

**Land Subdivision Regulations**  
**Township of Washington**  
**Jefferson County, Pennsylvania**

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## CHAPTER VII

### SUBDIVISION REGULATIONS

#### Article 1

##### Purpose and Authority

**101. ORDAINING CLAUSE.** For the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of the Township of Washington, County of Jefferson, Commonwealth of Pennsylvania, for the coordination of existing streets with proposed streets, parks or other features of the official street plan, for insuring adequate open spaces for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens; the Board of Supervisors do hereby ordain.

**102. EFFECT OF ORDINANCE.** That the following Land Subdivision Regulations shall be in full force and effect including definitions, plan requirements and processing procedures, design standards, improvements and construction requirements, and conditions of acceptance of public improvements by Washington Township.

**103. SHORT TITLE.** This Ordinance shall be known as the Washington Township Land Subdivision Regulations.

(Ordinance No. 20, approved December 30, 1961).

## Article 2

### Definitions

**201. DEFINITIONS.** Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

1. Subdivision. Subdivision is hereby defined as the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots; tracts or parcels of land, including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development: Provided, however, that divisions of land for agricultural purposes into parcels of more than five acres, not involving any new street or easement of access, shall not be included within the meaning of “subdivision.”

2. Subdivider. Subdivider is hereby defined as person, co-partnership or corporation, owning land in the municipality and for which a Land Subdivision application is filed and processed under the provisions of this Ordinance.

3. Streets. Streets are hereby defined as a public right-of-way for vehicular or other traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley or however otherwise designated and for the purpose of this Ordinance shall be classed as follows:

A. Arterial Streets transverse through the Municipality and are used primarily for through, fast or heavy traffic.

B. Collector Streets carry traffic from minor streets to the major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments.

C. Minor Streets are used primarily for access to the abutting properties.

D. Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.

E. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

4. Contour Map. A map showing the elevations of the ground by contours or elevations.

5. Public Water Supply. Water approved for drinking purposes and other public use by the Department of Health supplied through approved piping facilities to places of private and public use, and being under the jurisdiction of one or more of the following: The Public Utility Commission, the local Governing Body, a Municipal Water Authority or other approved Water Company.

(Ordinance No. 20, approved December 30, 1961).

**Article 3**

**Plan Requirements and Processing Procedures**

**301. PLAN REVIEW AND APPROVAL.** The plan requirements and processing procedures shall be followed by subdividers as set forth herein and shall be submitted to the official Planning Commission of the municipality for review and approval prior to consideration or approval by the Governing Body.

**302. PRE-APPLICATION PLANS AND DATA.** Previous to the filing of an application for Conditional Approval of the Preliminary Subdivision Plan, the Subdivider shall submit to the Planning Commission the following plans and data:

1. General information shall describe or outline existing covenants, land characteristics, community facilities and utilities; and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.

2. Location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it and shall include development name, location and any existing facilities; traffic arteries; public or other schools, parks, playgrounds; utilities; churches; shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow, and date.

3. Sketch plan on a topographic survey shall show in a simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and may be free-hand on a print of the topographic map.

**303. PLATS AND DATA FOR CONDITIONAL APPROVAL.** Previous to the filing of an application for Final Approval of the Subdivision Plan, the Subdivider shall submit to the Planning Commission the following plans and data:

1. Topographic data. As required for Section 302,\* plus the following:

A. Boundary lines. Or property lines by bearings and distances.

\* "Section 301" in original

B. Existing easements. Location, width and purpose.

C. Existing streets. On and adjacent to the tract by name, right-of-way width, location, type, width, and elevation of surfacing, walks, curbs, gutters, culverts, etc.

D. Existing utilities. On and adjacent to the tract, location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if any of the above are not available at site, indicate direction and distance to the nearest ones and furnish statement of availability.

E. Other existing conditions. Water courses, marshes, rock outcrop, wooded areas, houses, barns and other significant features, including strip and deep mine coal operations.

F. Proposed public improvements. Highways or other major improvements planned by public authorities for future construction on or near the tract.

