Where mobile home lots are created having frontage on an existing street, the mobile home park street pattern shall provide reverse-frontage access to an interior street within the mobile home park.
- D. All streets within mobile home parks shall be constructed and paved in accordance with the applicable design standards of Article IV.
- E. All streets shall be private, and the maintenance, repair, and rehabilitation for adequate and safe ingress and egress shall be the responsibility of the mobile home park owner(s).

504 OFF STREET PARKING AND SIDEWALKS

- A. All mobile homes shall have two (2) off-street parking spaces.
- B. Additional parking spaces for vehicles of non-residents shall be provided at the rate of one (1) space for every three (3) mobile home lots. Such parking spaces shall be provided through off-street common parking areas and shall be in locations that are sufficiently dispersed throughout the mobile home park to serve all mobile home lots.

- C. All mobile home parks shall provide safe, convenient, all season sidewalks and/or pedestrian walkways between the mobile home lots, streets and all community facilities for park residents.

505 SEWAGE DISPOSAL, WATER SUPPLY, AND UTILITY REQUIREMENTS

- A. All mobile home parks shall be provided with public or central sewer disposal and public or central water supply service.
- B. Each mobile home lot shall be provided with a suitable method for connecting the sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy a lot. Surface drainage shall be diverted away from the riser and the rim of the riser pipe shall be encased in a waterproof catch basin.
- C. Each mobile home lot shall have a water riser pipe to connect the mobile home water system to the central or public water system serving the park.
- D. All utilities within a mobile home park shall be provided underground to each lot.
- E. The mobile home park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of adequate utilities to each mobile home lot.

506 ILLUMINATION STANDARDS

- A. All mobile home parks shall be furnished with lighting fixtures spaced and equipped with luminaries to provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians.
- B. Lighting shall be designed in accordance with Article IV, Section 423 of this Ordinance.

507 COMMON OPEN SPACE REQUIREMENT

- A. A minimum of fifteen percent (15%) of the gross area of the mobile home park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses.
- B. Common open space shall be substantially free of structures except for those designed for recreational purposes.
- C. Common open space areas shall be located and designed so they are easily accessible to residents and so that natural features are preserved.

508. MISCELLANEOUS REQUIREMENTS

- A. Cluster mailboxes shall be installed where approved by the U.S. Postal Service.
- B. Where Liquefied Petroleum Gas (LPG) and/or fuel oil supply systems are on site to supply mobile home lots such outside fuel storage tanks or cylinders shall be securely fastened in place and adequately protected from physical damage.

- C. All mobile home parks shall be provided with fire hydrants that meet the requirements, standards, and recommendation of the local municipality and fire company.
- D. Each mobile home lot shall be improved to provide an adequate frost-free foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home to be used at the site.
- E. Each mobile home pad or stand shall have adequate provision such as anchor bolts and tie-down straps for both "over the top" and "frame tie downs" to assure that each mobile home has available a means of securing the structure to the site.
- F. Each mobile home shall have a skirt installed that is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.
- G. If a hitch or towbar is attached to a mobile home for transport purposes it shall be removed and remain removed from the mobile home when it is placed on its mobile home foundation.
- H. Each lot in a mobile home park shall have a number placed on the lot in the form of a sign or directly on the mobile home, that is clearly visible from the road on which the structure fronts.
- I. The following note shall be placed on all plans for mobile home parks:

"It shall be the responsibility of the mobile home park owner to maintain all improvements and facilities including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection."

ARTICLE VI - RESERVED FOR FUTURE USE

ARTICLE VII IMPROVEMENTS

700 GENERAL

All applications for subdivision and land development that include improvements shall comply with this Article. This Article applies to all improvements, regardless of whether they are to be dedicated to a public entity or not.

701 COMPLETION OF IMPROVEMENTS

No application for Final Plan approval of a subdivision or land development shall be approved by the Township, nor shall any plan be considered in compliance with this Ordinance, until all required improvements, including but not limited to, streets, sidewalks, curbs, gutters, street signs, street lights, street trees, fire hydrants, water mains, sanitary sewers, storm sewers and drainage facilities, survey monuments, lot line markers, and shade trees and landscaping have been installed consistent with this Ordinance.

702 IMPROVEMENT GUARANTEE IN LIEU OF CONSTRUCTION

In lieu of constructing the improvements required by this Ordinance prior to plan approval, the applicant may instead provide an acceptable financial guarantee to the Township and enter into an improvement guarantee agreement.

703 AMOUNT OF IMPROVEMENT GUARANTEE

- A. The financial guarantee to be posted shall equal 110% of the cost of completing the improvements estimated as of 90 days following the date scheduled for completion.
- B. Annually the Township may adjust the amount of the financial guarantee by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. The Township may require the developer to post additional security in order to assure that the financial security equals 110%. The developer shall post any additional security.

704 BASIS OF IMPROVEMENT GUARANTEE AMOUNT

- A. The amount of financial guarantee required shall be based on an estimate of the cost to complete the required improvements, prepared by the applicant's professional engineer. The engineer shall certify it to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of its Engineer, may refuse to accept such estimate for good cause shown.
- B. If water and/or sanitary sewer infrastructure are to be installed under the jurisdiction and rules and regulations of a public utility or a municipal authority separate and distinct from the Township, then financial security to assure proper completion and maintenance shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security required by this section. The applicant shall provide evidence that sufficient financial guarantee, to secure

completion of the water and sewer infrastructure, has been provided to and been accepted by the public utility or municipal authority.

- C. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer chosen mutually by the Township and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is chosen, fees for the services shall be paid equally by the Township and the applicant.

705 TYPES OF FINANCIAL GUARANTEE

The following are acceptable types of financial guarantee.

- A. **Surety Performance Bond.** A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Township and shall be in a form satisfactory to the Commission.
- B. **Escrow Account.** A deposit of cash with the Township in escrow with a Federal or Commonwealth chartered financial institution. In the case of an escrow account, the applicant shall file with the Township an agreement between the financial institution and the applicant or developer guaranteeing the following:
 - 1. That the funds of the escrow account shall be held in trust until released by the Township and may not be used or pledged by the applicant as security for any other purpose during that period.
 - 2. In the case of a failure by the applicant to complete the improvements, the institution shall immediately make the funds available to the Township for use in the completion of those improvements.
 - 3. Withdrawals from the account to pay for completed improvements shall be pursuant to Section 710 of this Ordinance.
- C. **Letter of Credit.** An irrevocable commercial letter of credit provided by the applicant and/or developer from a Federal or Commonwealth chartered financial institution. This letter shall be deposited with the Township and shall certify the following:
 - 1. The amount of credit.
 - 2. In the case of failure by the applicant to complete the improvements, the creditor shall pay to the Township funds necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - 3. The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until released or partially reduced by the Township in writing. See Appendix I for an example.
- D. **Certified Check.** A certified check payable to the Township drawn on a Federal or Commonwealth chartered financial institution.
- E. **Other Forms of Security.** Any other form of guarantee acceptable to the Township

706 IMPROVEMENT GUARANTEE AGREEMENT

- A. All applicants that choose to post a financial guarantee instead of constructing the required improvements shall also execute an Improvement Guarantee Agreement with the Township.
- B. The Improvement Guarantee Agreement shall follow the example provided in Appendix E of this Ordinance.

707 IMPROVEMENTS NOT COMPLETED IN FIRST YEAR

If the party providing the financial guarantee requires more than one (1) year from the date of posting it to complete the required improvements, the amount of financial guarantee may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from when the guaranty was provided, or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the estimating procedure in Section 704.

708 IMPROVEMENT CONSTRUCTION

During construction of improvements the applicant shall be responsible for the following:

- A. Constructing all improvements in strict accordance with the approved subdivision and land development plan and this Ordinance.
- B. Implementing all necessary plans to control, mitigate, and eliminate any forms of pollution, disturbance, or destruction resulting from noise, odor, stormwater, and/or excessive loads or repetitions of loads that may occur during construction.
- C. Providing necessary guards, watchmen, warning lights and similar items necessary to maintain state highway and other street traffic in accordance with PennDOT Publication 203 requirements. When a detour cannot be established one half (1/2) the roadway, at a minimum, shall be open at all times and include traffic control. In limited and unique circumstances, with the approval of the local municipality and/or PennDOT, limited closure might be warranted.

709 IMPROVEMENT INSPECTION

- A. The Township and the applicant shall mutually agree upon a schedule of inspections by the Township Engineer and/or other necessary consultants during and after construction.
- B. At a minimum the Township may require inspections at critical stages of construction to be determined at its discretion.
- C. The applicant and/or developer shall notify the Township of the construction schedule at least forty-eight (48) hours prior to commencement of site work.
- D. The applicant and/or developer shall correct any portion of the work that does not comply with the approved plan and this Ordinance.

- E. Site improvements shall not advance to subsequent stages of construction until after satisfactory inspection of the previous stage.
- F. The applicant and/or developer shall reimburse the Township for all reasonable and necessary improvement inspection expenses incurred as per Section 510(a)(g)(1) of the Pennsylvania Municipalities Planning Code.

710 PARTIAL RELEASE OF IMPROVEMENT GUARANTEE

- A. As the work of installing the required improvements proceeds, a release may be authorized from time to time for portions of the guarantee necessary to pay contractor(s) performing the work. Requests shall be made in writing addressed to the Township and the Commission shall have 45 days to allow the Township Engineer to certify, in writing, that a portion of the improvements has been completed as per the approved plan.
- B. Upon certification the Township shall authorize release by the bonding company or lending institution of an amount estimated by the Township Engineer to be the value of the improvements completed.
- C. If the Township fails to act within the 45-day period, the request shall be deemed approved. The Township may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of the improvements.

