

**BOROUGH OF CARROLL VALLEY  
PLANNING COMMISSION MEETING  
Monday, December 4, 2023 – 7:00 P.M.  
Borough Office**

**A G E N D A**

1. **Approval of Meeting Minutes**
  - a. Minutes of November 13, 2023, meeting
2. **Open to the Public**
3. **New Business**
  - a. Review of Ordinance #1-2012: Keeping of Domesticated Chickens
  - b. Long-Term Rentals – Rules/Regulations
  - c. Chapter 22 Review
4. **Old Business**
5. **Adjournment**

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**MEMORANDUM**

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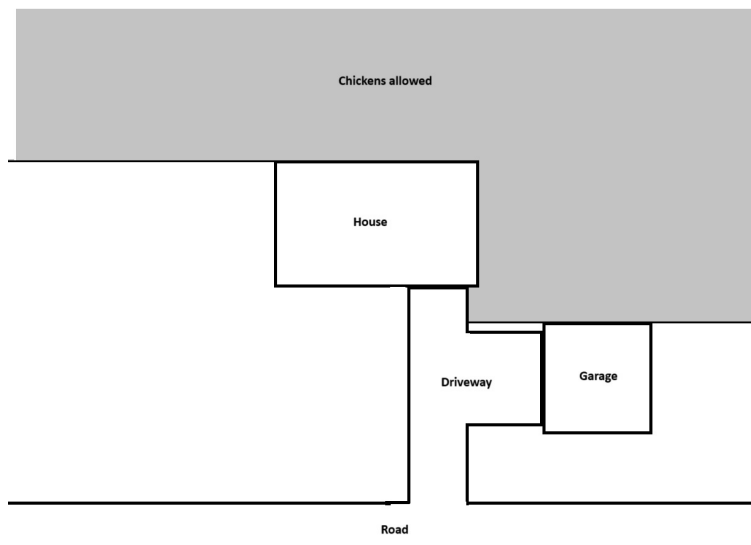
**TO:** BOROUGH COUNCIL; MAYOR  
**FROM:** DAVID HAZLETT, BOROUGH MANAGER  
**SUBJECT:** RES CHICKENS/PLANNING COMMISSION  
**DATE:** 9/8/2023  
**CC:** GAYLE MARTHERS

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The Planning Commission discussed the issue raised to the council regarding residential chickens and that some properties do not have a “backyard” suitable to meet the ordinance.

The planning commission's recommendation is to continue to prohibit chickens in the front yard but to modify the language of the code to permit other internal yards to allow chickens within. PC’s recommended ordinance revision would look like this:

- g. A person shall not keep Chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines. The chicken coop may also be located behind a permanently affixed accessory structure. The area behind the accessory structure will be considered to be the area behind an imaginary line established by the rear of the accessory structure, extending from the driveway to the side lot line on the side of the property where the accessory structure exists.



*Figure 1 - Illustration of where citizens are permitted to keep residential chickens.*

- ✓ For clarity, this would require the citizens at 8 Fawn Trail to relocate their chickens to another yard but would provide additional yards to choose from, such as between the house and the garage.

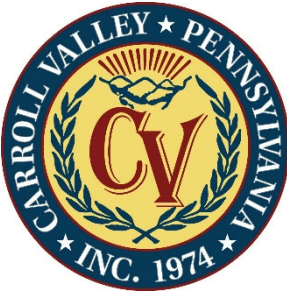
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**MEMORANDUM**

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**TO:** PLANNING COMMISSION  
**FROM:** DAVID HAZLETT, BOROUGH MANAGER  
**SUBJECT:** RES CHICKENS/PLANNING COMMISSION  
**DATE:** 9/29/2023  
**CC:** GAYLE MARTHERS

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The Borough Council discussed the issue regarding residential chickens and that some properties do not have a “backyard” suitable to meet the ordinance. The council reviewed the recommendation received from the Planning Commission last month.

The Borough Council asked the planning commission to evaluate the language that Chicken Pen and Coop's be permitted to be placed as per the Zoning Ordinance permissions for Accessory Structures in the underlying zoning district of the applicant property.

Borough Council’s recommended ordinance revision would look like this:

- g. **All chicken coop/pen structures must comply with the setback regulations for the underlying zoning district for Accessory Structures.** ~~A person shall not keep Chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single family structure and extending to the side lot lines.~~
- h. ~~No covered enclosure or fenced enclosure shall be located closer than 25 feet to any property line of an adjacent property;~~
- i. ~~A covered enclosure or fenced enclosure shall not be located closer than 50 feet to any residential structure on an adjacent property.~~
- j. ~~For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.~~

\*\*\* As a reminder, the proposed accessory structure amendment reads:

Accessory buildings shall be permitted in accordance with the following requirements.

- A. Accessory buildings or structures shall only be authorized as an accessory to a principal building. Any parcel not containing a primary structure is not permitted to have an accessory building or accessory structure.
- B. Accessory buildings not permanently affixed to the land via footer/foundation and less than or equal to four hundred (400) square feet in size shall be located no closer than ten (10) feet to any side or rear property line and are not permitted within the front yard.
- C. Accessory buildings not permanently affixed to the land via footer/foundation and greater than four hundred (400) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district and are not permitted within the front yard.

- D. Accessory buildings permanently affixed to the land via footer/foundation and less than or equal to four hundred (400) square feet in size shall be located no closer than ten (10) feet to any side or rear property line and are not permitted within the front yard.
- E. Accessory buildings permanently affixed to the land via footer/foundation and greater than four hundred (400) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district and may be located within the front yard.
- F. Regardless of size, no accessory structure can be located within the front yard area between the primary structure and the public street.
- G. All accessory buildings shall be subject to the building height standard of the underlying zoning district.

✓ For clarity, the previously advertised ordinance amendment regarding accessory structures and this proposed language would require the citizens at 8 Fawn Trail to relocate their chickens into one of the green-shaded areas. It would give them an additional 15 feet on the side and rear of the house.



BOROUGH of CARROLL VALLEY  
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. \_\_-2023

AN ORDINANCE ESTABLISHING REGULATIONS, LICENSING, AND INSPECTIONS FOR LONG-TERM RENTAL PROPERTIES WITHIN CARROLL VALLEY BOROUGH, MINIMUM STANDARDS FOR LONG-TERM RENTAL PROPERTIES, VIOLATIONS AND PENALTIES AND APPEALS.

The Borough Council of Carroll Valley Borough, Adams County, Pennsylvania, enacts and ordains as follows:

Section 1. Chapter 11, Part 1, is deleted in its entirety.

Section 2. The Borough Council of Carroll Valley, Adams County, Pennsylvania, hereby adopts the following Rental Properties Maintenance and Housing Occupancy Ordinance as Chapter 11, Part 1, as follows:

**LONG-TERM RENTALS**

**§ 11-101. Title.**

This chapter shall be known and may be cited as the “Long-Term Rental Ordinance of the Borough of Carroll Valley.”

**§ 11-102. Definitions**

As used in this Chapter, the following terms shall have the following meanings. If a term is not defined in this Chapter but is defined in the Borough’s Property Maintenance/Nuisance Code or Uniform Construction Codes, then that definition shall apply to this Chapter. If a term is not defined in any of those codes but is defined elsewhere in the Borough Code, then the definition in such Chapter shall apply to this Chapter.

APPROPRIATE AUTHORITY – That person within the governmental structure of the corporate unit charged with the administration of the appropriate ordinance.

APPROVED – Approved by the local or state authority having such administrative authority.

ASHES – The residue from the burning of combustible material.

BOROUGH - The Borough of Carroll Valley.

CODE ENFORCEMENT OFFICER – The Borough-appointed Code Enforcement Officer is responsible for enforcing this Chapter and the Code and any assistants or deputies appointed by the Borough. At the discretion of the Borough Council, an independent entity or contractor may be appointed to enforce part or all of this function under this Chapter.

DWELLING – Any enclosed space that is wholly or partly used or to be used for living or sleeping by human occupants.

DWELLING UNIT – One or more rooms, occupied or intended for occupancy, as separate living quarters by a single family maintaining a household, the members of which have unrestricted

access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family. For the purposes of this Chapter, this term shall be used when referring to dwellings and/or dwelling units, as defined under the Zoning Ordinance, and shall include guesthouses.

**EXTERMINATION** – The control and elimination of insects, rodents, or other pests by eliminating their harborage places; removing or making inaccessible materials that may serve as their food; by poisoning; spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

**FAMILY**-- One or more individuals related by blood, marriage, or adoption (including persons receiving formal foster care) or up to four (4) total unrelated individuals who maintain a common household and live within one Dwelling Unit, except as provided otherwise in the Code. For this purpose, “related” shall mean persons who are related by blood, marriage, adoption, civil union recognized by any state, or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. “Step” relationships, such as stepmother, shall also be included. “Related” shall not include any relationship further than direct first cousins.

Notwithstanding the above definition, a family shall also be deemed to include any number of mentally or physically disabled persons occupying a dwelling unit as a single, nonprofit housekeeping unit if such occupants are disabled persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a Dwelling Unit in the same manner and to the same extent as any family unit as defined above.

**FLUSH WATER CLOSET** – A toilet bowl flushed with water under pressure with a water-sealed trap above floor level. Such toilet bowls shall have a smooth, easily cleanable surface.