G. Ground elevations. On tract based on datum plan approved by Municipal Engineer; for land that slopes less than two (2%) percent show elevations at all breaks in grade and along drainage channels or swales not more than 100 feet apart; for land that slopes more than two (2%) percent show contours with an interval of not more than five (5') feet and less in cases where necessary to show irregular land for planning purposes.

H. Title and certificates. Present tract designation according to official recorder's office; title under which subdivision is to be recorded; names and addresses of owners; acreage, scale, north point, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey.

2. Preliminary plat. (General Subdivision Plan) shall be at a scale of two hundred (200') feet to one (1") inch or larger and shall show all existing conditions required above in TOPOGRAPHIC DATA and shall show all proposals including and not necessarily limited to the following:



- A. Streets. Names, right-of-way and cartway widths; approximate grades and gradients.
- B. Easements. Location, width and purpose.
- C. Utilities. Location, type and approximate size; this information may be shown on a separate exhibit.
- D. Lots. Lot lines, numbers and block numbers.
- E. Sites. If any, to be reserved for parks, playgrounds or other public uses.
- F. Sites. If any, for shopping centers, churches, industry, multi-family dwellings or any other non-public use exclusive of single—family dwellings.
- G. Building lines. Give dimensions of minimum building setback lines.
- H. Site data. Including number of residential lots, typical lot size, and acres in other public and non-public land uses.
- I. Title, scale, north arrow and date.

3. Other preliminary plans. When required by the Planning Commission, the Preliminary Plan shall be accompanied by profiles showing existing ground surface and proposed street grades; typical cross-sections of the roadway and sidewalks; a preliminary plan of proposed sanitary and storm water sewers, and water mains with grades and size indicated.

4. Draft of protective covenants. Whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

**304. PLATS AND DATA FOR FINAL APPROVAL.** Prior to final approval by the Planning Commission and in strict accordance with the regulations and procedures of this ordinance all Final Plats (Subdivision Plans) shall be submitted for final approval as follows:

1. Final plat or final subdivision plan shall be drawn in ink on tracing cloth in sheets not larger than 48 inches wide by 36 inches long and shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the

plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The FINAL PLAT shall show:

- A. Primary control points, approved by the Municipal Engineer, or description and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - B. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
  - C. Name and right-of-way width of each street or other right-of-way.
  - D. Location and dimensions and purpose of easements.
  - E. Number to identify each lot or site.
  - F. Purpose for which sites other than residential lots, are dedicated or reserved.
  - G. Minimum building setback line on all lots and other sites.
  - H. Location and description of survey monuments.
  - I. Names of record owners of adjoining unplotted land.
  - J. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
  - K. Certification by surveyor or engineer certifying to accuracy of survey and plat.
  - L. Certification of title showing that applicant is the land owner.
  - M. Statement by owner dedicating streets, rights-of-way and any sites for public uses.
  - N. Title, scale, north arrow and date.
2. Cross sections and profiles of streets showing grades approved by the Municipal Engineer.

3. Protective covenants, if any, in form for recording.
4. Other data. Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission or the Governing Body of the Municipality in the enforcement of these regulations.

**305. FILING OF APPLICATION FOR APPROVAL OF FINAL PLAT.**

1. The final plat shall conform substantially to the approved preliminary plat and if desired by the Subdivider it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at one time provided however that such portion conforms to all requirements of these regulations.
2. When filing an application for examination of a Final Plat or Final Subdivision Plan, the Subdivider shall submit duplicate copies of all plans and other information. One copy of such plans and information shall be retained by the Municipal Engineer and the other copy shall be returned to the Subdivider.
3. At the time of filing the application and submission of plans, the Subdivider shall pay to the Municipal Engineer, for use by the Municipality, a fee to be used to defray the cost of processing such plans and showing the same upon the official map of the Municipality. The fee shall be not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars for each plan, or part thereof submitted for final approval, the amount to be determined by the Municipal Engineer, based upon the estimated cost of processing each such plan.
4. The Township Planning Commission shall review the Final Plan to determine its relationship to the approved preliminary plan and its conformance to the requirements of disapprove the final plan and submit its findings in writing to the Board of Supervisors and the Subdivider within sixty (60) days of the submission of the complete Final Plan, but at least 10 days prior to the regular meeting of the Board of Supervisors at which it is desired to seek approval thereof, and shall bear the signatures of a majority of the members of the Planning Commission to a certified statement that all plan and procedure requirements have satisfactorily been met. When the Plan is not approved as submitted, the decision shall specify the defects found in the Plan and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.