711 FINAL IMPROVEMENT INSPECTION AND RELEASE FROM GUARANTEE

- A. **Notice of Completion.** When the applicant and/or developer has completed all of the required improvements, the Township shall be notified in writing, by certified or registered mail.
- B. The Township shall, within ten (10) days after receipt of the notice, direct the Township Engineer to inspect all of the improvements.
- C. The Township Engineer shall file a written report with the Township. The Township or Township Engineer shall promptly mail a copy of the report to the applicant and/or developer by certified or registered mail. The report shall be mailed within thirty (30) days after receipt by the Township Engineer of the authorization from the Township; the report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the Township Engineer does not approve the improvements, or any portion of them, the report shall contain a statement of reasons for such non-approval.
- D. The Township shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the decision to accept or not accept the improvements.
- E. If the Township fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the developer shall be released from all liability, pursuant to the guarantee agreement.
- F. If any portions of the improvements are not approved by the Township, the developer shall proceed to complete them and, upon completion, shall notify the Township as outlined in this Section.

- G. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise, any determination of the Township, or their respective engineer.

712 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- A. In the event that any required improvements have not been installed as provided in this Ordinance, or in accordance with the approved Final Plan, the County is hereby granted the power to enforce any corporate bond, security, or other improvement guarantee by appropriate legal and equitable remedies.
- B. If the proceeds of the improvements guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the security, the Township may, at its option, install the improvements in all or part of the subdivision or land development and may institute appropriate legal proceedings, whether resulting from the security or from any legal or equitable action brought against the developer, or both.
- C. All monies drawn against the improvements guarantee shall be used solely for the installation of the improvements covered by it, and not for any other purpose.

713 IMPROVEMENT MAINTENANCE GUARANTEE

Where the Township has accepted dedication of improvements, it may, at its discretion, require the applicant or developer to post financial guarantee to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications shown on the Final Plan for a term not to exceed 18 months from the date of acceptance of dedication. The financial guarantee shall be of the same type as otherwise required in this Article and the amount shall not exceed fifteen percent (15%) of the actual cost of installation of the improvements.

714 DEDICATION AND ACCEPTANCE OF IMPROVEMENTS

Dedication of improvements for public ownership shall do so by the governing body adopting an ordinance, resolution, deed or other formal document of acceptance. The Township shall not be responsible for accepting dedication, and improvements shall be deemed private, until accepted and all municipal dedication requirements are met.

715 IMPROVEMENTS NOT DEDICATED OR NOT ACCEPTED FOR DEDICATION

All improvements constructed as required by this Ordinance that **will not** be publicly dedicated or accepted for dedication shall also meet the following requirements:

- A. **Ownership and Maintenance Responsibility/Entity.** A viable entity responsible for ownership and maintenance of all non-dedicated improvements shall be established by the developer and be approved by the Township. Ownership and maintenance responsibilities may be assigned to either the developer or among the property owners or an association of property owners within the subdivision or land development through the use of a Declaration and other documents approved by the Commission. Such documents shall be in conformance with the Uniform Planned Community Act of December 19, 1996, No. 180 (68 Pa. C.S.A. 5101) as amended.

- B. **Ownership and Maintenance Agreement.** A private agreement suitable for recording in the Northumberland County Recorder of Deeds Office shall be prepared, properly executed, and recorded with the final subdivision or land development plan, shall run with the land, and shall clearly identify the individual or entity responsible for the ownership and maintenance of non-dedicated improvements. The agreement shall be reviewed and approved by the Township, Township Engineer and the Township Solicitor and, at a minimum, shall stipulate the following:
1. That the owners, an association of property owners, successors and assigns shall keep all improvements in a safe and attractive manner and the owners shall convey to the Township easements and/or rights-of-way to assure access for periodic inspections by the Township.
 2. That if the owners, association of property owners, successors and assigns, fail to maintain the improvements following due notice by the Township to correct problems, the Township may perform the necessary work or corrective action. The owners or association of property owners shall reimburse the Township for these services and any administrative costs. The Township shall have the authority to assert a judgment lien against the said owners or association of property owners for failure to make the reimbursement(s).
- C. **Deed Reference.** All deeds created for lots that contain non-dedicated improvements shall make clear and specific reference as to the following:
1. Description of all improvements not dedicated.
 2. The individual(s) or entity responsible for ownership and maintenance of the improvements.
 3. The Ownership and Maintenance Agreement as required by Section 715.B of this Ordinance.
 4. Terms and conditions of the required maintenance.
 5. Provision that no improvements shall be eliminated or altered without the written approval of the Township.
 6. Provision that in the event improvements are altered, eliminated, or improperly maintained the municipality may prescribe necessary corrective measures and a reasonable time period to perform such work, and that if such action is not taken in the time period specified, the municipality may cause the work to be performed and invoice the ownership and maintenance entity, including the assertion of a judgment lien against it.
 7. Provision that all improvements not offered for dedication may be offered in the future if the improvements meet the minimum standards of this and/or applicable Township ordinances in effect at the time the offer of dedication is made. If the improvements do not conform to the minimum standards in effect, the Township shall have no obligation to accept the improvements until the improvements are improved to meet the standards, all costs of which shall be borne by the owner, association of property owners, or their successors and assigns.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

800 GENERAL

This Section outlines the procedures for administration and enforcement of this Ordinance and challenges and appeals of decisions made under this Ordinance.

801 FEES

- A. The Mount Carmel Township Board of Supervisors shall establish by Resolution the required subdivision and land development plan application review fees to cover costs incurred by the Township for reviewing and processing applications submitted and determining compliance with this Ordinance.
- B. Review fees shall include but not be limited to covering the expenses and costs of the following:
 - 1. Township administrative and technical staff employees involved in the review.
 - 2. Charges by the Township's professional consultants (i.e. engineer) for conducting reviews, preparing reports, providing recommendations, attendance at meetings and public hearings, and also for the inspection of improvements installed by the Applicant.
- C. An initial application fee is due at the time of plan submission payable to Mount Carmel Township. A copy of the most recent Fee Resolution is available from the Township.
- D. Plans will not be accepted without the review fee.
- E. Additional charges may be billed to the Applicant to cover the costs of services exceeding the initial review and may include, but not be limited to, the following:
 - 1. Cost of preparation and advertisement of necessary legal or other public notices or ads.
 - 2. Cost of retaining professional advisors and consultants.
 - 3. Cost of Township Engineer and/or other special consultants to review plans and to monitor and inspect improvements both during and after construction.
- F. Engineering and/or consultant review or inspection fees shall be submitted immediately upon receiving an invoice for the fees from the Township.
- G. An applicant may dispute the amount of review and inspection fees in accordance with the procedures for fee dispute resolution contained in Sections 503 (1) and 510 (g) of the Pennsylvania Municipalities Planning Code.

802 PAST DUE OR UNPAID FEES

- A. The Township will not accept new applications for subdivisions or land developments from applicants with past due or unpaid fees until all such payments in arrears are made in full including any accrued interest.
- B. The Township shall not approve applications for subdivisions or land developments submitted by applicants with past due or unpaid fees until all such payments in arrears are made in full including any accrued interest.

803 MODIFICATIONS

- A. An applicant may request a modification from the Township to any mandatory provision(s) of this Ordinance.
- B. All modification requests shall be in writing and shall accompany the application for subdivision or land development.
- C. All modification requests shall include the following:
 - 1. Provision(s) of the Ordinance involved.
 - 2. The grounds and facts of unreasonableness or hardship on which the request is based or evidence of equal or better results.
 - 3. A description of the minimum modification necessary.
- D. The Township shall consider the following in reviewing modification requests:
 - 1. Whether literal compliance with the mandatory provision(s) of the Ordinance is unreasonable or causes unique and undue hardship as it applies to the particular land being developed or subdivided.
 - 2. If granting the modification(s) will detract from the character of the surrounding area.
 - 3. If granting the modification(s) will have the effect of nullifying the intent and purpose of the ordinance and be contrary to the public interest.
 - 4. If the modification(s) is the minimum necessary.
 - 5. If the modification(s) can be demonstrated to provide equal or better results.
 - 6. If granting the modification will be detrimental to public safety, health or welfare.
- E. In granting modifications the Township may impose such conditions as will, in its judgment, encourage innovative design and/or secure substantially the objectives of the standards and requirements of this Ordinance.

804 RESERVED FOR FUTURE USE

805 RECORDS

The Township shall keep for the public record a written record of all activity related to plans upon which action is taken, including all requests for and action taken on modifications.

806 RIGHT OF ENTRY

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property under jurisdiction of this Ordinance to inspect the condition of the properties, facilities, and improvements in regard to any aspect regulated by this Ordinance.

807 ORDINANCE VIOLATIONS

- A. **Written Notice.** The Township shall notify an applicant, developer, and/or property owner of violations of this Ordinance in writing, by certified mail "return receipt requested" or by hand carried delivery, immediately upon being made aware of such violations. Notices of violation issued by the Township shall state the facts pertaining to the violation, cite the provisions of the Ordinance in violation, specify a time within which the violation shall be corrected in order to prevent further enforcement action, and indicate the applicants' right to an appeal.
- B. **Cease and Desist.** Any person, partnership, or corporation notified of a violation of this Ordinance shall immediately cease and desist such activity until the matter is resolved to the Commission's satisfaction.

808 PREVIOUS VIOLATIONS

- A. Where an application is proposed for a tract of land, portions of which have previously been subdivided or developed in violation of the Subdivision Regulations of Northumberland County of 1968 as amended, Northumberland County shall continue with necessary and appropriate legal action to resolve the matter.
- B. The Township reserves the right to require that all lands subdivided or developed without proper approval of the Subdivision Regulations of Northumberland County of 1968 as amended, meet the minimum standards of this Ordinance.

809 PREVENTIVE REMEDIES

- A. **Authority to Initiate Court Action.** In addition to other remedies the Township may institute and maintain appropriate actions in law or 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.
- B. As provided by Section 515.1(b) of the Pennsylvania Municipalities Planning Code 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. This authority to deny such permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation.
 2. The vendee or lessee of the owner of record at the time of such violation, without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of violation, without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation, without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of approval to any 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 applied to the property at the time the applicant acquired an interest in the real property.