**GARBAGE** – Animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.

**GUEST** – Any person who shares a dwelling unit in a nonpermanent status for no more than 30 days.

**HABITABLE ROOM** – A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding laundries, furnace rooms, pantries, and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, storage spaces and workshops, hobby, and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

**INFESTATION** – The presence within or around a dwelling of any insects, rodents or other pests.

**LICENSE** – The document issued by the Borough of Carroll Valley demonstrating permission to operate a Rental Property in the Borough.

**LONG-TERM RENTAL** – Any Residential Dwelling Unit utilized as a single-family residence rented for more than thirty (30) days.

**LONG-TERM RENTAL LICENSE** – Permission was granted by the Borough to utilize a dwelling unit for long-term rental use.

**OCCUPANT** – Any person living, sleeping, cooking, or eating in or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units, a guest will not be considered an occupant.

**OPERATOR** – Any person who has charge, care, control, or management of a building or part thereof in which dwelling units or rooming units are let.

**OWNER** – Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; that is recorded in the official records of the state, county, or municipality as holding title to or an interest in the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON** – Any individual, corporation, partnership, or any other group acting as a unit.

**PLUMBING** – All of the following supplies, facilities, and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, incinerators, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, shower stalls, clothes-washing machines, catch basins, drains, vents and any other similar supplies and fixtures, together with all connections to water, sewer or gas lines and water pipes and lines, including those utilized in conjunction with air-conditioning equipment.

**PREMISES** – A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

**RENTAL PROPERTY** – Any dwelling, dwelling unit, rooming house, or rooming unit occupied by tenant or tenants.

**RENTAL PROPERTY AGENT** – A person designated by the Owner of a Rental Property to be responsible for said Rental Property as more fully set forth herein.

**ROOMING HOUSE** – A building containing a single owner-occupied dwelling unit and guest rooms, where lodging is provided with or without meals for compensation. Businesses commonly referred to as “bed and breakfast inns” are included in this definition.

**ROOMING UNIT** – Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking purposes.

**RUBBISH** – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SAFETY** – The condition of being free from danger and hazards which may cause accidents or disease.

**SUPPLIED** – Paid for, furnished by, provided by, or under the control of the Owner or operator.

**TENANT** – Any person other than the owner who occupies, resides, or is entitled to occupy or reside in any dwelling or dwelling unit with the permission, express or implied, of the owner or operator of such dwelling or dwelling unit, regardless of whether there is any written or verbal lease therefor or no lease, and regardless of whether such person pays rent or other compensation or consideration to the owner or operator of such dwelling or dwelling unit for the occupancy or right to occupy or reside in such dwelling or dwelling unit.

**ZONING ORDINANCE** – The Carroll Valley Borough Zoning Ordinance, as amended.

### **§ 11-103. License Required.**

No Owner of any Premises in Carroll Valley Borough shall operate a Long-Term Rental in Carroll Valley Borough without first obtaining a Long-Term Rental License from the Code Enforcement Officer. Operation of a Long-Term Rental without a Long-Term Rental License is a violation of this Chapter.

### **§ 11-104. License Requirements.**

- A. Application requirements. Long-Term Rental License applications shall contain the following information:
1. The name, address, telephone number, and email address of the Owner. If the Owner is not a full-time resident of the Borough of Carroll Valley or does not live or have a primary physical work address (beyond a post office box) within a twenty-mile radius of the Borough of Carroll Valley, then the Owner shall designate a Person to serve as Manager who does reside or have a primary physical work headquarters (beyond a post office box) within a twenty-mile radius of the Borough of Carroll Valley. If the Owner is a corporation, partnership, or similar entity, a Manager shall be appointed to meet the above requirements. If the Owner is not required to have or has not designated a Manager, then the Owner shall provide a 24-hour telephone number. If the Owner uses a Manager, that Manager shall have written authorization to accept service for the Owner.
  2. The name, address, and 24-hour telephone number of the Manager.
  3. Total habitable floor space and total number of bedrooms for the Long-term rental.
  4. If the building is a multi-dwelling unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Long-Term Rentals. Each Dwelling Unit in a multi-dwelling unit structure must have a separate Long-Term Rental License.
  5. A site plan showing property lines, driveways, and all structures, including the



location and number of on-site parking spaces. An on-site inspection will be required to verify the availability of parking spaces and their consistency with the submitted site plan.

6. Septic system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the past three (3) years for approval by the Sewage Enforcement Officer. An inspection of the on-lot sewage disposal system to verify consistency with the submitted site and floor plans may be required.
  7. Signatures of both the Owner and the Manager.
  8. Copy of the current recorded Deed for the Premises establishing ownership may be required.
  9. No permit will be issued to any owner who is delinquent with Borough sewer fees or property taxes for all properties owned, in whole or in part, by the Owner in the Borough. If sewer fees or property taxes become delinquent after the issuance of a Long-Term Rental permit, the permit will be revoked until such time as the delinquent account is brought current.
  10. Long-term rental owners must provide weekly trash removal. No dumpsters are permitted.
- B. A Long-Term Rental License shall be issued only to the Owner of the Long-Term Rental Premises.
1. A separate Long-Term Rental License is required for each Dwelling Unit; for two-family or multi-family dwellings, a separate License shall be required for each Dwelling Unit being used as a Long-Term Rental.
  2. A Long-Term Rental License is effective for one (1) year or until any of the conditions of the Long-Term Rental governed by this Chapter are changed, whichever shall first occur. A Long-Term Rental License must be renewed annually, and also when any of the conditions of the Long-Term Rental which are governed by this Chapter are changed.
  3. The Owner, by making an application for a Long-Term Rental License and/or accepting issuance of a Long-Term Rental License, grants permission for any and all inspections authorized by this part.
  4. The Borough will prescribe forms and procedures for processing License applications under this Ordinance.

#### **§11- 105. Responsibilities of Owners, Property Managers, and Occupants.**

- A. No Owner or other person shall occupy or let to another person any Rental Property unless the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the Commonwealth of Pennsylvania and the Borough.

- B. Every Owner of a Rental Property containing two or more Dwelling Units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.
- C. Every Occupant of a Rental Property shall maintain in a clean and sanitary condition that part or those parts of the Dwelling, Dwelling Unit, and premises thereof that he occupies and controls.
- D. Every Occupant of a Rental Property shall store and dispose of all rubbish in a clean, sanitary, and safe manner.
- E. Every Occupant of a Rental Property shall store and dispose of all his garbage and any other organic waste that might provide food for insects and/or rodents in a clean, sanitary, and safe manner, and if a container is used for storage pending collection, it shall be rodent-proof, insect-proof and watertight.
- F. Every Owner of a Rental Property containing three or more Dwelling Units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of Rental Property that is a single-family dwelling, it shall be the responsibility of the Owner to furnish such facilities or containers.
- G. Every Owner of a long-term rental shall be responsible for the extermination of insects and rodents on the premises. The Owner must maintain a Dwelling in a rodent-proof or reasonable insect-proof condition.
- H. Every Owner of a Rental Property shall keep all plumbing fixtures therein in operable condition.
- I. From October 1 until April 30, in every Rental Property, when the control of supplied heat is the responsibility of a person other than the Occupant, a temperature of at least 68° F. shall be maintained in all habitable rooms, bathrooms, and water closet compartments.
- J. Every Owner of a Rental Property who resides more than twenty (20) miles from the Borough municipal limits shall designate in writing to the Borough a property manager. The property manager shall have the authority to act on behalf of the Owner and shall accept service for all notices to be provided hereunder. The use of the words "Owner" and "property manager" herein shall be interchangeable. The property manager shall be liable for any violation of this Part and shall be subject to prosecution hereunder as if he were the Owner, provided, however, that the Owner shall be and remain liable for violations of this Chapter whether or not a property manager has been appointed and designated.

#### **§11- 106. Minimum Property Maintenance Code Standards for Rental Property.**

No person shall occupy as Owner or Occupant or let to another for occupancy any Rental Property, for the purpose of living, which does not comply with the minimum standards set forth in Chapter 10 of the Carroll Valley Borough Code of Ordinances.

#### **§11- 107. Maximum density and minimum space, use, and location requirements.**

No person shall occupy or let to be occupied any Rental Property for the purpose of living therein unless there is compliance with the space, use, and location requirements set forth in in Chapter 27 of the Carroll Valley Borough Code of Ordinances.

**§11- 108. Rooming Houses and Rooming Units.**

No Person shall operate a Rooming House or shall occupy or let to another for occupancy any Rooming Unit in any Rooming House which is not in compliance with the provisions of this chapter. No Owner or other person shall occupy or let to another person any Rooming Unit unless it is clean and sanitary and complies with all applicable requirements of the Borough, including the following:

- A. No Person shall operate a Rooming House unless he holds a valid occupancy permit issued by the appropriate authority in the name of the operator and for the specific Dwelling or Dwelling Unit. The Operator shall apply to the appropriate authority upon compliance by the Operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. The permit shall not be transferable.
- B. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Code Enforcement Officer and in good working condition, shall be supplied for every six persons or fraction thereof residing within a Rooming House, including members of the Operator's family wherever they share the use of said facilities.