5. After receiving recommendations of the Township Planning Commission, or after sixty (60) days from the date of the complete Final Plan submission have passed, the Board of Supervisors shall, at a scheduled or special meeting, review the Final Plan to determine its relationship to the approved Preliminary Plan and its conformance to this Ordinance and shall either approve, conditionally approve, or disapprove the Final Plan within ninety (90) days of the submission of the complete Final Plan. When the plan is not approved as submitted, the decision shall specify the defects found in the plan and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.

6. Within ninety (90) days of the final approval, the plan for subdivision shall be recorded in the office of Recorder of Deeds and the County by the subdivider. If the plan is not recorded within this period, the approval of the Board of Supervisors shall be null and void. In the case that any deed restrictions, covenants or easements are included in such filing, the subdivider shall notify the Township Planning Commission in writing of such restrictions on the use of the properties being recorded.

7. The Board of Supervisors may require that the owners shall supply a Title Insurance Certificate from a reputable company before any property can be accepted for the Township.

8. Where a subdivision plan has been approved and recorded under the terms and conditions of this Ordinance, purchasers and mortgages of lots in the subdivision shall be relieved of any and all liability for any deficiency in, lack of, or failure to complete, the necessary grading and paving of streets and other street improvements including, where specified in the plan, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers and storm sewers, and failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision.

9. When the County has a Planning Commission, all final plats shall have evidence of review by said County Planning Commission in the form of a seal or other insignia, prior to submission to the local governing body for final approval. The County Planning Commission shall have 45 days to review the Plan. If the County report is not received at the expiration of the 45 days, the Township may proceed with its review within the time limits prescribed herein.

(Ordinance No. 20, approved December 30, 1961, as amended by the Enacted Codification).

## Article 4

### Variances

**401. VARIANCES MAY BE GRANTED.** Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the interest and purpose of the General Community Plan or these regulations.

1. Large scale development. The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan or a program for a new town, a complete community, or a neighborhood unit, which in the judgment of the Planning Commission shall provide adequate public space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

2. Conditions of variances. In granting variances and modifications, the Planning Commission may require such conditions, as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. The granting of variances and modifications by the Planning Commission shall be conditional and subject to the final approval of the Governing Body of the Municipality in cases where standards or requirements are reduced, varied or modified.

(Ordinance No. 20, approved December 30, 1961).

## Article 5

### Design Standards

**501. STREETS.** The arrangement, character, extent, width, grade and location of all streets shall conform to the General Community Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets and shall conform to the following Design Standards in a manner acceptable to the Planning Commission.

1. Where not shown on the General Community Plan the arrangement of streets in a subdivision shall either:

A. Provide for the continuation or projection of existing principal streets in surrounding areas; or

B. Conform to a neighborhood plan to meet a particular situation where topographic or other conditions make continuance or projection of existing streets impracticable.

2. Minor streets shall be so laid out that their use by through traffic will be discouraged.

3. Where a subdivision abuts or contains an existing or proposed arterial street or a railroad right-of-way or rail crossings, access thereto shall be limited to a minimum number of intersections as practicable and such major access intersections with arterial streets and/or rail crossings shall be determined with due regard for sight distance, distance between intersections, approach grades and requirements for future grade separations.

4. Marginal access streets paralleling such limited access arterial streets shall be required, in such cases where practicable, reversing the frontage of residential properties with a screen planting contained in a nonlinear and the arterial street right-of-way; such reserve strips shall be prohibited except where their control is definitely placed with the municipality.

5. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

6. A tangent at least one hundred (100) feet long shall be introduced between curves on arterial and collector streets.

7. When connecting street lines deflect from each other more than ten (10°) degrees, they shall be connected with a curve with a radius adequate to assure sight distance.

8. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60°) degrees.

9. Street right-of-way widths shall be not less than as follows:

Arterial Streets	- 80 to 120 feet
Collector Streets	- 60 to 80 feet
Minor Streets	- 50 feet
Marginal Access Streets	- 50 feet
Alley	- 20 feet

10. Dead-end streets, designed to be so permanently, shall not be longer than six hundred (600') feet and shall be provided with a turn around having an outside road diameter of at least eighty (80') feet and a property line diameter of at least one hundred (100') feet.