810 INJUNCTIONS

The Township shall have the power and authority to seek legal redress by an action for injunction brought before the appropriate court of equity, jurisdiction to enjoin such transfer, sale or agreement to transfer or sell, and/or to enjoin any type of construction or improvement by an applicant or landowner where a violation of this Ordinance has occurred, and to enjoin the Register and Recorder of Deeds from the recordation of any unapproved subdivision or land development plan or deed of sale made in violation of this Ordinance.

811 ENFORCEMENT REMEDIES

- A. Any person, partnership, or corporation having violated any provision of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Mount Carmel Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
- B. No judgment shall commence or be imposed, levied, or payable until the date of determination by a District Justice.
- C. If the defendant neither pays nor appeals the decision in a timely manner, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- D. Each day that a violation continues shall constitute a separate violation, unless the District Justice or the Judge of the Northumberland County Court of Common Pleas, 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 that event, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice or the Judge of the Northumberland County Court of Common Pleas, and thereafter each day that a violation continues shall constitute a separate violation.

- E. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid to Mount Carmel Township.
- F. The Northumberland County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending final adjudication of the violation and judgment.
- G. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than Mount Carmel Township the right to commence any action for enforcement pursuant to this Article.

ARTICLE IX DEFINITIONS

900 GENERAL

Unless otherwise expressly stated the following terms and words used in this Ordinance shall have the meaning indicated in this Article.

901 GENERAL TERMS AND INTERPRETATION

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "applicant", "person", "subdivider", "developer" and "owner" include an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The word "lot" includes the word "plot" or "parcel".
- E. The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof".
- F. The words "shall", "must", and "will" are mandatory; the word "may" is permissive.
- G. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".
- H. Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days".
- I. If a conflict in terms exists between the Subdivision and Land Development Ordinance and Zoning Ordinance, the definition in the Zoning Ordinance shall be used.

902 SPECIFIC TERMS

ADT – Average daily traffic volume.

Accessory Structure or Use – A structure or use customarily incidental and subordinate to the principal structure or use and located on the same lot with such principal structure or use.

Abut – To touch at the end, be contiguous; join at a border or boundary. The term abutting implies a closer proximity than the term adjacent. No intervening land.

Access – A means of vehicular approach or entry to or exit from property.

Agricultural Land – Land used, or available for use without substantial change, for agricultural operations whether for gain, pleasure, or sustenance.

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

Alteration – As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.

Amusement Park - A commercially operated park with a predominance of outdoor games and activities for entertainment including motorized, mechanical, aquatic or other devices that hold or carry passengers for amusement over a fixed or restricted area. Also typically includes booths for the sale of food and drink.

Applicant – A landowner or developer who has filed an application for development including his heirs, successors, and assigns.

Application for Development – Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include the required and necessary application form, plans, fees, and any other data or documentation submitted for a subdivision or land development.

Association of Owners - See Homeowner's Association.

Authority – See Municipal Authority

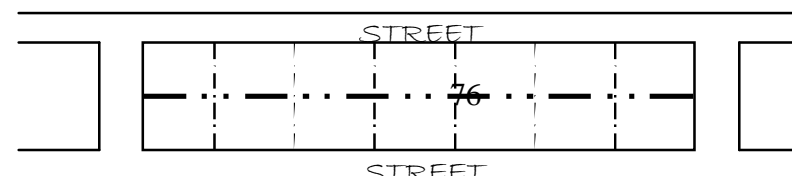
Backfill – Material used to replace or the act of replacing the land surface with material removed during construction.

Base Course – The layer or layers of specified or selected material of designed thickness placed on a subbase or a subgrade to support a surface course.

Berm - A raised earthen mound with landscape plantings of sufficient height to constitute an effective screen providing maximum protection and immediate visual screening.



Block – A unit of land containing one or more lots which is entirely bounded by existing or proposed streets, public lands, cemeteries, railroads, rights-of-way, watercourses or any other barriers to contiguous development.



Block

BMP (Best Management Practice) - Stormwater structures, facilities or techniques used to maintain or improve the water quality of surface runoff.

BMP, Non-Structural - Operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff.

BMP, Structural - Measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. These include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bio-retention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural BMPs are permanent appurtenances to the project site.

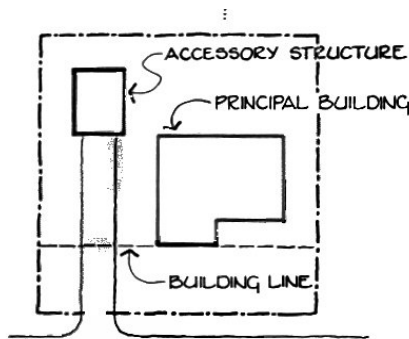
Bridge – A structure including supports having an opening measured along the center of the pavement of more than twenty (20) feet between supports (i.e. undercroppings, abutments) designed to convey vehicles, pedestrians, or other moving loads over a watercourse, railroad, public or private right-of-way, or any depression.

Buildable Area – The area of a lot remaining after the minimum rights-of-way, setbacks (front, rear, and side) and open space requirements have been met.

Building – Any structure having a roof supported by walls and intended for shelter, housing, or enclosure of persons, animals, or property.

Building, Accessory – See Accessory Structure or Use.

Building, Principal – A building in which is conducted the principal use of the lot on which it is located.



Caliper - The outside diameter of trees measured for buffering and landscaping purposes at a point on the trunk six (6) inches above the natural ground line.

Campground - A portion of land used for the purpose of providing a space or spaces for two or more tents, trailers, or recreational vehicles for camping purposes regardless of whether or not a fee has been charged for the leasing, renting or occupancy of the space.

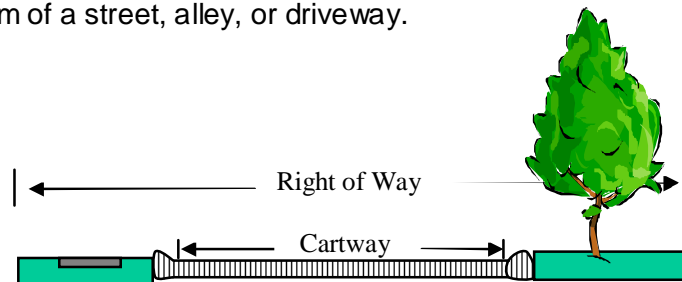
Camping Space, Primitive Tent - An unimproved site within a campground designed for the placement of a single tent for the exclusive use of its occupants intended and used for the purposes of overnight temporary stays associated with camping. Typically, modern conveniences such as utilities are not provided. It would likely have a fire pit.

Camping Space, Standard Tent - An improved site within a campground designed for the placement of a single tent for the exclusive use of its occupants intended and used for the purposes of overnight temporary stays associated with camping. It may have modern conveniences such as water and electric available, a tent pad, fire pit, and probably a picnic table.

Camping Space, Recreational Vehicle - An improved site within a campground designed for the placement of a single recreational vehicle for the exclusive use of its occupants intended and used for the purpose of overnight temporary stays associated with camping. Generally it has modern conveniences such as water, electric and possibly on-site sewer connections available.

Carbonate – A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical ion CO_3 , the principal element in limestone and dolomite strata.

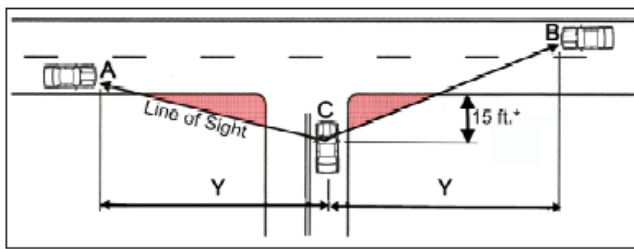
Cartway – The improved surface of a right-of-way that is available and intended for vehicular traffic in the form of a street, alley, or driveway.



Centerline – A line running parallel to and equidistant from both sides of the traveled portion of a street.

Chairperson – The Chairperson of the Mount Carmel Township Board of Supervisors.

Clear Sight Triangle – The clear sight triangle is defined by a line of sight from the position of the eye of the driver (3.5 feet above the street surface) in the stopped vehicle, to the position of an oncoming vehicle in either lane approaching the intersection. The elevation of the sight-line at the approaching vehicle is taken as 3.5 feet above the street surface to represent the approach vehicle driver's eye. The base of the triangle is defined as the corner sight distance ("Y" see figure). Points A and B of the clear sight triangle are located along the centerline of the approaching travel lanes. Point C is located at the center of the stopped vehicle's lane and 15 feet behind the intersecting street edge-of- pavement.



Clear Sight Triangle

Closed or Undrained Depression – In a Karst geologic area, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. It differs from a sinkhole in that the ground surface is unbroken and usually occurs in greater density per unit area.

Cluster Development – A development design and site-planning concept in which several buildings are concentrated in specific areas on the site to allow the remaining land to be used for recreation, common open space, and protection of other valued natural, historic, and cultural features and resources.

Commission – The Mount Carmel Township Planning Commission and, where appropriate, its staff.

Township Engineer - A licensed professional engineer registered by the Commonwealth of Pennsylvania appointed by the Mount Carmel Township Board of Supervisors to perform independent review of engineering and technical site design details of subdivisions and land developments.

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

Commonwealth – Commonwealth of Pennsylvania

Condominium – A building or group of buildings in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional and undivided basis and where there is an association of owners organized for the purpose of maintaining, administering, and operating common areas and facilities.

Conservation District - The Northumberland County Conservation District.

Consistency – A reasonable, rational, similar connection or relationship between a development proposal and the municipal, multi-municipal, and/or county comprehensive plan(s) or other relevant adopted planning documents and ordinances.

Construction – The erection, fabrication, installation, demolition, or removal of any structure, facility, feature or addition thereto, including all related activities such as clearing of land, grading, earthmoving, paving, and all other activities regulated by this Ordinance.

County – County of Northumberland, Pennsylvania.