**§11- 109. Fire Safety Requirements**

- A. Every dwelling unit, with the exception of those heated primarily with electric heat, shall consist of, at minimum, one (1) functioning carbon monoxide detector. The Owner shall provide a carbon monoxide detector that is either separate from the required smoke alarm(s) or is part of a combined unit. All carbon monoxide detectors shall be tested in accordance with the manufacturer's instructions. The Occupant shall have the duty and responsibility to notify the owner of any defect(s). The Owner shall have the duty and responsibility of remedying any defect after receiving notice of the defect. All carbon monoxide detectors shall be kept in proper working condition at all times and shall be replaced after being in service for a period of ten years or becoming defective/inoperable, whichever comes first.
- B. Every dwelling unit shall consist of at minimum one (1) functioning fire extinguisher. Any dwelling unit shall have a portable fire extinguisher with a minimum rating of 2-A:10-B:C. The Owner shall provide portable fire extinguishers and shall mount, locate, and identify them so that they are readily accessible to occupants without subjecting the occupants to possible injury. The Owner shall ensure that portable fire extinguishers are maintained in a fully charged and operable condition and kept in their designated places at all times except during use. Fire extinguishers shall be clearly located where they will be readily accessible and immediately available in the event of fire.

**§11- 110. Inspections, Licensing, and Enforcement.**

- A. The Code Enforcement Officer is hereby authorized and directed to inspect and License all Rental Property subject to the provisions of this chapter.

- B. The Code Enforcement Officer shall inspect each Rental Property in the Borough to determine compliance with this chapter once every two years pursuant to a reasonable schedule to be established by such officer or in response to a complaint that an alleged violation of the provisions of this chapter or of applicable rules or regulations pursuant thereto has been committed, or when the Code Enforcement Officer has a valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been committed, or upon the transfer of ownership of the entire property.
- C. The Code Enforcement Officer is authorized and directed to make inspections at any reasonable hour to determine compliance with this chapter.
- D. The Code Enforcement Officer is hereby authorized to inspect the Premises surrounding any Rental Property subject to this chapter for the purpose of determining whether there is compliance with its provisions.
- E. The Code Enforcement Officer and the Owner or Occupant may agree to an inspection by appointment at a time other than the hours provided by this chapter. The Owner, property manager, or person in charge must be present at all times during the inspection.
- F. The Owner or Occupant, upon presentation of proper identification by the Code Enforcement Officer, shall give the Code Enforcement Officer entry and free access to every part of the Rental Property or to the surrounding premises.
- G. If any Owner or Occupant refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this part is sought, the Borough may seek, in a court of competent jurisdiction, an order that such Owner or Occupant cease and desist with such interference. Such person may also be liable for such fines and criminal penalties as set forth in other sections of this chapter.
- H. The Code Enforcement Officer and the Borough shall have the authority to institute any action permitted by law to enforce the provisions of this chapter.
- I. Any inspection scheduled pursuant to any provision of this Part may be canceled one time by contacting the Borough Office during normal business hours at least 48 hours in advance of the scheduled inspection. Failure to comply with these procedures for canceling or canceling the inspection more than one time will result in the imposition of a cancellation fee.

**§11- 111. Notification of transfer of Ownership.**

Every Person owning a Rental Property shall give notice, in writing, to the Code Enforcement Officer within 24 hours after having transferred or otherwise disposed of the legal control of any Rental Property. Such notice shall include the name and address of the person or persons succeeding to the Ownership or control of such Rental Property.

**§11- 112. Action upon finding violations.**

Whenever, upon inspection of the Rental Property or of the records required to be kept by this chapter, the Code Enforcement Officer finds that conditions or practices exist that are in violation of

the provisions of this chapter or of any applicable rules and regulations pursuant thereto, the Code Enforcement Officer or the Borough shall serve the Owner with notice of such violation in a manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within the time provided, the Owner shall be subject to penalties provided by this part.

**§11- 113. Notice of violation.**

- A. Whenever the Code Enforcement Officer determines that a Rental Property or the surrounding premises fails to meet the requirements set forth in this part or in applicable rules and regulations issued pursuant hereto, the Code Enforcement Officer or other Borough designee shall issue a notice setting forth the alleged failures and advising the Owner or Occupant or other person in charge that such failures must be corrected. This notice shall:
- 1) Be in writing.
  - 2) Set forth the alleged violations of this part or of applicable rules and regulations issued pursuant thereto.
  - 3) Describe the Rental Property or Dwelling, Dwelling Unit, Rooming Unit, or Premises where the violation is alleged to exist or to have been committed.
  - 4) Provide a reasonable time for the correction of any violation alleged. The time for compliance shall take into consideration the seriousness of the violation and the climatic conditions. The Code Enforcement Officer or other Borough designee may, in his or her sole and absolute discretion, give one additional extension of time, provided that the Owner is exercising due diligence and the inability to make the correction is through no fault of the Owner.
  - 5) Be served upon the Owner or Occupant or other person in charge of the Rental Property or Dwelling, Dwelling Unit, Rooming Unit or Premises personally, or by mail, addressed to the last known place of residence of the Owner or Occupant or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting a notice in or about the dwelling, dwelling unit, rooming unit, or premises described in the notice or by causing such notice to be published in a newspaper of general circulation.
  - 6) Be served upon the Property Manager for the receipt of such service of notice designated pursuant to this part.
- B. The owner of every rental property must file a property registration with the Borough Office each year between January 1 and January 31. All Owners must comply with the registration requirements and provide the names and addresses of the Owner and/or Property Manager along with other needed information.
- C. At the end of the period of time allowed for the correction of any violation alleged, the Code Enforcement Officer shall reinspect the Rental Property described in the notice. Failure to have all violations corrected shall result in the revocation of any License and/or the determination that the Owner is operating a Rental Property without a License and in violation of this Part.

**§11- 114. Fees and charges.**

All fees and charges for licensing and inspection due and unpaid under this chapter shall be recovered by the Borough as other debts due the Borough are now recovered and shall constitute a municipal claim.

**§11- 115. Violations and penalties.**

Any Owner or Occupant or other person in charge of a Rental Property who has received notice of a violation of this chapter and fails to take the necessary corrective action shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 together with the costs of prosecution and, in default thereof, be sentenced to imprisonment in the Adams County Prison for a period of not more than 30 days. Each day of continued violation shall constitute a separate offense.

**§11- 116. Appeals.**

Any Person aggrieved by a determination that a Rental Property violates this chapter as applied hereunder may appeal the determination to the Building Appeals Board, as defined and provided for in Chapter 10.

**§11- 117. Inspection, licensing, and cancellation fees.**

- A. An annual registration fee shall be imposed and shall include 1) an inspection fee and 2) a licensing fee. An additional inspection fee for any subsequent inspection for the same Rental Property, as a follow-up or other continuation of the initial inspection, shall be imposed. The inspection and licensing fees shall be established by the Carroll Valley Borough Council from time to time by resolution.
- B. A cancellation fee is hereby imposed in and for the following occurrences: canceling any inspection more than one time where such inspection has been scheduled in accordance with this part and canceling any scheduled inspection without following the procedures set forth in this part. Cancellation fees shall be established by the Carroll Valley Borough Council from time to time by resolution.

**§11- 118. Mandatory Inspection upon change of tenant.**

- A. Unless an inspection has been completed in the last six (6) months, prior to renting to a new Tenant, the Owner shall contact the Code Enforcement Officer and make satisfactory arrangements to have an inspection when the Rental Property or applicable Dwelling Unit or Housing Unit is vacant and prior to the occupancy of the Rental Property by the new Tenant. Failure by the Owner to do so shall constitute a violation of this part. Each and every day that a violation continues shall constitute a separate violation of this part, subject to the fines and penalties set forth in this part.
- B. Nothing in this part shall be construed to prevent the Code Enforcement Officer from inspecting any Rental Property at any time upon complaint and by invitation by the Tenant or Tenant's authorized agent.

**§11- 119. Conflict with other provisions.**

In any case, where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the Borough existing on the effective date of the ordinance, the provision which establishes a higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where the provision of this part is found to be in conflict with a provision of any other ordinance or code of the Borough existing on the effective date of this part which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this part shall prevail, and such other ordinances or codes are hereby declared and repealed to the extent that they may be found in conflict with this part.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Council of the Borough of Carroll Valley hereby declares that it would have passed this ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 4. All Ordinances or parts thereof that are inconsistent herewith are hereby repealed and amended.

Section 4. Effective Date. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage and adoption.

ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF CARROLL VALLEY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

BOROUGH OF CARROLL VALLEY

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Council President

Seal

\_\_\_\_\_  
Mayor

## Chapter 22

### Subdivision and Land Development

#### Part 1

##### Title, Purpose and Authority

- §22-101. Title
- §22-102. Short Title
- §22-103. Purpose
- §22-104. Authority of Planning Commission
- §22-105. Application of Regulations
- §22-106. Interpretation

#### Part 2

##### Definitions

- §22-201. General Rules of Construction
- §22-202. Specific Definitions

#### Part 3

##### Submission and Review Procedures

###### A. General Provisions; Sketch Plans

- §22-301. General Provisions
- §22-302. Plan to be Discussed with Borough
- §22-303. Sketch Plan Required for Proposed Mobile Home Parks

###### B. Submission of Final Plan

- §22-321. Plan to be Filed with Borough
- §22-322. Official Submission of Preliminary Plan
- §22-323. Filing Fee
- §22-324. Distribution of Preliminary Plan
- §22-325. Review of Preliminary Plan

###### C. Submission of Final Plan

- §22-331. General Provisions
- §22-332. Plans to be Filed with the Borough
- §22-333. Official Submission of Final Plan
- §22-334. Filing Fees
- §22-335. Distribution of Final Plan
- §22-336. Review of Final Plan
- §22-337. Recording of Final Plan
- §22-338. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval



- §22-339. Release from Improvement Bond
- §22-340. Status of Streets, Parks and Other Improvements
- §22-341. Effect of Plat Approval on Official Map

#### **D. Re-subdivision or Recombination of Parcels**

- §22-351. General Procedure
- §22-352. Provision for Recombination of Subdivided Parcels

### **Part 4 Plan Requirements**

- §22-401. Requirements for Sketch Plan
- §22-402. Preliminary Plan Requirements
- §22-403. Preliminary Plan Data Requirements
- §22-404. Supplementary Data for Preliminary Plan
- §22-405. Condominium, Cooperative, Time Sharing, and Other Similar Forms of Multiple Ownership
- §22-406. Final Plan Requirements
- §22-407. Supplementary Data for Final Plan
- §22-408. Record Plan Requirements

### **Part 5 Design Standards**

#### **A. General Standards; Public Spaces; Utility Easements**

- §22-501. Application and General Standards
- §22-502. Public Open Spaces
- §22-503. Community Assets
- §22-504. Utility Easements

#### **B. Street Design Standards**

- §22-521. General Standards
- §22-522. Partial and Half Streets
- §22-523. Street Widths
- §22-524. Restriction of Access
- §22-525. Street Grades
- §22-526. Horizontal Curves
- §22-527. Vertical Curves
- §22-528. Intersections
- §22-529. Sight Distance at Intersections
- §22-530. Cul-de-Sac Streets
- §22-531. Street Names
- §22-532. Service Streets (Alleys)
- §22-533. Driveways

#### **C. Blocks**

- §22-541. Layout
- §22-542. Length
- §22-543. Crosswalks
- §22-544. Depth

#### **D. Lots and Parcels**

- §22-551. General Standards
- §22-552. Lot Frontage
- §22-553. Lot Size

#### **E. Sanitary Sewage Disposal**

- §22-561. Connection to a Public System
- §22-562. Design Standards
- §22-563. Plan and Permit Requirements
- §22-564. Construction and Inspection
- §22-565. Legal Agreements
- §22-566. Use for Stormwater Prohibited
- §22-567. On-Lot Alternative
- §22-568. Economic Feasibility Report
- §22-569. Land Development Planning Module Requirements

#### **F. Water Supply**

- §22-571. Water Supply
- §22-572. Connection to Existing System
- §22-573. Development of a Community System
- §22-574. On-Site Water Supply Requirements

#### **G. Storm Drainage**

- §22-581. General Requirements
- §22-582. Requirements Where Watercourse Traverses Subdivision
- §22-583. Street Design with Respect to Drainage
- §22-584. Retention Facilities

### **Part 6 Improvement Specifications**

- §22-601. General Requirements
- §22-602. Required Improvements
- §22-603. Other Improvements

### **Part 7 Administration, Amendments and Enforcement**

- §22-701. Revision and Amendment
- §22-702. Effect of Change in this Chapter
- §22-703. Procedure for Amendment
- §22-704. Exemptions

§22-705.	Modifications
§22-706.	Appeals and Challenges
§22-707.	Fees
§22-708.	Review Fees
§22-709.	Preventive Remedies
§22-710.	Enforcement Remedies
§22-711.	Keeping of Records
§22-712.	Responsibility of Subdivider
§22-713.	Conflicting Standards

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

An ordinance establishing rules, regulations and standards governing the subdivision and development of land within the Borough of Carroll Valley, Adams County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Code, 53 P.S. §10501 *et seq.*, and setting forth procedures to be followed by the Borough Planning Commission and/or the Borough Council in applying, administering, and amending these rules, regulations, and standards and prescribing penalties for the violation thereof.

(*Ord. 6, 6/14/1975, §13-2001*)

**§22-102. Short Title.**

This Chapter shall be known and may be cited as, "Carroll Valley Borough Land Subdivision Ordinance of 1976."

(*Ord. 6, 6/14/1975, §13-2002*)

**§22-103. Purpose.**

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

- A. Providing for the orderly and efficient integration of subdivisions into the development of the Borough.
- B. Providing for sites suitable for building purposes and human habitation.
- C. Providing for conformance of subdivisions plans with public improvement plans.
- D. Providing for coordination of public improvement plans and programs.
- E. Providing for the protection of water resources and drainage-ways.
- F. Providing for the efficient movement of traffic.
- G. Providing for equitable handling of all subdivision plans by providing uniform standards and procedures.
- H. Providing for the greater health, safety, and welfare of the citizens of the Borough.
- L. Providing for the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
- J. Providing for the orderly and efficient integration of commercial subdivisions in the Borough.

(*Ord. 6, 6/14/1975, §13-2003*)

**§22-104. Authority of Planning Commission.**

1. The Planning Commission is hereby designated by the Borough Council as the

agency having authority to review for the Borough all pre-application plans and data and preliminary plats as required herein.

2. The Commission is further designated as the agency which shall review and make recommendations on all final plats as required herein, prior to action on same by Borough Council.

(*Ord. 6, 6/14/1975, §13-3001*)

#### **§22-105. Application of Regulations.**

1. No subdivision or land development of any lot, tract, or parcel of land located in the Borough of Carroll Valley 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 or travel, or for the common use of occupants of buildings thereon unless and until a final subdivision plat has been approved by the Borough Council and publicly recorded in the manner prescribed herein; nor otherwise, except in strict accordance with the provisions of this Chapter.

2. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plat has been approved by the Borough Council and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

3. Unit or condominium subdivision of real property is included within the meaning of the subdivision as defined herein and must comply with the subdivision regulations. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of right-of-ways, roads, streets and the payment of fees and charges as established by the Borough Council.

4. Preliminary and final plats shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit and improvements to public right-of-way.

(*Ord. 6, 6/14/1975, §13-3002*)

#### **§22-106. Interpretation.**

1. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Where provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, restriction, or regulation, the provisions of this Chapter shall be controlling.

2. Where the provisions of a statute, other ordinance, resolution, or regulation impose greater restriction than this Chapter, the provisions of such statute, resolution, ordinance, or regulation shall be controlling.

(*Ord. 6, 6/14/1975, §13-3003*)

## Part 2

### Definitions

#### §22-201. General Rules of Construction.

1. The following words and phrases, as used in this Chapter, shall have the meaning hereby ascribed thereto, unless the context clearly indicates a different meaning.

2. As used in this Chapter, words in the singular include the plural and those in the plural include the singular. The word “person” includes a corporation, unincorporated association and partnership, as well as an individual. The word “building” includes any structure and shall be construed as if followed by the phrase “or part thereof.” The word “street” includes avenue, boulevard, trail, court, expressway, highway, lane, arterial and road. The word “watercourse” includes channel, creek, ditch, drain, dry run, spring and stream. The word “may” is permissive; the words “shall” and “will” are mandatory, subject to the provisions in the following Section.

(Ord. 6, 6/14/1975, §13-4001)

#### §22-202. Specific Definitions.

*Alley (or service drive)* - a minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

*Applicant* see “developer” and “subdivider” - a landowner or developer, as hereinafter defined, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors, and assigns.

*Application for development* - every application, whether preliminary, tentative 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. [Ord. 5-92]

*Block* - a length of a roadway or street as measured between two intersecting streets or roadways.

*Borough Council (Council)* - the Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania.

*Building line* - a line projected along the front, sides, or rear of a building in a continuing straight line to the lot lines on either side so as to delineate the front, side, and rear yards.

*Building setback line (setback)* - a line within a property and parallel to the property or street right-of-way line which delineates the required minimum distance between the outermost part of a structure or building and the adjacent property or right-of-way line.

*Capped sewers* - a sewer requirement for those areas to be served later by public sewer.

*Cartway or roadway* - that portion of a street or alley which is improved, designated, or intended.

*Chairman* - the Chairman of the Borough of Carroll Valley Planning Commission. [Ord. 5-92]

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

*Common elements* - means and includes:

A. The land on which the building is located and portions of the building which are not included in a unit.

B. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building.

C. The yards, parking area and driveways.

D. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.

E. Installation of all central services and utilities.

F. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use.

G. Such other facilities as are designated as common elements.

*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 and 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. [Ord. 5-92]

*Condominium* - ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

*Condominium, cooperative, time sharing, or other multiple ownership* - in the case of townhouses, multi-family dwelling structures, or multiple business sites: Any form of ownership which results in the holding of buildings and/or land in common among the various owners; or the ownership of individual dwellings or business sites by more than one owner on a time designated basis. In the case of single-family detached dwellings, any form of multiple ownership of common land and/or accessory buildings in cluster developments; or the ownership of individual dwellings by more than one owner on a time-designated basis. [Ord. 2-83]

*Cooperative* - ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

*Cross-walk* - a right-of-way publicly or privately owned intended to furnish access for pedestrians.