11. No street grade shall be less than two (2%) percent or more than ten (10%) percent, unless topographic conditions make a steeper grade necessary.

12. No street names shall be used that duplicate existing names or in any way can cause confusion in the provision of police and fire protection, refuse collection or the distribution of mail by the U. S. Postal Service.

**502. EASEMENTS.** Easements across lots, centered on rear or side lot lines, or where necessary for utilities, water course, drainage way, channel or stream shall be not less than fifteen (15') feet wide.

**503. BLOCKS.**

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

A. Provision of adequate building sites for the special type of use contemplated.

- B. Requirements as to lot size and dimensions.
- C. Needs for convenient access, circulation, control and safety of street traffic.
- D. Limitations and opportunities of topography.

2. Block lengths shall not exceed eighteen hundred (1800') feet.

3. In cases where the block length exceeds six hundred (600') feet and/or where deemed essential to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities an easement for a crosswalk shall be provided of not less than ten (10') feet wide.

#### **504. LOTS.**

1. Pending the adoption of a zoning ordinance by the Municipal Officials the lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall generally conform to the following:

A. Residential lots where not served by public water or sanitary sewers shall be not less than one hundred (100') feet wide at the building line nor less than twenty thousand (20,000) square feet in area, per family.

B. Residential lots where served by one public facility, that is either public water or sanitary sewers shall be not less than one hundred (100') feet wide at the building line, nor less than fifteen thousand (15,000) square feet in area, per family.

C. Residential lots where served by both public water and sanitary sewers shall be not less than seventy-five (75') feet wide at the building line, nor less than seventy-five hundred (7,500) square feet in areas, per family.

D. Depth and width of properties reserved or laid out for commercial, industrial, fraternal or club purposes shall be adequate to provide for off-street service and parking facilities.



2. Corner lots for residential use shall have extra width of at least ten (10%) percent of the above required width to permit appropriate building setback from and orientation to both streets.

3. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access.

4. Building lines shall be not less than sixty (60') feet from the center line of the street; except that on a corner lot it shall be not less than fifty (50') feet from the center line of the intersecting side street; however, where existing or proposed rights-of-way are eighty (80') feet or more in width, the building line shall be not less than thirty (30') feet from said rights-of-way.

5. Side and rear building lines shall be not less than ten (10') feet from the side and rear lot lines.

6. Lot side lines shall be substantially at right angles or radial to street lines.

**505. PUBLIC SITES AND OPEN SPACES.** Where a proposed park, playground, school or other public use shown in the General Community Plans and/or in the opinion of the Planning Commission is necessary, the Planning Commission may require the dedication or reservation of such area within the subdivision in a reasonable manner.

**506. SEWERS.** When a subdivision is reasonably accessible to a municipal sewer system, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary sewer system.

When no municipal sewer system is available or is not reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Pennsylvania Department of Health, except that when such approved outlet is not available, one of the following methods of sewage shall be used.

1. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the Pennsylvania State Department of Health, with adequate provision for the maintenance of such plant.

2. Private sewage disposal systems on individual lots consisting of septic tanks and tile absorption fields or other approved sewage disposal systems, when laid out in accordance with minimum standards approved by the Pennsylvania State Department of Health as specified in the booklet entitled, "Household Sewage Disposal for Rural and Suburban Areas."

3. Cess Pools. Under the terms of this ordinance, no new installation of cess pools for the disposal of sewage shall be permitted.

The plans for the installation of a sanitary sewer system shall be prepared by the subdivider and approved by the engineer and the Pennsylvania State Department of Health. The engineer shall inspect the sewer line before it is covered over. Upon the completion of the sanitary sewer installation, one (1) copy each of the plans for such system as built shall be filed with the Commission and the municipality.

Storm sewers shall not be connected with sanitary sewers.

(Ordinance No. 20, approved December 30, 1961).

## Article 6

### Improvement and Construction Requirements

**601. MONUMENTS.** Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as may be required by the Municipal Engineer. The monuments shall be of such material, size and length as may be approved by the Municipal Engineer.