Crosswalk - A publicly or privately owned right-of-way for pedestrian use that crosses paved areas used for motor vehicles.

Cul-de-sac – A street that provides a single means of ingress and egress by intersecting another street at one end and terminating at the other end in a vehicular turnaround.

Culvert – A structure, typically constructed of metal, plastic, or concrete, not classified as a bridge, which provides an opening under a roadway, rail bed, pedestrian path, or other right of way designed to catch surface water from side ditches and direct it away from a roadway, rail bed, pedestrian path or other right-of-way and/or designed to convey a stream under such a crossing without constricting water flow or movement of aquatic species.

Curb - A concrete, stone or other improved boundary usually marking the edge of the roadway or paved area.

Curb Radius - The curved edge of a street or driveway at intersections, measured at the edge of the cartway.

Curb Return – A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

Cut – The difference between a point on the original ground and designated point of lower elevation on the final grade; an excavation.

Dam - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semi-fluid.

Dedication – The deliberate appropriation or conveyance of land or an interest in land by the owner to another party (i.e. municipality,) for public use through a written instrument, and completed with an acceptance by the municipality.

Deciduous – Plants that drop their foliage annually before becoming dormant.

Deed – A legal document conveying ownership of real property.

Deed of Record – A legal document conveying ownership of real property officially on file in the Northumberland County, Pennsylvania Recorder of Deeds Office.

Deed Restriction – A restriction upon the use of a property, lot, or parcel set forth in a deed that runs with the title of the land and is binding upon subsequent owners of the property but which is enforced by the landowners involved and not the county, municipality, or other public agency. Sometimes known as a private or restrictive covenant.

Density – The number of dwelling units or units of occupancy permitted to be constructed or situated on a specific unit of land generally expressed as a “per acre” value.

Design Manual, Part 2 – Pennsylvania Department of Transportation (Penn DOT) publication containing highway design criteria.

Design Speed – Speed, selected for a specific street, which takes into consideration the geometric limits, such as degree of curvature, super elevation, sight distances, etc., and which controls the safe operation of the vehicle as well as allowing for safe pedestrian traffic. The design speed is governed by the volume of traffic, parking, speed limits, turning movements at intersections, intersection controls, land width, and pavement surface conditions.

Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems. Also see return period.

Detention – The volume of runoff that is captured and released into waters of the Commonwealth at a controlled rate.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Developer – any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development of Regional Significance and Impact – Any subdivision or land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Development Plan – The provisions for a development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Development Site - The specific tract(s) of land for which an activity regulated by this Ordinance is proposed.

Disconnected Impervious Area – An impervious area or impermeable surface which is disconnected from any storm water drainage or conveyance system and is restricted or directed to a pervious area which allows for infiltration, filtration, and increased time of concentration.

Disturbed area – An unstabilized land area where an earth disturbance is occurring or has occurred.

Downslope Property Line - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility - A Stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

Drainageway – Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Driveway – A private drive providing vehicular access between a street or access drive and a parking area or structure.

Dwelling – A building designed or used as the living quarters for one or more households, but not intended to include tourist homes, motel, or hotel. .

Dwelling, Multiple Family – As defined by the Mount Carmel Township Zoning Ordinance.

Dwelling, One-Family – As defined by the Mount Carmel Township Zoning Ordinance.

Dwelling, Residential Conversion – As defined by the Mount Carmel Township Zoning Ordinance.

Dwelling, Two Family (Duplexes and Flats) – As defined by the Mount Carmel Township Zoning Ordinance.

Dwelling Unit – A building or portion thereof providing complete housekeeping facilities for one family or household.

Easement – Any existing, recorded or proposed described right to a section of land, usually a strip, granted for limited use of property by the landowner for a public, 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.

Earth Disturbance - Any activity which alters, disturbs, and exposes the existing land surface, including but not limited to, construction, clearing and grubbing, grading, excavation; embankments; the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Elevation – A vertical distance above or below a predetermined and fixed reference level i.e. above or below sea level.

Emergency – An unforeseen occurrence or combination of circumstances that calls for immediate action or remedy.

Energy Generation Facility - A facility, structure or group of structures designed and intended to generate energy for the distribution and/or sales of electricity or other power sources. This includes but is not limited to coal fired, natural gas fired, petroleum fired, cogeneration, nuclear, solar, water and wind power. It however shall not include an individual home or farm that has erected solar, wind, or other alternative energy generation equipment for personal use.

Engineer – A licensed professional engineer registered by the Commonwealth of Pennsylvania.

Erosion - The process by which the surface of the land is worn away by ice, water, wind or chemical.

Erosion and Sediment Pollution Control Plan - A plan that is designed to minimize accelerated erosion and sedimentation and to meet the requirements of the PA DEP.

Evergreen – A plant with foliage that remains green year round.

Excavation – Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, bulldozed, and including all methods of replacement.

Existing Condition - The condition and dominant land cover of a project site prior to the proposed development or construction.

FEMA – Federal Emergency Management Agency

Fill – Any act by which earth, sand, gravel, rock or any other similar material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface; the difference of the elevation between a point on the original ground and a designated point of high elevation of the final grade; the material used to make fill.

Final Plan – The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance, or by an applicable municipal ordinance, submitted to obtain final approval and having a form acceptable for recording in the office of the recorder of deeds.

Flexible Pavement – A pavement structure that maintains intimate contact with and distributes loads to the subgrade and depends on aggregate interlock, particle friction, and cohesion for stability, such as bituminous pavement.

Floor Area – Total gross area of all floors enclosed within the exterior walls of any building, including accessory buildings and including any areas that may be enclosed by temporary exterior walls such as garage doors or removable solarium glass enclosures; or as defined in an applicable municipal zoning ordinance.

Footcandle - The unit of illumination when the foot is the unit of length, as shown on an isofootcandle diagram, where all points on the line represent the same level of illumination.

Freeboard - A vertical distance between the elevation of the designed high water level and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

Frontage – That side of a lot abutting on a street measured along the front lot line at the front building setback line.

Governing Body – The Mount Carmel Township Board of Supervisors.

Grade - A slope, usually of a road, street, other public way, channel or natural ground specified in percentage change in elevation per horizontal distance and shown on plans as specified herein. (To) Grade-to manipulate the land surface and its slope through excavation, filling or leveling.

Grade, Existing – The surface of the ground or pavement as it exists prior to disturbance in preparation for activities regulated by this Ordinance.

Grade, Finished – The final elevation of the ground surface after development.

Grade, Natural - The elevation of the ground level in its natural state, before construction, filling, or excavation.

Grassed Waterway - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, commonly used to convey surface water from cropland.

Gross Floor Area - The sum of the gross horizontal areas of a structure measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

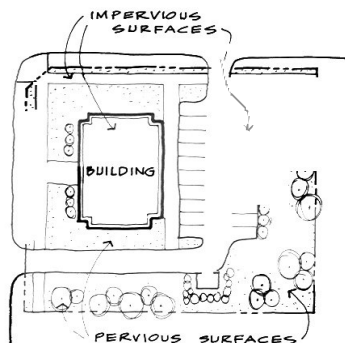
Grout – A mixture of cement, water and sand used to seal wellheads and other structures to prevent the infiltration of liquids and solids.

Half Street – A street, generally parallel with and adjacent to a property line, having a lesser right-of-way and/or cartway width than required by this Ordinance for improvement as a street.

Historic Resource/Feature - Any building, site, structure, object, district or area that is: listed on the National Register of Historic Places; has received a Determination of Eligibility for the National Register from the United States Department of Interior -National Park Service; is on the Pennsylvania Inventory, or which is listed on any officially adopted municipal plan, registry or inventory of historic resources and features. This term shall include the site, principal structures, accessory structures, yards, vegetation, fences, road alignments, and signage associated with such resource/feature.

Homeowners Association - An incorporated or unincorporated nonprofit, cooperative organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a described land area is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property (i.e. streets, open space, stormwater facility); and (c) the charge if unpaid becomes a lien against the property.

Impervious Surface – Those surfaces which do not absorb water are impervious. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any other area of concrete or asphalt.



Improvement – Those physical additions and installations required and made to a property to render land suitable for an intended use, including but not limited to, streets, curbs and gutters, sidewalks, street signs and lights, walkways, sewage disposal and water supply facilities, monuments, pins, street trees and landscaping, grading, stormwater management facilities, and the like.

Improvements Guaranty Agreement – A deposit of cash, a bond, a binding letter of credit, line of credit, escrow account, or negotiable securities and an agreement guaranteeing the developer will install all required improvements, which is forfeited to the county and municipality if the improvements are not installed in accordance with the approved plans.

Infiltration Structures - A structure designed to direct runoff into the ground (e.g. French drains, seepage pits, or seepage trenches).

Inlet - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Karst – A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage and caves. Karst is formed on carbonate rock, such as limestone or dolomite.

Land Development – The development of property as specified below:

- (a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- (b) Any subdivision of land.
- (c) “Land Development” shall not include:
 - 1. The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which could be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.
 - 4. Where an addition of no more than fifteen (15) percent of the square footage is being added to an existing building, but in no case of an addition of more than two thousand (2,000) square feet, a building permit and a site plan approval is required to be obtained from the appropriate officer of the Township but, submission of a land development plan and review by the Planning Commission

and approval by the Board of Supervisors may be waived, only when (1) the building is added to the existing structure and is not separated, and (2) there is no change to any street or public way, and (3) there is no interference or substantial change to drainage or the flow of water, and (4) when the appropriate officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

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

Land Use – Any activity, business, function, or purpose for which any piece of land or structure is used or intended to be used.

Landscape Architect – A professional landscape architect licensed by the Commonwealth of Pennsylvania.

Landscape Screen - Any combination of hedges, architectural walls, trees, or earthen berms arranged to create a continuous visual barrier.

Lateral – A utility line between a main line, located in a utility easement or street right-of-way, and the building the line serves.

Leveling Area – A safe stopping area at the intersection of streets or the intersection of a driveway and a street.