*Cul-de-sac* - a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

*Cut* - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

*Developer* see “applicant” and “subdivider” - any landowner, agent or tenant with permission of such landowner, who makes or cause to be made a subdivision of land or land development.

*Development plan* - the provisions for 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 development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 5-92]

*Drainage* - the flow of water or storm runoff and the method of directing such flow, whether natural or artificial.

*Drainage facility, storm* - any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

*Driveway* - a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

*Dwelling* - a building designed for residential purposes and used as living quarters as defined in the Borough of Carroll Valley Zoning Ordinance [Chapter 27].

*Easement utility* - a right-of-way granted for the limited use of land for public or quasi-public purposes.

*Engineer* - a registered professional engineer in Pennsylvania designated by the Borough Council to perform the duties of an engineer as herein specified.

*Engineering specifications* - the engineering specifications of the Borough regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

*Floodplains or floodplain area* - defined by the Department of Housing and Urban Development, Title 24, Chapter 10, subchapter B, Paragraph 1909.1, dated April 1, 1975. Means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded.

A. *Floodplain Area Having Special Flood Hazards*. That maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i.e., that has a 1 percent chance of being flooded each year).

B. *Floodplain Management*. That operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and land use and control measures.

C. *Floodproofing*. Any combination of structural and nonstructural additions, changes, or adjustment to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.



D. *Floodway*. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

*Future right-of-way* - (A) Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (B) A right-of-way established to provide future access to or through undeveloped land.

*Governing Body* - the Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania.

*Half or partial street* - a street, generally parallel with and adjacent to a property line having a lesser right-of-way width than required for improvement and used as a street in accordance with this Chapter.

*Improved public street or road* - any street for which the Borough has legal and maintenance responsibility.

*Improvement* -

A. Those physical additions, installations, and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights, and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, driveways, culverts, and shade trees.

B. Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

*Interior walk* - a right-of-way for pedestrian use extending from a street into a block or across a block to another street.

*Land development* - any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land development" does not include development which involves:

(1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the

proper authorities.

[Ord. 5-92]

*Landmark* - a prominent feature of landscape, as a tree, waterway, scenic point, etc.

*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 conditions), a lessee having a remaining term of not less than 40 years, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Chapter.

*Lot* - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 5-92]

*Lot, reverse frontage* - a lot extending between, and having frontage on, an arterial street and minor street, and with vehicular access solely from the latter.

*Lot, through or double frontage* - a lot with front and rear street frontage.

*Lot area* - as defined and established in the Borough of Carroll Valley Zoning Ordinance [Chapter 27].

*Marginal access street* - minor streets, parallel and adjacent to a major traffic street, which provide access to abutting properties and control of intersections with the major traffic street.

*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. [Ord. 5-92]

*Mobile home lot* - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Ord. 5-92]

*Mobile home park* - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Ord. 5-92]

*Municipal authority* - a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the "Municipalities Authority Act of 1945, the Act of June 19, 2001, P.L. 287, No. 22, §1, 53 Pa.C.S.A. §5601 et seq., or any preceding or succeeding acts. [A.O.]

*Person* - any individual or group of individuals, partnership or corporation.

*Plan, construction improvement* - a plan prepared by a registered engineer showing the construction details of streets, drains, sewers, bridges, culverts, and other improvements as required by this Chapter.

*Plan, official* - the Comprehensive Plan and/or development policy plan (Master Plan) and/or future land use plan and/or ultimate right-of-way plan and/or Official Map or other such plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Borough in which the subdivision is located.

*Plan, sketch* - an informal plan, drawn to scale indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

*Planning Commission* - the Borough of Carroll Valley Planning Commission.

*Plat, final* - a complete and exact subdivision plan prepared for official recording as required by statute.

*Plat, preliminary* - a tentative subdivision plan, in a lesser detail than the final plat, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plat.

*Profile line* - means the profile of the centerline of the finished surface of the street, which shall be midway between the sidelines of the street.

*Public grounds* - includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

[Ord. 5-92]

*Public hearing* - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 5-92]

*Public meeting* - a forum held pursuant to notice under the ~~Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act," 53 P.S. §271 et seq. [Ord. 5-92]~~ Act of October 15, 1998, P.L. 729, No. 93, §1, 65 Pa.C.S.A. §701 et seq. [A.O.]

*Public notice* - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 5-92]

*Recreational vehicle* - a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle, (including camping trailer, motor home, travel trailer and truck camper).

*Recreation vehicle park or campground* - a parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or campground lots rented for such use, thereby constituting a "land development."

*Reserve strip* - a narrow parcel of ground separating a street from other adjacent properties.

*Re-subdivision* - any subdivision or transfer of land, laid out on a plan which has been approved by Borough Council which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan.

*Reverse frontage lot* - a lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

*Right-of-way, street* - a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, trail,

avenue, boulevard, lane, alley, or however designated.

*Runoff* - the surface water discharge or rate of discharge of a given water-shed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

*Sedimentation* - the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment.”

*Septic tank* - a watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

*Setback* - the required horizontal distance between a setback line (see “building setback line”) and a property or street right-of-way line.

*Sewage disposal system (on-site)* - any structure and/or system designed to eliminate and/or dispose of sanitary sewage within the boundaries of the lot.

*Sewage collection system* - a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

*Sewage Enforcement Officer* - person or persons appointed by Borough Council and certified by the Department of Environmental ~~Resources~~ Protection who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act. [A.O.]

*Sight distance* - the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

*Slope* - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per 100 feet of horizontal distance.

*Soil stabilization* - chemical or structural treatment designed to increase or maintain the stability of a mass of soil.

*Street* - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 5-92]

*Major streets* -

A. *Arterial Street*. A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

B. *Collector Streets*. A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

C. *Limited Access Highway*. A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points.

*Minor street* - a street used primarily for access to abutting properties.

*Marginal access street* - a minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

*Shoulders (street)* - the portion of the street, contiguous to cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of

base and surface courses of the pavement.

*Structure* - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 5-92]

*Subdivider (see applicant and developer)* - the owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or development under the terms of this Chapter.

*Subdivider (see applicant and developer)* - the owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or development under the terms of this Chapter.

*Subdivision* - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 5-92]

*Substantially completed* - where in the judgment of the Borough Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) 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. [Ord. 5-92]

*Surface drainage plan* - a plan showing all present and proposed grades and facilities for stormwater drainage.

*Surveyor* - a licensed surveyor registered by the Commonwealth of Pennsylvania.

*Swale* - a low lying stretch of land natural or man-made characterized as a depression used to carry surface water runoff.

*Through lot* - a lot which abuts a street on two or more opposing or nonadjacent sides.

*Topsoil* - surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the "A Horizon."

*Undeveloped land* - any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

*Unit* - part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

*Water facility* - any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

*Watercourse* - a stream of water, river, brook, creek, or a channel or ditch for water whether natural or man-made.

*Water survey* - an inventory of the source, quantity, yield and use of groundwater

and surface water resources within the Borough. [*Ord. 5-92*]

(*Ord. 6*, 6/14/1975, §13-4002; as amended by *Ord. 2-83*, 6/13/1983; by *Ord. 4-83*, 6/3/1983; by *Ord. 5-92*, 6/8/1992; and by A.O.



**Part 3****Submission and Review Procedures****A. General Provisions; Sketch Plans****§22-301. General Provisions.**

Hereafter all plans for the subdivision or development of land within the corporate limits of the Borough shall be reviewed by the Borough Planning Commission and other Borough, State or County officials as required by law and shall be approved or disapproved by the Borough Council in accordance with procedures specified in this Chapter. The provisions and requirements of this Chapter shall apply to and control all land subdivisions which have not been recorded in the Office of the Recorder of Deeds in and for Adams County, Commonwealth of Pennsylvania, prior to the effective date of this Chapter; provided, however, that any change in a recorded plan, except as noted in Article IV, §411, of the Municipalities Planning Code, 53 P.S. §10401 *et seq.*, shall constitute a re-subdivision and shall make said plan subject to any and all portions of this Chapter. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Chapter.

(*Ord. 6, 6/14/1975, §13-5001*)

**§22-302. Plan to be Discussed with Borough.**

Prior to submission of a preliminary plan, the subdivider or his representative is encouraged to submit a sketch plan for a proposed subdivision to the Borough Planning Commission. A sketch plan shall be considered as a submission for informal discussion between the subdivider and the Borough. (Submission of a sketch plan shall not constitute official submission of a plan to the Borough.) (See §22-401 for sketch plan requirements.)

(*Ord. 6, 6/14/1975, §13-5006; as amended by Ord. 4-79, 10/15/1979*)

**§22-303. Sketch Plan Required for Proposed Mobile Home Parks.**

Prior to submission of a preliminary plan for a mobile home park, the developer shall meet in person with the Planning Commission and present a sketch plan in order for the Commission to determine the general conformity of the proposed development with the provisions of the Borough's Zoning Ordinance [Chapter 27].

(*Ord. 6, 6/14/1975, §13-5007*)





**B. Submission of Preliminary Plan****§22-321. Plan to be Filed with Borough.**

Copies of the preliminary plan and all required supporting data shall be officially submitted to the Borough Secretary by the subdivider or his representative.