#### **602. UTILITY AND STREET IMPROVEMENTS.**

1. Utility and street improvements shall be provided in each new subdivision in accordance with standards and requirements described in the following schedules.

2. The standards and specifications for each general type of development shall be as follows, and as indicated in Section 603 \* hereof:

A. For apartment, row house, and similar multifamily residential types, improvements to be in accord with **STANDARD A**.

B. For one-family detached dwellings with typical lot widths of seventy-five (75') feet, improvements to be in accord with **STANDARD B**.

C. For Country Homes with typical lot widths greater than "B" above improvements to be in accord with **STANDARD C**.

D. For Commercial, Industrial and other special type uses, the standards shall be as determined by the Planning Commission and the Municipal Engineer.

#### **603. SCHEDULE OF REQUIRED UTILITIES AND STREET IMPROVEMENTS.**

All utilities and street improvements shall be installed in a manner and in accordance with specifications of the Municipality and generally outlined as follows:

(Ordinance No. 20, approved December 30, 1961).

\* "Section 602" in original

**STANDARD**

(VII—603)

<u>A</u>	<u>B</u>	<u>C</u>	
X	X		1. Public Water.
X	X		2. Public Sanitary Sewer where a central disposal plant is available.
X	X	X	3. Arterial Streets; cross sections in accordance with General Community Plan and as determined by Planning Commission, Municipal Engineer and/or Pennsylvania Department of Highways.
			4. Collector Streets:
X	X		a. 80 ft. r/w 40 ft. pavement, 10 ft. sidewalk.
X	X		b. 80 ft. r/w 40 ft. pavement, 6 ft. sidewalk.
		X	c. 60 to 80 ft. r/w, 26 ft. pavement.
			5. Minor and Marginal Access streets:
X	X		a. 50 ft. r/w, 32 ft. pavement, 5 ft. sidewalk.
		X	b. 50 ft. r/w, 26 ft. pavement.
X	X	X	6. Alleys: paved full width.
X	X	X	7. Grading and Centerline gradients of streets; Per approved plans and profiles.
X	X	X	8. Storm sewer system and other drainage improvements; Per approved plans and profiles.
			9. Curb:
X	X		a. 24" x 6" top rolled and battered to 8" bottom Portland Cement Concrete.
X	X		b. Integral curb with gutter. 26" x 6" x 6" battered and rolled Portland Cement Concrete.
X	X	X	c. 6" ID-2 bituminous material where approved by the Municipal Engineer and the Pennsylvania Department of Highways.
X	X	X	d. 6" Portland Cement Concrete with 6" rolled curbing poured monolithically.
		X	10. Rolled Bituminous Gutter.
			11. Pavement Base:
X	X		a. 8" Portland Cement Concrete.
	X	X	b. 6" Slag or crushed stone compacted and choked.
X	X		c. 8" Slag or crushed stone in two 4" courses, compacted and choked.
X	X	X	d. 6" Soil Cement.

**STANDARD**

(VII—603)

**A   B   C**

- |   |   |     |  |
|---|---|-----|--|
|   |   | 12. | Pavement Wearing Surface:  |
| X | X | X   | a. 2 ½" Asphaltic Concrete plant mixed.  |
| X | X | X   | b. AT-1 Bituminous surface } As per Pennsylvania Department  |
| X | X | X   | c. CP-2 Bituminous surface } of Highway Specifications.  |
|   |   | 13. | Pavement:  |
| X | X | X   | a. 8" Portland Cement Concrete Reinforced.   |
| X | X | X   | b. 6" Portland Cement Concrete with 6" rolled curbing poured monolithically.   |
| X | X | X   | 14. Sidewalks: 4" Portland Cement Concrete.  |
|   | X | X   | 15. Street trees: 2 ½" Caliper - 40 ft. to 60 ft. apart.   |
| X | X | X   | 16. Seeding of Planting Strips.  |
| X | X | X   | 17. Street Name Signs at all intersections.  |
| X | X | X   | 18. All road construction, and any matter co-related thereto, must meet specifications as outlined in latest revised Bulletin 408 by the Pennsylvania Department of Highways, and as approved by the Municipality. |

**Article 7**

**Conditions of Acceptance**

**701. SUBDIVISION CONTROL.** No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or in common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance.