Level of Service (LOS) – A measure of the effect of traffic on the capacity of a road, describing conditions within a traffic stream; generally described in such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. Levels of service are designated A through F, with LOS A indicating the best service and LOS F indicating the worst. Further defined in 2000 Highway Capacity Manual (HCM 2000) published by the Transportation Research Board.

Limestone – A rock that is chiefly formed by the accumulation of organic remains, consisting mainly of calcium carbonate.

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

Lot Area – The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way line only. The area of any lot shall include the area of any easement.

Lot, Corner – A lot situated at the intersection of two (20 streets, the interior angle of such intersections not exceeding 135 degrees.

Lot Depth – The mean horizontal distance between the front and rear lot line. Measurement shall be from the street or highway right-of-way line to the opposite rear line.

Lot, Double Frontage – A lot with street frontage at both the front and rear.

Lot, Frontage – That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Interior – A lot other than a corner or through lot.

Lot, Open Space – A parcel intended not to be developed or encumbered with structures.

Lot, Through – An interior lot having frontage on two parallel or approximately parallel streets or roads.

Lot Lines – Any boundary line of a lot.

Lot Line, Front – The line separating the lot from a street.

Lot Line, Rear – The lot line opposite, nearly parallel to and most distant from the front lot line.

Lot Line, Side – Any lot line other than a front or rear lot line.

Lot width – The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the required front yard, provided; however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in a case of lots on the turning circle of cul-de-sacs, where the 80% requirement shall not apply.

Lot Line Marker – See definition for pin.

Lot of Record – Any lot which individually or as part of an approved subdivision has been recorded in the Office of the Northumberland County Recorder of Deeds.

Mediation – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement, which the parties themselves create and consider acceptable.

Maintenance Guarantee – A deposit consisting of cash, a bond, a binding letter of credit, line of credit, escrow account, or negotiable securities and an agreement insuring that improvements constructed as part of an approved subdivision or land development have been properly installed and guaranteeing their integrity for a specified time period not to exceed 18 months from the date of acceptance of dedication.

Mobile Home – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A mobile home shall be constructed to remain a mobile home, shall not be a part of the real estate, and shall be subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed regardless of the nature of the foundation provided. This term does not include recreation vehicles and travel trailers.

Mobile Home Lot – A parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Pad – The part of a mobile home lot that is stabilized space reserved for the placement of the mobile home.

Mobile Home Park – A parcel or contiguous parcels of land which has been so designated and improved that it contains three or more mobile home lots for the placement thereon of mobile homes.

Modification – A process for alleviating specific requirements imposed by this Ordinance, the procedure for which is outlined in Article VIII this Ordinance.

Monument – For the purposes of this Ordinance a monument shall be defined to mean a reinforced concrete monument, stone, or other permanent object containing magnetic material, set by a professional land surveyor to permanently identify surface elevation and/or survey reference points in the boundary of a subdivision or land development or at other locations determined appropriate by the Township Engineer.

Municipal Authority - A body politic or corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipal Authorities Act of 1945".

Township Engineer – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Mount Carmel Township.

Municipal Governing Body – The Mount Carmel Township Board of Supervisors or any other similar body as may be designated in law providing for the form of government with the final decision making, budgeting, and appointing authority of a general purpose unit of government.

Planning Commission – The planning agency appointed by the municipal governing body.

Municipalities Planning Code – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101 et seq.), as from time to time reenacted and amended.

Nonconforming Lot - A lot area or dimension of which was lawful prior to the adoption or amendment of this Ordinance and/or applicable zoning ordinance, but which fails to conform to the requirements of this Ordinance and/or zoning ordinance by reasons of such adoption or amendment.

Non-Participating Landowner- Any landowner except those on whose property all or a portion of an activity or facility is located pursuant to an agreement with an owner or operator.

Nonpoint Source Pollution - Pollution that enters a body of water from diffuse origins and does not result from discernible, confined, or discrete conveyances.

NRCS - Natural Resource Conservation Service (Previously Soil Conservation Service--SCS).

Occupied Building – A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when an application is submitted.

Official Map – A map adopted by ordinance pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 P.L. 805, (53 P.S. 10101 et seq.) as from time to time reenacted and amended

Open Channel - A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, and canals.

Open Space - An area that is intended to provide land free of development and is designed for environmental, scenic or recreation purposes. Open space may include but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, wooded areas and watercourses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel, or detention and retention ponds. In addition no area of future road right-of-way shall be counted as open space.

Operator – The entity responsible for the day to day operation and maintenance.

Ordinance – The Northumberland County Subdivision and Land Development Ordinance.

Parent Tract – The original lot or tract of land from which a new lot is being subdivided.

Parcel – A lot or tract of land. (See lot).

Park – A tract of land dedicated and used by the public for active and passive recreation.

Parking Aisle – The clear space for traffic movement and maneuvering between rows of parking spaces.

Parking Area/Lot – Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Aisle Treatment - Internal parking lot landscaping that separates rows of parking spaces to provide a buffer and visual relief.

Parking Space - An off-street parking area available and designated for the parking of a single vehicle.

Pavement – A sub-base, base course, or surface course placed on a sub-grade to support traffic load.

Pedestrian Way – A specified easement or right of way, publicly or privately owned, in the form of a walkway, path, sidewalk or other reservation which is designed and designated for the exclusive use of pedestrians.

Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.

Peak Hour – The hour during which the heaviest volume of traffic occurs on a street or road.

PA DEP – Pennsylvania Department of Environmental Protection.

PennDOT– Pennsylvania Department of Transportation.

Performance Guarantee – See Improvements Guaranty Agreement.

Pervious Area – Any area not defined as impervious.

Pin - A steel or other similar durable, all-weather material that is used by a Professional Land Surveyor to permanently mark and identify property corners, property lines, right-of-way lines, reference points in the boundary of a survey, to identify the intersection of adjoining properties, and to mark access, utility, and drainage easements. It also includes spikes or similar products used to mark street intersections and property corners within paved surfaces.

Pipe - a culvert, closed conduit, or similar structure including appurtenances that convey stormwater.

Plan – A map or plat of a subdivision or land development complete with a drawing and supplementary data, whether sketch, preliminary, or final.

Plan, Sketch – An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development as prepared in accordance with this Ordinance.

Plan, Preliminary – A plan of a proposed subdivision or land development, including all supplementary information required by this Ordinance or applicable municipal ordinance, to obtain preliminary approval and prepared in accordance with this Ordinance.

Plan, Final – A complete and exact subdivision or land development plan, including all supplementary data, prepared in accordance with this Ordinance for official approval and recording.

Planning Commission – Mount Carmel Township Planning Commission.

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

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

Prime Agricultural Land - land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

Private Driveway Access Easement – Any existing, recorded, or proposed easement for private driveways in which a private right-of-way agreement properly executed between the landowners granting access and all affected parties abutting the easement.

Private Street – All streets which are not public, including but not limited to, streets maintained by private agreements, by private owners or an association of private property owners or for which no maintenance responsibility has been established; and including all private driveway access agreements or rights-of-way for access.

Professional consultants- Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

Project Site – The specific area of land where any activity regulated by this ordinance is planned, conducted, or maintained.

Publication 408 – Pennsylvania Department of Transportation Publication containing highway construction specifications, as supplemented.

Public Grounds – Include parks, playgrounds, trails, paths, other recreational areas and other public areas; sites for schools, sewage treatment, water treatment, and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

Public Hearing – A formal meeting held pursuant to public notice by a governing body or planning agency, intended to inform and obtain public comment, prior to taking certain actions in accordance with the Pennsylvania Municipalities Planning Code.

Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7(Relating to open meetings).

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

Public Street – Streets ordained or maintained or dedicated and accepted by a township, borough, state, or Federal Government and open to public use.

Recreational Vehicle – A vehicular type of portable structure without a permanent foundation, which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers, and self propelled motor homes.

Recreational Vehicle Park – Any site upon which two (2) or more recreational vehicles are, or are intended to be located for the purposes of camping, whether or not a fee is charged for such use.

Release Rate - The predevelopment peak rate of runoff from a site or subarea to which the post development peak rate of runoff must be reduced to protect downstream areas.

Renewable Energy Source – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

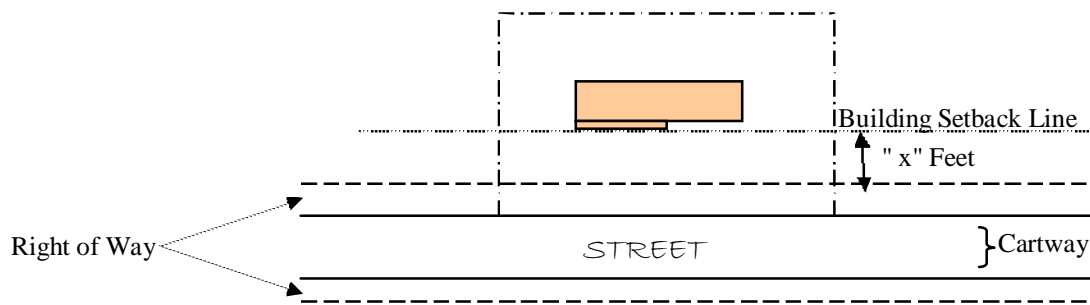
Resubdivision – The subdivision or division of a tract or parcel of land that itself was part of a previously approved subdivision. The moving of a lot line or lines of a previously approved lot of record.

Retention Basin - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

Retention/Removed Runoff – The volume of runoff that is captured and not released directly into waters of the Commonwealth during or after a storm event.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on the average of once every 25 years, or in other words the statistical probability of occurring in a given year would be 0.04 (i.e. 4% chance).

Right-of-Way – The line dividing a lot from the full street right-of-way, not just the cartway.



Rigid Pavement – A pavement structure that distributes loads to the subgrade having as one course a Portland cement concrete slab of relatively high bending resistance.

Runoff - Any part of precipitation that flows over the land.

Safe Passage – The routing of peak runoff events, usually the 100-year design event, safely through a structure without failure of that structure.