(*Ord. 6, 6/14/1975, §13-5015*)

**§22-322. Official Submission of Preliminary Plan.**

The official submission of a preliminary plan shall be comprised of:

A. Eleven legible black-line or blue-line paper prints of the preliminary plan which shall fully comply with the requirements of this Chapter. Twelve copies are required if a State road abuts or traverses the subdivision.

B. Twenty completed copies of a supplement or revision to the Official Sewage Plan as determined by the Borough.

C. Four copies of all other required information.

(*Ord. 6, 6/14/1975, §13-5016*)

**§22-323. Filing Fee.**

The Borough Secretary shall collect a filing fee as established by resolution of the Borough Council for all subdivisions. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions. The subdivider shall pay the fee at the time of application for approval of a preliminary plan. At the same time, the filing fees required by the Adams County Planning Commission for their review of plans shall be collected.

(*Ord. 6, 6/14/1975, 513-5017; as amended by Ord. 4-79, 10/15/1979*)

**§22-324. Distribution of Preliminary Plan.**

The Borough Secretary shall refer the preliminary plan and official sewage plan supplement or revision, after all required fees have been collected, to the following:

A. One copy to the Borough Planning Commission, including one copy of the application form and other required reports.

B. Appropriate number of copies of the plan and official sewage plan supplement or revision, to agencies having jurisdiction wherein the proposed subdivision affects that jurisdiction.

C. Two copies to the Borough Council.

D. One copy to the Borough Engineer.

E. Copy to the Borough Zoning Officer.

F. Adams County Planning Commission. [*Ord. 5-92*]

G. Adams County Soil Conservation Service. [*Ord. 5-92*]

(*Ord. 6, 6/14/1975, 513-5018; as amended by Ord. 5-92, 6/8/1992*)

**§22-325. Review of Preliminary Plan.**

1. *Review by the Borough Engineer.* The Borough Engineer shall review the

preliminary plan to determine its conformance to this Chapter. The Borough Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Borough Engineer shall be in writing and shall be submitted to the Borough Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Borough Planning Commission. The report shall include an estimate of the cost of construction of all improvements as required by this Chapter.

2. *Review by the Borough Zoning Officer.* The Borough Zoning Officer shall review the preliminary plan to determine its conformance to the Borough Zoning Ordinance [Chapter 27]. The Zoning Officer shall check all zoning data as required to be shown, to determine if information shown is in accordance with latest amendments to the Zoning Ordinance [Chapter 27]. The report from the Zoning Officer as to the accuracy of the information shown shall be submitted to the Borough Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Planning Commission.

3. *Review by the Pennsylvania Department of Transportation.* If a proposed subdivision abuts, is traversed by a State road or proposes a road to connect to a State road, the Borough Secretary shall require one additional copy of the preliminary plan and shall transmit these to the district office of the Pennsylvania Department of Transportation for its review and comments.

4. *Review by the Borough Planning Commission.*

A. When a preliminary plan has been officially submitted, such plan, along with the Official Sewage Plan supplement or revision, shall be reviewed by the Borough Planning Commission at its next regularly scheduled meeting, or in the discretion of the Planning Commission, at a special meeting.

B. No official action shall be taken by the Borough Planning Commission with respect to a preliminary plan until the Borough has received the written report of the Adams County Office of Planning and Development and the Pennsylvania Department of Transportation, if applicable; provided, however, that if these reports are not received within 30 days after transmittal to these agencies then the Borough Planning Commission may officially act without having received and considered such report. [Ord. 5-92]

C. During review of the preliminary plan, the Borough Planning Commission shall consider the written reports of the Borough Engineer and the Borough Zoning Officer, before making its final decision.

D. If review by the Borough Planning Commission is favorable, or unfavorable because the requirements of this Chapter have not been met, or the Borough Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore shall be given in written form by the Secretary of the Borough Planning Commission within 2 days after the meeting at which the preliminary plan is reviewed to the following:

- (1) The Borough Council.
- (2) The Adams County Office of Planning and Development. [Ord. 5-92]
- (3) The subdivider or his agent.
- (4) The Borough Engineer.

E. In addition, the Borough Planning Commission shall forward to the Borough Council copies of all reports received from County Planning Commission, Department of Transportation, Borough Zoning Officer and Borough Engineer.

5. *Review by Borough Council.*

A. When a preliminary plan along with the official sewage plan supplement or revision has been officially referred to the Borough Council by the Borough Planning Commission together with its recommendation, such plan and supporting data shall be reviewed at the next regularly scheduled meeting or, at the discretion of the Borough Council, at a special meeting, which may be held prior thereto.

B. The Borough Council shall review the preliminary plan and the written reports and recommendations thereon of the Borough Planning Commission, the Adams County Office of Planning and Development, (if same has been received), the Borough Engineer, and by any other officials and official boards of the Borough to determine the preliminary plan's conformance to the standards contained in these regulations. The Borough Council may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest. [Ord. 5-92]

C. The action of the Borough Council either approving or disapproving the preliminary plan shall be noted with the date of such action and the signature of the President of Council on two sets of plans. The findings and reasons upon which the action is based and citing provisions of the statute or ordinance relied upon shall also be stated in the minutes and in writing. Subject to the requirements of subsection .5.B, within 5 days after the meeting at which the preliminary plan is reviewed, the Secretary of the Borough shall send written notice of the findings, action taken, and reasons therefor to the following:

- (1) The Adams County Office of Planning and Development. [Ord. 5-92]
- (2) The subdivider or his agent.
- (3) The Borough Planning Commission.

(4) If adopted by Borough Council, a certified copy of the adopting resolution plus four copies of the official sewage plan supplement or revision to the Department of Environmental ~~Resources~~ Protection. [A.O.]

(5) One copy of the plan shall be maintained for the permanent records of the Borough, and one copy shall be sent to the subdivider or his agent.

D. In any event, the Borough Council shall render their decision and communicate it to the applicant no later than 90 days following the date of the next regular meeting of the Planning Commission following the date the application is filed; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the thirtieth day following the day the application has been filed. Failure of Borough Council to render a decision and communicate it to the applicant within the time and in the manner required shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time. [Ord. 4-83]

E. Approval of preliminary plan shall not constitute acceptance of a subdivision for recording. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision plan for final approval and

recording upon fulfillment of all requirements of this Chapter.

F. When a preliminary plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval. Where final approval is preceded by preliminary approval, the 5-year period shall be counted from the date of preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the plan for such approval was duly submitted. [*Ord. 4-83*]

(*Ord. 6, 6/14/1975, §13-5019; as amended by Ord. 4-83, 6/13/1983; by Ord. 5-92, 6/8/1992; and by A.O.*

### **C. Submission of Final Plan**

#### **§22-331. General Provisions.**

1. Within 6 months of Borough Council's approval of the preliminary plan, a final plan shall be officially submitted to the Borough. However, an extension of time may be granted by the Borough Council upon written request. Final plans submitted after this expiration of time for which no extension has been granted may be considered as a new preliminary plan.

2. The final plan shall conform in all important respects to the preliminary plan as previously reviewed by the Borough Planning Commission and the Borough Council and shall incorporate all modifications required by the Borough in its review of the preliminary plan.

3. The Borough may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plan.

*(Ord. 6, 6/14/1975, §13-5025)*

#### **§22-332. Plans to be Filed with the Borough.**

Copies of the final plan and all required supporting data shall be officially submitted to the Borough Secretary by the subdivider or his representative authorized in writing to submit the plan.

*(Ord. 6, 6/14/1975, §13-5026)*

#### **§22-333. Official Submission of Final Plan.**

The official final plan shall be comprised of:

A. Three completed copies of the application for review of the final subdivision plan.

B. Eleven legible black-line or blue-line paper prints and one print on linen cloth or a stable transparent plastic base film of the final plan which shall fully comply with the requirements of this Chapter, and which will be recorded, after being fully approved and fully endorsed.

C. Two copies of all other required information including the following, if applicable:

(1) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.

(2) Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

(3) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Borough Planning Commission or Borough Council may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Borough on behalf of his heirs, successors and assigns and approved by the Borough Solicitor and which shall

establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:

(a) The street shall conform to Borough specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to conformance with the Borough specifications. See also §22-401 hereof.

(b) An offer to dedicate the street shall be made only for the street as a whole.

(c) The method of assessing repair costs be stipulated.

(d) Agreement by the owners of 60 percent of the front footage thereon shall be binding on the owners of the remaining lots.

(4) Wherever approval by the Pennsylvania Department of Environmental ~~Resources~~ Protection is required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision, the Borough Planning Commission shall require that two copies of such certification of approval be submitted with the final plan. [A.O.]

(5) Where the proposed subdivision would necessitate the amendment of an existing official borough sewage facilities plan pursuant to Pennsylvania Department of Environmental ~~Resources~~ Protection, Rules and Regulations, 25 Pa.Code, Chapter 71, the subdivider shall be responsible for the preparation of the amendment to the official Borough Sewage Facilities Plan, and the subdivider shall be responsible for the cost of such amendment, and the Borough Planning Commission shall require two copies of certification of approval of the amendment from the Pennsylvania Department of Environmental ~~Resources~~ Protection be submitted with the final plan. [A.O.]