**702. RECORDING.** Within thirty (30) days after the date of approval of the Final Plat, the subdivider shall record an approved duplicate copy of same in the office of the County Recorder of Deeds, and file with the secretary of the Governing Body, a Recorder's Certificate that the approved plan has been recorded with the Deed Book and page numbers indicated and approval shall not become final and effective until such certificate has been filed.

1. After an approved subdivision plan shall have been officially recorded, the streets, parks, and other public improvements shown thereon shall be so considered to be a part of the official plan of the municipality.

2. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the municipality by formal notation thereof on the plan, or the owner may note on such plan that any such improvements have not been offered for dedication to the municipality.

3. Every street, park or other improvement shown on a subdivision plan that is recorded as provided herein shall be deemed to be a private street, park or improvement, until such time as the same shall have been offered for dedication to the municipality and accepted by ordinance or resolution, or until it shall have been condemned for use as a public street, park or other improvement.

**703. SALE OF LOTS: ISSUANCE OF BUILDING PERMIT: OR ERECTION OF BUILDING.** No lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision may be issued, unless and until a plan of such subdivision shall have been approved and properly recorded, and until improvements required by the Governing Body shall have

been constructed or guaranteed as herein provided. Where owing to special conditions, a literal enforcement of this provision would result in unnecessary hardship, the Governing Body may make such reasonable exception thereto as will not be contrary to the public interest, and may permit sale of a lot, issuance of a permit, or erection of a building subject to conditions necessary to assure adequate streets and other public improvements.

**704. GENERAL PROVISIONS.**

1. The Governing Body shall not approve any subdivision plan except in strict conformance with the provisions of this Ordinance.

2. The Governing Body may alter any subdivision plan and specify alterations, changes, or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.

3. No road, street, lane, alley or related improvement shall be accepted as a part of the highway system of the municipality or for maintenance unless opened, laid out, graded and improved in strict accordance with standards and specifications of the municipality.

4. Before acting to approve any subdivision plan, the Governing Body may arrange a public hearing thereon, after giving such notice as may be deemed desirable in each case.

5. Before approving any subdivision plan, the Governing Body shall require a written agreement that the necessary grading, paving, street improvements, curbs, sidewalks, street lights, fire hydrants, water mains, and sanitary sewers, as may be required by the Governing Body, shall be installed in strict accordance with the standards and specifications by the SUBDIVIDER within a specified time period. The written agreement which shall include a bond, deposit of funds, or other securities sufficient in amount as shall be determined by the Municipal Engineer, to cover the cost of such improvements. If the improvements shall not have been completed within the time required and in accordance with the standards and specifications such deposit shall be forfeited to the Municipality. Upon written certification by the Municipal Engineer that such improvements have been satisfactorily completed, the deposit shall be returned to the subdivider.

(Ordinance No. 20, approved December 30, 1961).

## Article 8

### Penalty and Enforcement

**801. PENALTY.** Any person, co-partnership, or corporation, who or which shall subdivide any lot, tract or parcel of land, layout, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main, for public use or travel, or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a subdivision without first having complied with all the provisions hereof and the subdivisions adopted hereunder, shall be guilty of a misdemeanor, and, upon conviction thereof, such person, or members of such co-partnership, or the officers of such corporation, responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two years, or to pay a fine not exceeding one thousand (\$1,000) dollars, or both, in the discretion of the court.

**802. ENFORCEMENT.** It shall be the duty of the Building Inspector or such other duly authorized representative of the Local Governing Body, hereinafter referred to as the "Agent", and he is hereby given the power and authority, to enforce the provisions of this Ordinance. The Agent shall require that the application for a building permit shall contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved Final Plat (Land Subdivision Plan.) No Building Permit shall be issued until the Agent has certified that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plat (Land Subdivision Plan.)

**803. EFFECTIVE DATE.** This Ordinance shall become effective from and after ten (10) days after its publication as required by law.

**804. REPEALER.** All ordinances, parts of ordinances and resolutions inconsistent herewith are hereby repealed. (Ordinance No. 20, approved December 30, 1961).

(Ordinance No. 20, approved December 30, 1961).