Screen – A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrub, hedge, or other appropriate vegetation a minimum of four feet high intended as a barrier to visibility, glare, and noise between adjacent properties.

Sediment Basin - A barrier, dam, and retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

Sediment Pollution - The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

Sedimentation – The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.

Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

Select Granular Material or 2 RC – A material meeting the specifications in the Pennsylvania Department of Transportation Publication 408, when placed and compacted.

Setback Line – The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the street right-of-way which abuts the property upon which said building is located and shall be parallel to said right-of-way.

Sewage Enforcement Officer - The official of the local municipality who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations of the Pennsylvania Sewage Facilities Act, Act 537 of 1966 (35 P.S. 750.1, et seq.).

Sewage System – Facilities developed and approved by the municipal Sewage Enforcement Officer and the PA DEP for the treatment and/or disposal of sewage.

Sewage System, Public or Community – A sewer collection and treatment system which serves facilities on a community, area-wide, or regional basis in which sewage is collected from buildings and piped by means of a conveyance system to a sanitary sewage treatment plant that is designed, approved, and permitted in accordance with the requirements of the PA DEP. Such systems shall include municipal and public treatment facilities as well as those systems installed, owned and maintained by private developers.

Sewage System, Individual – A sewage system serving a single residence, building, or user located on the same lot as the residence, building, or user being served which must be approved by the municipal Sewage Enforcement Officer and the PA DEP.

Sheet Flow - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

Shoulder – The improved or graded portion of the highway, contiguous to the traffic lanes, for accommodation of stopped vehicles, emergency use, or lateral support of base and surface courses or pavements.

Sidewalk - A level improved concrete surface that is typically separated from, but located adjacent to a roadway, intended for pedestrian travel.

Sight Distance – The amount of unobstructed distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. Sight distances shall be measured in accordance with PennDOT standards.

Sinkhole – A localized, gradual or rapid sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a breaking of the ground surface and a downward movement of soil into bedrock voids.

Soil Group, Hydrologic - A classification of soils by the Soil Conservation Service (now NRCS) into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Soil Survey – The most recent edition of a series of aerial photographs on which soils are classified according to a variety of characteristics and accompanying explanatory text, prepared by the United States Department of Agriculture, Soil Conservation Service (now NRCS) for Northumberland County, Pennsylvania.

Spillway - A depression in the embankment of a pond or basin that is used to pass peak discharge greater than the maximum design storm controlled by the pond.

Square Footage – The unit of measure used to express the area of a lot, tract, or parcel involved in a subdivision or land development; the length of a lot, in feet, times the width of a lot in feet ($l \times w = \text{square footage area}$).

Stabilization – The proper placing, grading, and/or covering of soil, rock, or earth to insure their resistance to erosion, sliding, or other movement.

Staff – The staff of Mount Carmel Township.

Storm Frequency - The number of times that a given storm "event" occurs, is expected to occur, or is exceeded on the average in a stated period of years. See "Return Period".

Storm Sewer - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, swales, and infiltration structures.

Stormwater Management Plan - The plan prepared by the Developer or her/his representative indicating how stormwater runoff will be managed, including data and calculations, at the particular site of interest according to this Ordinance.

Stormwater Management Plan, Act 167 - The plan for managing stormwater runoff in a particular watershed approved by the PA DEP as required by the Act of October 4, 1978, P.L. 864, Act 167 of 1978 (32 P.S. 680.1 et seq.).

Stream Enclosure - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

Street – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street, Alley – A public or private way affording only secondary means of access to abutting property. Alleys may also be known as courts, places, or lanes.

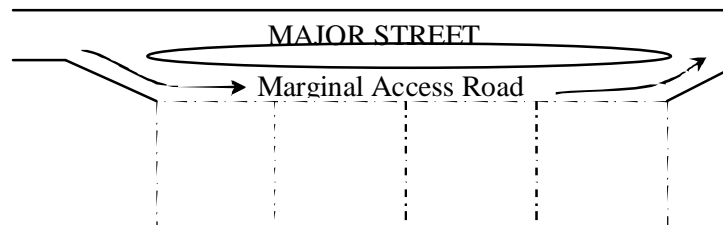
Street, Arterial – A road whose function is to provide for the movement of high volumes of through traffic and both limited access and direct access to abutting properties. Subject to necessary control of entrances, exits, and curb use. The right-of-way is between fifty (50) and sixty (60) feet wide.

Street, Collector – A road or street which provided for the movement of large volumes of traffic between arterials and local streets and direct access to abutting property. The right-of-way is between fifty (50) and sixty (60) feet wide.

Street, Dead end – A street with only one means of vehicular traffic ingress and egress.

Street, Local – A street or road whose function is to provide for local traffic movement and direct access to abutting properties. The right-of-way is fifty (50) feet or less in width.

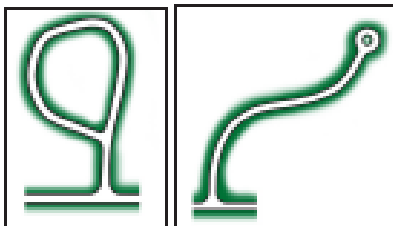
Street, Marginal Access - A local street parallel and adjacent to a major street (but physically separated from it) which provides both access to abutting properties and control of intersections with the major street.



Street, Private – All streets which are not public, including but not limited to, street maintained by private agreements, by private owners or association of property owners for which maintenance responsibility has been established; and including all private driveway access agreements or right-of-way for access.

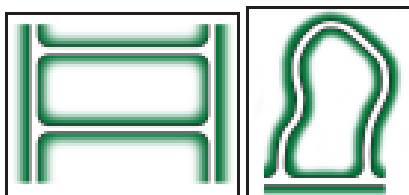
Street, Public – Streets ordained or maintained or dedicated and accepted by a municipality, state, or federal government and open to public use.

Street, Single Access – Includes self looping streets and cul-de-sacs having only one access point.



Single Access Streets

Street, Through – Streets that are connected at both ends and provide multiple access points.



Through Streets

Street Grade – The overall slope of a street or road between two points typically expressed as a percentage.

Structure – Structure mean any man-made object having an ascertainable stationary location on or on land or water, whether or not affixed to the land and includes, among other things, buildings, stadium, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.

Subbase – The layers of specified or selected material of designed thickness placed on a subgrade to support a base course in road construction.

Subgrade – The top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed.

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

Subdivision - The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, 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 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt.

Subdivision, Lot Addition/Consolidation – Any subdivision that creates a lot that is to be added to an existing contiguous lot of record of separate ownership and where no new building lot or land development is proposed. It is solely intended to convey a parcel of ground located immediately adjacent to other property owned by the intended grantee, which is being added to the grantee's existing lot. The size of one lot will increase in an equal amount by which the size of an adjacent lot(s) will decrease. In the case of a Consolidation the entire area of one or more lots is added to an adjacent lot thereby in effect eliminating one or more original lots.

Subdivision, Major – Any subdivision as defined herein involving more than five (5) lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities, or other improvements; all subdivisions not considered minor subdivisions.

Subdivision, Minor – Any subdivision abutting an existing public street or road, cumulatively involving five (5) or fewer lots, parcels of land, or other divisions of land from the same parent tract as of the effective date of the County Subdivision and Land Development Regulations, which does not require a new street, access easements, or the installation of any other improvements.

Subject Tract – The lot, parcel, or site proposed for a subdivision or land development.

Substantially Completed – When, in the judgment of the Township Engineer and/or municipality holding escrow, 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.

Surface Course – One or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate. The top layer is sometimes called: "Wearing Course".

Surveyor – A licensed professional land surveyor registered by the Commonwealth of Pennsylvania authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

Swale - A low-lying stretch of land that gathers or carries surface water runoff.

Tent - A portable lodging unit generally made of skins, canvas, plastic or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

Time of Concentration (T_c) - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

Topography – The general configuration of a land surface or any part of the earth's surface, including its relief and position of its natural and man-made features. The natural or physical surface features of a region, considered collectively as to its form.

Tract – See lot.

Tract Residual or Tract Remainder – The lot or parcel created through subdivision that is the remaining portion of the parent tract after subdivision occurs. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance.

Travel Trailer – See Recreational Vehicle.

Travel Trailer Park – See Recreational Vehicle Park.

Trip – A single or one-directional vehicle movement.

Unbuildable Site – A portion of a tract of land which due to physical or environmental conditions cannot support or is inappropriate for construction of a road, structure, or any other man-made improvement. Examples include wetlands, flood prone areas, sinkholes, landslide prone areas, endangered species habitats, and hazardous waste dumps.

Undeveloped Condition – Land in its natural state before development.

Watercourse - A permanent or intermittent stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

Watershed – The entire region or area drained by a river or other body of water, whether natural or artificial, a drainage basin or sub-basin.

Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Water Supply System – A system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer.

Water Supply System, Public or Community - A water collection, treatment and distribution system which serves facilities on a community, area-wide, or regional basis in which water is collected and treated by means of a treatment plant that is designed, approved, and permitted in accordance with the requirements of the PA DEP and from which treated water is then distributed to end users. Such systems shall include municipal and public treatment facilities as well as those systems installed, owned and maintained by private developers.

Water Supply, Individual - A water supply system serving a single residence, building, or user located on the same lot as the residence, building, or user being served. It typically takes the form of a well.

Wetland - 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 vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

Woodland – A community of plants characterized by areas, groves, or stands of trees.

Zoning Ordinance – The Mount Carmel Township Zoning Ordinance enacted pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

Appendices

**APPENDIX A
OWNERSHIP CERTIFICATIONS**

Certificate of Ownership and Acknowledgement of Plan (Individual)

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____¹ who being duly sworn according to law, deposes and says they are the owner and/or equitable owner of the property shown on this plan, that they acknowledge the same to be their act and plan, and desire the same to be recorded as such according to law.

2

Witness my hand and seal on this day and date written above.

3

My Commission Expires _____ 20____.