(Ord. 6, 6/14/1975, §13-5027; as amended by A.O.)

#### **§22-334. Filing Fees.**

The subdivider shall pay any additional fees, if required. There shall be no refund or credit of any portion of the fee should the subdivider fail to apply for final approval within the required period of time or if the final plan covers only a section of the subdivision for which preliminary approval has been obtained.

(Ord. 6, 6/14/1975, §13-5028)

#### **§22-335. Distribution of Final Plan.**

The final plan shall be distributed in accordance with the requirements of §22-324 hereof for the preliminary plan. In addition, the Secretary shall forward the linen print or a stable transparent plastic base film of the final plan to the Borough Planning Commission.

(Ord. 6, 6/14/1975, §13-5029)

#### **§22-336. Review of Final Plan.**

1. *Review by the Borough Engineer.* The final plan shall be reviewed and a written report submitted as required under §22-325.1 for preliminary plans.

2. *Review by the Borough Zoning Officer.* The final plan shall be reviewed and a written report submitted by the Borough Zoning Officer as required under §22-325.2 for preliminary plans.

3. *Review by the Borough Planning Commission.* The final plan shall be reviewed in accordance with the procedure required under §325.3 of these regulations for preliminary plans. In addition:

A. Before acting on any subdivision plat, the Planning Commission may hold a public hearing thereon, after public notice.

B. If all the requirements of this Chapter are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary so attesting, to endorse the linen copy or stable transparent plastic base film (record plan) reviewed and approved by the Borough Planning Commission, together with the date of such action.

C. The record plan, with Borough Planning Commission's endorsement, shall be forwarded to the Borough Council.

4. *Review by the Borough Council.* The final plan shall be reviewed in accordance with the procedures as required under §22-325.5 of these regulations for preliminary plans.

A. Before acting on any subdivision plat, the Borough Council may hold a public hearing thereon, after public notice.

B. If Borough Council approves the final plan, the linen copy shall be signed by the President and the Secretary, together with the date of action.

C. A performance guarantee or a certificate of satisfactory installation, as required under §22-338, shall be required before plans are approved and released for recording.

(Ord. 6, 6/14/1975, §13-5030)

### **§22-337. Recording of Final Plan.**

1. After approval by Borough Council and the Borough Planning Commission, and with all endorsements indicated on linen copy, or a stable transparent plastic base film, the subdivider shall record his plan. No subdivision plan may be legally recorded unless it has the Borough approval and seal and an indication that County review has taken place.

2. After the final plan has been approved by the appropriate Borough authorities, the County Planning Commission shall receive one reproducible copy of the final plan, as approved, for their permanent files and two blue-line prints.

3. *Recording Plats and Deeds.*

A. Upon the approval of a final plat, the developer shall within 90 days of such final approval record such plat in the office of the recorder of deeds of the county in which the Borough is located. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the approval of the Borough Council, and review by the County planning agency.

B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land



included within the subject plat.

[*Ord. 5-92*]

(*Ord. 6, 6/14/1975, §13-5031; as amended by Ord. 5-92, 6/8/1992*)

**§22-338. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.**

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this Chapter, the developer may deposit with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

2. When requested by the developer, in order to facilitate financing, the Borough Council, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

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

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

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

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

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. 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 so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

8. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each 1-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above bidding procedure.

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

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

11. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as

depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15 percent of the actual cost of installation of said improvements.

12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

(*Ord. 6, 6/14/1975, §§13-5032, 13-5033; as amended by Ord. 4-83, 6/13/1983; and by Ord. 5-92, 6/8/1992*)

### **§22-339. Release from Improvement Bond.**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2. The Borough Council shall notify the developer, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.

3. If the Borough Council or the Borough Engineer fails to comply with the time

limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

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

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

6. Where herein reference is made to the Borough Engineer, he shall be as a consultant thereto.

7. The applicant or developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Borough Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

B. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

D. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding 5 years.

E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 dollars or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

(*Ord. 6, 6/14/1975, §15-5034; as amended by Ord. 5-92, 6/8/1992*)

**§22-340. Status of Streets, Parks, Other Improvements.**

All streets, parks or other improvements shown on the subdivision plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Borough and accepted by resolution of Borough Council.

(*Ord. 6, 6/14/1975, §13-5043*)

**§22-341. Effect of Plat Approval on Official Map.**

After a plat has been approved and recorded as provided in this Chapter, all streets and public grounds on such plat shall be and become a part of the Official Map of the Borough of Carroll Valley without public hearing.

(*Ord. 6, 6/14/1975; as amended by Ord. 5-92, 6/8/1992*)

## **D. Re-subdivision or Recombination of Parcels**

### **§22-351. General Procedure.**

Any revision, re-platting or re-subdivision of land which includes changes to a recorded plan shall be considered a subdivision and shall comply with all regulations of this Chapter, except that:

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

(1) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Borough Zoning Ordinance [Chapter 27].

(2) Easements or rights-of-way reserved for drainage shall not be changed.

(3) Street locations and block sizes shall not be changed.

(4) No lot shall be created which does not abut or connect to an existing or proposed street.

(5) A site survey of the newly drawn lot lines shall be performed. [*Ord. 7-90*].

B. In every case wherein lot lines are changed as permitted by the above, the subdivider shall prepare a new record plan and shall submit the record plan to the Borough for the endorsements of the Borough Planning Commission and the Borough Council (the new record plan shall specifically identify the previous record plan superseded and shall also contain the record reference if the previous record plan has been recorded). The subdivider shall then record the new plan in accordance with §22-337 of this Chapter.

C. Provided that the re-subdivision will not result in the creation of a new building lot but rather will result in the annexation of portions of the re-subdivided parcel to adjoining lots; and, provided further, that no unusual or questionable circumstances are involved, then the processing of a re-subdivision shall be handled in accordance with all the provisions of this Chapter for the subdivision of land with the following exceptions:

(1) In lieu of compliance with §22-322, "Official Submission of Preliminary Plan," plan requirements shall be as noted under §22-352.2, "Procedures," paragraph .A. Further, such a subdivision need not go through a preliminary plan stage and a final plan stage; it can be processed as a preliminary/final plan.

(2) It shall be exempt from §22-323, "Filing Fee."

(3) It shall be exempt from the requirements of paragraphs .B, .D, and .G of §22-324, "Distribution of Preliminary Plan."

(4) It shall be exempt from the requirements of subsection .1, "Review by the Borough Engineer," of §22-325, "Review of Preliminary Plan." [*Ord. 2-95*]

(*Ord. 6, 6/14/1975, §13-5038; as amended by Ord. 7-90, 5/14/1990; and by Ord. 2-95, 4/10/1995*)

### **§22-352. Provision for Recombination of Subdivided Parcels.**

1. *Purpose and Definitions.*

A. The purpose of this provision is to facilitate the development of lots larger than those established by the original subdivision in the Borough in line with the land development objectives of the Comprehensive Plan.

B. Recombination of subdivided parcels shall mean the making and recording under one deed of one lot out of two or more contiguous subdivided lots as recorded on approved plat maps in the Courthouse of Adams County, Pennsylvania, prior to the effective date of the Zoning Ordinance [Chapter 27].

C. Simultaneously with the preparation of the revised plat, the landowner shall cause a new deed to be prepared showing the recombination of two or more contiguous, formerly subdivided lots as a single parcel. Any future re-subdivision of the newly platted parcel would be subject to the zoning and land subdivision restrictions in effect at the time of the re-subdivision request. [Ord. 4-92]

D. A receipt from the Adams County Courthouse showing the book and page number where the revised plat has been recorded, together with a copy of the new deed showing the book and page number of its recording shall be provided to the Borough Manager as evidence of the proper recording of the land recombination. [Ord. 4-92]

2. *Procedures.*

A. A landowner wishing to recombine contiguous subdivided lots into one parcel under his ownership may apply to do so by filing with the Borough two copies of the complete and exact plat prepared for recording as required by this Chapter (see §22-407). The plat must be prepared by a registered surveyor or engineer, but may be constructed from existing official plats without additional field work.

B. The Borough Council hereby empowers the Borough Manager to review and approve such plats as are found to be properly prepared and to present no unusual problems.

C. In the case of an application found to present unusual problems, the application may be referred to the Planning Commission for a decision as to the applicability of this Section.

(Ord. 6, 6/14/1975; as amended by Ord. 2-81, 2/9/1981; and by Ord. 4-92, 6/8/1992)

**Part 4****Plan Requirements****§22-401. Requirements for Sketch Plan.**

A sketch plan should contain at least the following information:

- A. Location map.
- B. General information concerning any community facilities and/or any other significant man-made or natural features that will affect the proposal.
- C. A property map at a legible scale showing the specific parcel of land or site involved.
- D. A sketch of the proposed development drawn at a scale no smaller than 1 inch equals 400 feet showing the proposed layout of streets and lots, and other features of the subdivision.