¹ – Identify ownership or equitable ownership

² – Signature of the owner(s).

³ – Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

Certificate of Ownership and Acknowledgement of Plan (Co-Partnership)

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____¹ being from the firm of _____² who being duly sworn according to law, deposes and says that the co-partnership is the owner and/or equitable owner 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, and desire the same to be recorded as such according to law.

_____³

Witness my hand and seal on this day and date written above.

_____⁴

My Commission Expires _____, 20____.

¹ – Individual(s) representing the co-partnership

² – Name of the co-Partnership

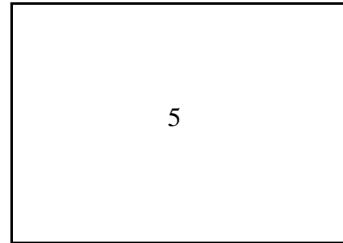
³ – Signature of the owner(s)

⁴ – Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

Certificate of Ownership and Acknowledgement of Plan (Corporate)

On this, the _____ day of _____, 20____, before me, the undersigned officer,
personally appeared _____¹ being of
_____² who being duly sworn according to law, deposes and
says that the corporation is the owner and/or equitable owner 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 and was made at its direction, and that the corporation further desires the same to be
recorded as such according to law on its behalf.

_____³



Witness my hand and seal on this day and date written above.

_____⁴

My Commission Expires _____, 20____.

¹– Individual's Title

²– Name of Corporation

³– Signature of Individual

⁴– Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

⁵– Corporate Seal

**APPENDIX B
PRELIMINARY PLAN CERTIFICATIONS**

Northumberland County Planning Commission Preliminary Plan Review Certification

The Northumberland County Planning Commission, as required by the Pennsylvania Municipalities Planning Code and the Mount Carmel Township Subdivision and Land Development Ordinance, has received a copy of this Preliminary Plan for review and comment on _____, 20____. This plan **shall not** be recorded in the office of the Northumberland County Recorder of Deeds.

Planning Director

Mount Carmel Township Preliminary Plan Certification

Preliminary Plan approval granted by the Mount Carmel Township Board of Supervisors on _____, 20____. The Preliminary Plan includes the complete set of plans and information that was filed as part of the application. This plan **shall not** be recorded in the office of the Northumberland County Recorder of Deeds.

Chairman

Vice Chairman or Secretary

Mount Carmel Township Preliminary Plan Notification

This Preliminary Plan was provided to _____ for review and comment on _____, 20____ as per the Mount Carmel Township Subdivision and Land Development Ordinance.

Chairman

Vice Chairman

APPENDIX C
FINAL PLAN CERTIFICATIONS

Northumberland County Planning Commission Final Plan Review Certification

The Northumberland County Planning Commission, as required by the Pennsylvania Municipalities Planning Code and the Mount Carmel Township Subdivision and Land Development Ordinance, has received a copy of this Final Plan for review and comment on _____, 20_____.

Planning Director

Mount Carmel Township Final Plan Certification

Final Plan approval granted by the Mount Carmel Township Board of Supervisors on _____, 20_____. The Final Plan includes the complete set of plans and information that was filed as part of the application.

Chairman

Vice Chairman or Secretary

Mount Carmel Township Final Plan Notification

This Final Plan was provided to _____ for review and comment on _____, 20____ as per the Mount Carmel Township Subdivision and Land Development Ordinance.

Chairman

Vice Chairman

APPENDIX D
STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____ (hereinafter the "Landowner"), and Mount Carmel Township, Northumberland County, Pennsylvania (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Northumberland County, Pennsylvania, Deed Book _____ at Page_____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Stormwater Management Operation and Maintenance Plan (hereinafter referred to as the "Plan") for the Property, which is attached to this Agreement as Appendix A and made a part hereof, provides for management of storm water within the confines of the Property through the use of various structural and non-structural techniques, including but not limited to Best Management Practices (BMP's); and

WHEREAS, Mount Carmel Township, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of Mount Carmel Township and the protection and maintenance of water quality require that on-site storm water management facilities be constructed and maintained on the Property; and

WHEREAS, Mount Carmel Township through its subdivision and land development ordinance requires, through the implementation of the storm water management plan, that the storm water management facilities be constructed and adequately operated and maintained by the Landowner, successors, and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the storm water management facilities in accordance with the plans and specifications identified on the approved subdivision and land development plan.
2. The Landowner shall operate and maintain the storm water management facilities as shown on the plan in good working order in accordance with the specific maintenance requirements noted on the approved subdivision and land development plan and attached hereto as Exhibit A.
3. The Landowner hereby grants permission to the Township, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the storm water management facilities whenever necessary. Whenever possible, the Township shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the storm water management facilities per paragraph 2, the Township or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain the said facilities. It is expressly understood and agreed that the Township is under no obligation to maintain or repair the facilities, and in no event shall the Agreement be construed to impose such obligation on the Township.
5. In the event the Township, pursuant to this Agreement, performs the work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Township for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Township.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite storm water management facilities by the Landowner; provided, however, that this Agreement shall not be deemed to create or affect any additional liability of any party for damage alleged to result from or be caused by storm water runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Township from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the storm water management facilities by the Landowner or Township.
8. The Landowner shall inspect the storm water management facilities at a minimum of once every three years to ensure continued functioning and report inspection findings to the Municipality.

This Agreement shall be recorded at the Northumberland County Recorder of Deeds Office, Northumberland County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any successors in interest, in perpetuity.

WITNESS the following signatures and seals:

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

_____ Mount Carmel Township, County of Northumberland,

Pennsylvania I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____ 20____, has acknowledged the same before me in my said County and State.

GIVEN MY HAND THIS _____ day of _____, 20_____.

NOTARY PUBLIC

(SEAL)

APPENDIX E
SUBDIVISION/LAND DEVELOPMENT IMPROVEMENTS GUARANTY AGREEMENT

THIS AGREEMENT made this _____ day of _____,
200__, by and between the **Mount Carmel Township Board of Supervisors** (“the Township”)

AND

[Insert Name of Financial Institution] ABC NATIONAL BANK AND TRUST (“the Bank”), of 400 1st Street, Sunbury, Northumberland County, Pennsylvania 17801;

[Insert name of property owner] JOANNE C. DOE (“the Owner”) of 259 Brown Street , Shamokin, Northumberland County, Pennsylvania 17872; and

[Insert name of developer if different from owner] JOHN L. and SALLY A. BUCK (“the Developers”), of 216 Blue Road, Watsonstown, Northumberland County, Pennsylvania 17777.

BACKGROUND

I. The Owner owns land in Mount Carmel Township, Northumberland County, Pennsylvania, of record in County Plat Book____ and page _____. A plan of *[Insert name of subdivision or land development]*, and application prepared by *[Insert name of surveyor, engineer or landscape architect]*, Registered Surveyor/Engineer No. *[Insert surveyor/engineer registration number]*, of *[Surveying/Engineering company]*, has been submitted by the Owner/Developer to the Mount Carmel Township Planning Commission.

II. Section 509 of the Pennsylvania Municipalities Planning Code (“the Code”), Act 247 of 1968, as amended, 53 P.S. § 10509, and the Mount Carmel Township Subdivision and Land Development Ordinance prohibit final approval and transfer of lots of any subdivision unless and until all improvements as required by the Ordinance and all improvements as set forth on the Subdivision/Land Development plan have been installed.

III. Section 509 of the Code does permit the final plan approval of a subdivision whenever financial security in an amount sufficient to cover the costs of all required improvements is deposited with the Township.

IV. The Developers/Owners desire to begin development of *[Insert name of subdivision or land development]* and transfer lots as soon as practicable in accordance with the Mount Carmel Township Subdivision and Land Development Ordinance.

V. The parties hereto desire to enter into an agreement setting forth the responsibilities of each to facilitate the approval and implementation of the approved Subdivision/Land Development Plan and the installation of improvements required.

AGREEMENT

NOW, THEREFORE, in consideration of the approval by the Township of the Subdivision/Land Development plan of *[Insert name of plan]*, submitted by the Developer/Owner, and in an effort to protect and promote the public health, safety and general welfare of the community, the parties hereto, intending to be legally bound, do hereby agree as follows:

1. **Bids for Improvements** - The Developers have received and provided the Township with engineering cost estimates for the completion of all improvements shown on the approved plan of *[Insert name of plan and Phase]* as required by the Township Ordinance ("the Required Improvements"). True and correct copies of the estimates and bids, designated as Exhibit A, are attached to and made a part of this Agreement.

2. **Final Plan Approval** - The plan of *[Insert name of plan and Phase]* prepared by *[Insert name of surveyor/engineer]*, submitted by the Owner/Developer, and granted final approval by the Township, is incorporated here by this reference. A condition of final plan approval of *[Insert name of plan and Phase]* shall be the execution of this Agreement, and after final plan approval is granted, the Owner/Developer is authorized to transfer the lots in the development.

3. **Designated Financial Guaranty** - As a guaranty of the Owner/Developers' completion of all the Required Improvements, the Bank Grants an irrevocable line of credit ("the Credit Line") to the

Developer and the Township in an amount which is equal to at least 110% of the cost of completion of the Required Improvements estimated as of 90-days following the date scheduled for completion by the owner/developer.

4. **Township Rights** - Until the Required Improvements are declared acceptable or are deemed approved: (a) the Owner/Developer may draw against the Credit Line only with the written approval of the Township and the Township may require the Owner/Developer and the Bank to increase the Credit Line from time to time in amounts equal to 110% of any increases in costs.

5. **Completion of Improvements** - The Owner/Developer shall proceed with all the Required Improvements and complete them within one (1) year of the date of this Agreement, unless an extension of time is granted to the Owner/Developer by the Township upon written request by the Owner/Developer.

6. **Inspection of Improvements During Construction** – The Township reserves the right to conduct inspections of the improvements during construction at the cost of the owner/developer in accordance with the inspection schedule mutually agreed upon and attached hereto. The Township also reserves the right to deviate from the inspection schedule, including requiring full-time resident inspection at the cost of the developer, should the Township and/or its engineer determine construction of the Required Improvements is not proceeding in compliance with the approved plan.

7. **Final Inspection and Acceptance of Improvements** – The Owner/Developer shall notify the Township in writing by certified or registered mail that the Required Improvements have been completed. The Township in accordance with Section 510 of the Code, acting through its engineer or qualified consultant, shall make a timely inspection of the Required Improvements within 40 days. The Township within 15 days after receiving the engineer's or qualified consultant's inspection report shall provide a written report and notice to the Owner/Developer by certified or registered mail, certifying that the Required Improvements are acceptable or the reasons why they are unacceptable and what work or changes are necessary to make them acceptable.

8. **Approval and Release of Liability** - If the Required Improvements are acceptable, or if they are deemed approved because of the unexcused failure of the Township to comply with applicable time limits: (a) the Owner/Developer shall be released forthwith from all liability to the Township under the Credit Line, or otherwise, for completion of the Required Improvements; (b) the rights of the Township

under paragraph 4 with respect to the Credit Line shall end immediately; (c) the Township, when requested by the Owner/Developer, shall give written notice to the Bank of the release of the Owner/Developer under this paragraph and the termination of the Township's rights under paragraph 4; and (d) all obligations of the Bank and the Owner/Developer under this Agreement shall be null and void.

9. **Default by Owner/Developer** - If the Owner/Developer has not completed the Required Improvements within one year of the date of this Agreement, or any extension granted by the Township, it shall be conclusively presumed that the Owner/Developer is in default of this Agreement.

10. **Notice of Default** - Upon default of this Agreement, the Township shall provide the Owner/Developer with written notice of default sent to the Owner/Developer by certified mail.

11. **Township Remedies** – If the Owner/Developer is in default, the Owner/Developer and the Bank authorize the Township to draw against the Credit Line to complete the Required Improvements. The power of the Township to draw against the Credit Line shall be deemed to be coupled with any interest, and may be exercised as often as may be necessary until the Credit Line is exhausted, or the Required Improvements completed. This credit line shall be irrevocable. The Owner/Developer shall be liable for all draws so made and the Township shall have no liability whatsoever with respect to them. If the Credit Line is insufficient to complete the Required Improvements, the Owner/Developer personally guarantees the completion of the Required Improvements, and authorizes the prothonotary or any attorney of any court of record of Pennsylvania or elsewhere to confess judgment against them for the entire cost of completing the Required Improvements.

12. **Compliance with Subdivision and Land Development Ordinance** - Nothing herein shall be constructed in any way to relieve Owner/Developer from full and complete compliance with the Subdivision and Land Development Ordinance of Mount Carmel Township, Pennsylvania.

13. **Costs of Services** – Should the Township in its sole discretion, determine that the services of persons other than its employees are needed to determine the amount of work completed, the amount of work remaining, the quality of the work or Required Improvements completed, the estimated cost of the work to be completed or of any remedial work needed, the reasonable and necessary costs of said services shall be the responsibility of the Owner/Developer and paid when requested.

14. **Entry upon Land** – Owner/Developer does hereby specifically authorize the Township, its agents, employees or independent contractors, upon giving reasonable advance notice to

Owner/Developer, to enter upon Owner/Developer's land for the purpose of making an inspection and or for performing such work as it deems necessary under the terms of this Agreement. Prior to the Township performing any such work itself or having the services of others to perform the work under paragraph 10 of this Agreement, the Township shall provide written notice of default under paragraph 9.

15. **Binding Effect** - The Agreement shall be binding upon the parties hereto, their heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, each of the parties to this Agreement, intending to be legally bound by it, has caused it to be signed on such party's behalf by a person or persons duly authorized to do so on the day, month, and year first above written.

ATTEST:

Mount Carmel Township

By: _____
Chairman

By: _____
Vice Chairman

By: _____
Secretary

ATTEST:

OWNER

By: _____

ATTEST:

DEVELOPERS

By: _____
John L. Buck

By: _____
Sally A. Buck

WITNESS:

BANK

By: _____

EXAMPLE SCHEDULE OF IMPROVEMENT INSPECTIONS¹

Inspection 1	At completion of initial rough grading and general site excavation
Inspection 2	During or at completion of installing street base and sub-base material
Inspection 3	During or at completion of installing street surface coat
Inspection 4	Prior to covering any underground utilities such as water lines, sewer lines, stormwater management conveyance, infiltration areas, etc.
Inspection 5	At completion of finish grading and reseeding

¹ – Schedule of inspections should be determined during the plan approval process between the developer and the township review engineer and attached to the Agreement. The township can require full-time resident inspection rather than periodic inspection during key points of construction.

**APPENDIX F
IMPROVEMENTS DEDICATION CERTIFICATIONS**

For Dedicated Improvements

I/We the undersigned, owners of the real property shown and described herein, do certify that we have laid off, platted and subdivided said property and that all proposed streets, easements, and other property identified as proposed public property shown and not previously dedicated, are hereby dedicated to the public use.

Owner* _____ 20____

* For multiple owners there should be signature blocks for each one.

For Non-Dedicated Improvements

The following improvements _____¹ shown on this set of plans **are not dedicated** for public use. The owner his successors, executors and assigns shall retain ownership and maintenance responsibilities of non-dedicated improvements.

Owner* _____ 20____

¹ - List those improvements shown on the Final Plan that **are not dedicated** for public use.

* For multiple owners there should be signature blocks for each one.

APPENDIX G

LOT ADDITION and LOT CONSOLIDATION¹ NOTATION

Lot Addition Notation

This Final Plan depicts Lot No. _____ as a lot addition to the existing land(s) of record of the Grantee as recorded in Deed Book____ Page____. Both parcels are to be considered as one for future subdivision, land transfer, land development and/or building purposes.

A permit for sewage disposal has been neither requested nor granted for this lot. The Grantee, his heirs, successors, and assigns accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary. Lot(s) ____ and ____ shown hereon, as of the date of this plot plan notice recording the property/subdivision, is/are and shall be dedicated for the express purpose of a lot addition.

**Also must include the most recent PA DEP non-building waiver notation.

Lot Consolidation Notation

This Final Plan depicts the consolidation of the entire area of existing lots of record, as formerly recorded in Deed Book____ Page____, into a single lot with the effect of eliminating one or more original lots of record. The land area of said former lots of record is completely contained within the surveyed tract boundary shown hereon and which are to be considered as a single lot for future subdivision, land transfer, land development and/or building purposes. ¹

Correction of Survey Errors

This Final Plan depicts the correction of survey errors for a plan previously approved by the Mount Carmel Township on _____(Month) _____(Day), _____(Year) recorded in Deed Book____ Page____ and is not for the purposes of creating any new lots or for significantly altering the general layout and/or lot configuration of the original plan. The specific errors corrected are as follows: (describe corrections made).

¹- Lot consolidation differs from a Lot Addition in that a consolidation combines the total tract area of two or more lots into a single lot and the consolidation plan would show a new tract boundary survey for the land area that was combined with former common lot lines eliminated.

APPENDIX H

PRIVATE RIGHT OF WAY/STREET AGREEMENT

The following contains a checklist of provisions that shall be incorporated into a private right-of-way/street agreement.

- ☐ 1. Type of Instrument – Deed of Easement or Agreement for Easement.
- ☐ 2. Date
- ☐ 3. Parties – All property owners affected.
 - Joining spouses, if any – heirs
 - Corporations – designate and state of incorporation
 - Partnership – the partners and partner designation
- ☐ 4. Consideration – Amount paid for right-of-way if any.
- ☐ 5. Grant
 - Personal to parties involved
 - Binding on heirs and assigns
 - Covenant running with the land
- ☐ 6. Description
 - Political subdivision where located
 - Metes and bounds
 - Courses and distances
 - Monuments, adjoiners
 - Recorded map or plan
 - Surveys
 - Quantity
- ☐ 7. Recitals – Origin of the parties' title entering agreement.
- ☐ 8. Subject Matters
 - Purpose of right-of-way (access and utilities)
 - Width (berm, cuts, slopes, culverts)
 - Drainage
 - Maintenance, repair
 - Cleaning
 - Limitations on use
 - Liability of parties or land for subject matters agreed upon- Damages

APPENDIX I

EXAMPLE LETTER OF CREDIT

June 7, 2011

Mount Carmel Township

RE: Irrevocable Unconditional Letter of Credit
Credit No. _____

Gentleman:

Effective immediately, by order and for the account of _____
we hereby authorize you to draw on us at sight up to an aggregate amount of
_____ United States Dollars (\$_____).

This Irrevocable Letter of Credit sets forth the full terms of our obligation to you, and such undertaking shall not in any way be diminished, amplified, or otherwise modified by any agreement in which this Credit is referred to or to which this Credit relates; any such reference shall not be deemed to incorporate herein by reference any agreement. This Letter of Credit relates to an Improvements Guaranty Agreement dated _____ by and between Mount Carmel Township and the person or entity above named for whose account this Credit is established.

We engage with you that drafts drawn under and in compliance with the terms of this Credit will be duly honored.

The Bank's right of reimbursement under this Letter of Credit is secured by an assigned deposit account of a like amount, and deposited in the name of _____.

This Credit is subject, so far as is applicable, to the laws, rules, regulations, and statutes of the Federal government and the Commonwealth of Pennsylvania.

This Credit shall continue in full force and effect for one year and shall automatically renew and not expire until such date as the Mount Carmel Township certifies to us in writing that all obligations of the person or entity for whose account this Credit is established have been fully and satisfactorily completed by such person or entity in accordance with the terms of the aforesaid Improvements Guaranty Agreement between Mount Carmel Township and the said person or entity. In addition this Credit shall continue in the amount of at least ten percent (10%) of the full amount hereof for a period of one year following release by the township of the balance of the full amount thereof.

Sincerely,

Northumberland National Bank
J.P. Bradford
Commercial Loan Officer