(*Ord. 6, 6/14/1975, §13-6001; as amended by Ord. 4-79, 10/15/1979*)

**§22-402. Preliminary Plan Requirements.**

A preliminary plan shall meet all requirements for sketch plan under §22-401 and shall meet the following requirements as well:

- A. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of 1 inch equals 50 feet, except that:
  - (1) If the average size of the proposed lots in the subdivision is 5 acres or larger, the plan may be drawn to a scale of 1 inch equals 100 feet.
  - (2) If the subdivision proposes lots with an average frontage of less than 50 feet, the plan shall be drawn to a scale of 1 inch equals 20 feet.
  - (3) If the subdivision contains more than 200 acres, the plan may be drawn to a scale of 1 inch equals 200 feet.
- B. The preliminary plan and all submitted prints thereof shall be made on sheets either:
  - (1) Eighteen inches by 24 inches.
  - (2) Twenty-eight inches by 38 inches.
  - (3) Thirty-five inches by 47 to 48 inches.
- C. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

(*Ord. 6, 6/14/1975, §13-6002; as amended by Ord. 4-79, 10/15/1979; and by Ord. 5-92, 6/8/1992*)

**§22-403. Preliminary Plan Data Requirements.**

A preliminary plan shall also contain the following information:

- A. Name of the municipality in which the subdivision is located.
- B. North point, scale (written and graphic) and date.



- C. Name of proposed subdivision or other identifying title.
- D. Date, including the month, day, and year that the preliminary plan was completed and the month, day, and year that the preliminary plan was revised, for each revision.
- E. Name of recorded owner and subdivider.
- F. Name, address, license number, and seal of the person who prepared the plan in accordance with the Act of May 23, 1945, P.L. 913, No. 367, known as the ~~Professional Engineers~~ Engineer, Land Surveyor and Geologist Registration Law, 35 P.S. §148 *et seq.* [A.O.]
- G. Names of all owners of all abutting unplatted land and names of all abutting subdivisions, if any, with the book and page number where recorded.
- H. A key map for the purpose of locating the property being subdivided drawn at a scale not less than 1 inch equals 100 feet or less and showing the relation of the property differentiated by tone or pattern, to adjoining and to all streets, road, municipal boundaries, zoning, water courses, and any areas subject to flooding, and subdivision plans existing within 1,000 feet of any part of the property.
- I. Total tract boundaries of the property being subdivided showing bearings and distances and a statement of total acreage of the property.
- J. Zoning data including all of the following if applicable:
- (1) Existing Borough zoning regulations [Chapter 27], including district designations, requirements for lot sizes, building front setbacks, yards, and any zoning district boundary lines traversing the proposed subdivision.
  - (2) Any changes in the existing zoning to be requested by the subdivider.
  - (3) Any Borough regulations other than zoning governing lot size and/or building placement requirements.
- K. Contour lines at vertical intervals of at least 2 feet for land with average natural slope of 4 percent or less, and at intervals of at least 5 feet for land with average natural slope exceeding 4 percent.
- L. Locations and elevation of the data to which contour elevations refer shall be the closest USC&G established bench mark, or an established bench mark approved by the Borough Engineer.
- M. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, floodplain areas, and other significant man-made or natural features within the proposed subdivision and 50 feet beyond the boundaries of the proposed subdivision.
- N. All existing buildings or other structures and the approximate location of all existing tree masses, and all other trees over 12 inches in caliper, rock out-crops, water courses within the proposed subdivision or other significant features.
- O. All existing streets on the Official Plan or plans of the Borough (including unpaved streets), including streets of record (recorded but not constructed) easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the subdivision.
- P. The full plan of proposed development, including:

(1) Location and width of all streets, easements, and rights-of-way, with a statement of any conditions governing their use, and suggested types i.e., collector, major, minor, etc.

(2) Suggested street names and utility easement locations.

(3) Building reserve (setback) lines along each street.

(4) Lot lines with approximate dimensions.

(5) Lot numbers and statement of number of lots and parcels.

(6) A statement of the intended use of all nonresidential lots and parcels.

(7) Sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities.

(8) Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.

Q. Location of all required soil investigation and percolation test holes, if required.

(*Ord. 6, 6/14/1975, §13-6002a; as amended by Ord. 4-83, 6/13/1983; by Ord. 5-92, 6/8/1992; and by A.O.*)

#### **§22-404. Supplementary Data for Preliminary Plan.**

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

A. Typical street cross-section drawings(s) for all proposed streets. Cross-section drawings may be shown on either the preliminary plan or on separate profile sheets.

B. Tentative profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

(1) One inch equals 10 feet horizontal, and 1 inch equals 1 foot vertical.

(2) One inch equals 20 feet horizontal, and 1 inch equals 2 feet vertical.

(3) One inch equals 40 feet horizontal, and 1 inch equals 4 feet vertical.

(4) One inch equals 50 feet horizontal, and 1 inch equals 5 feet vertical.

C. In lieu of the separate profile sheets, the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the preliminary plan.

D. A plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include storm run-off calculations for the entire property being subdivided and shall show the proposed method subject to Borough approval, of accommodating the anticipated run-off and control of erosion and sedimentation.

E. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Water and Power Resources Board and/or the Pennsylvania Department of Transportation. Calculations for water-way openings shall be included. All designs shall be subject to approval by the Borough.

F. Where a preliminary plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Borough Planning Commission may, based on existing natural or man-made features, limit the area for which a prospective street system shall be sketched.

G. In the case of a mobile home park, the following additional data shall be included in the preliminary plan:

- (1) An outline of existing deed restrictions or covenants applying to the property.
- (2) An outline of any proposed mobile home park lot restrictions or covenants.
- (3) The location and design of all uses not requiring structures, such as off-street parking and loading areas.
- (4) The location, direction, power, and time of use for any proposed outdoor lighting or public address systems.
- (5) The location and plans for any outdoor signs.
- (6) Proposed grading and landscaping.

[*Ord. 7-83*]

(*Ord. 6, 6/14/1975, §13-6003; as amended by Ord. 7-83, 8/8/1983*)

#### **§22-405. Condominium, Cooperative, Time Sharing, and Other Similar Forms of Multiple Ownership.**

Approval for the development of land resulting in any form of multiple or cooperative ownership requires the developer to submit with the preliminary plan a copy of the covenant, contract or other form of agreement to be used between the developer and individual buyers setting forth the rights, duties, and obligations of all parties in such matters as ownership, management, maintenance, transfer of title, tax obligations, common land, and any other matters required by the statutes of the Commonwealth of Pennsylvania governing such types of ownership.

(*Ord. 6, 6/14/1975, §14-5124; as amended by Ord. 2-83, 6/13/1983*)

#### **§22-406. Final Plan Requirements.**

The final plan shall be of a size drawn to scale, and show all information as required for preliminary plans under §22-402 in these regulations. In addition the final plan shall show the following:

A. Name of the recorded owner (and subdivider) of the tract, and the source(s) of title to the land being subdivided, as shown by the records of the County Recorder of Deeds.

B. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to  $\frac{1}{4}$  of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and

close with an error of closure not to exceed 1 foot in 10,000 feet. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the licensed professional surveyor shall certify, to the accuracy of the survey, the drawn plan, and the placement of the monuments. [*Ord. 4-83*]

C. The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.

D. The following data shall be shown for the cartway edges and rights-of-way lines and, if required, the ultimate rights-of-way for all existing, recorded, (except those to be vacated) and/or proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and of the radii and of the arc (or cord) of all curved lines. The length of all arcs (in feet, to the nearest hundredth of a foot) and the central angle in degrees, minutes and seconds.

E. All straight lot lines shall be dimensioned (in feet, to the nearest hundredth of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds). Curved lot lines shall show the radii and length of arc in feet, to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds).

F. A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number.

G. The proposed building reserve (setback) line for each lot, or the proposed placement of each building.

H. The location (and elevation, if established) of all existing and proposed required street monuments.

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

J. Locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).

K. If the subdivision proposes a new street intersection with a State legislative route, the intersection occupancy permit numbers(s) shall be indicated for all such intersections.

L. A clear sight triangle shall be clearly shown for all street intersections.

M. A certification of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.

N. A certificate for approval of the plan by the Borough Council and by the Borough Planning Commission shall be lettered on the plan.

O. A blank space measuring 3½ inches square shall be left, preferably

adjacent to the Borough certification, in which the endorsement stamp of the County Planning Commission may be applied.

P. A blank space measuring 3 inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the plan when it is presented.

(*Ord. 6, 6/14/1975, §13-6004; as amended by Ord. 4-83, 6/13/1983*)

**§22-407. Supplementary Data for Final Plan.**

The final plan shall be accompanied by such applicable supplementary data as is required in §22-402 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

A. Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds 5 percent, along both cartway edges.

B. Proposed finished grade of the centerline, or proposed finished grades at the top of both curbs, or proposed finished grade at both cartway pavement edges.

C. The length of all vertical curves.

D. Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

(*Ord. 6, 6/14/1975, §13-6005*)

**§22-408. Record Plan Requirements.**

The record plan shall be a mylar of a size 18 inches x 24 inches and shall have a minimum of ½-inch margin on three sides of the plan with a minimum of 1½-inch margin on the left side, that side having an 18-inch dimension. The record plan shall fully comply with §§22-406 and 22-407 of these regulations. The developer shall record all drawings approved by the Borough, including plan and profile drawings of proposed streets and street grades.

(*Ord. 6, 6/14/1975, §13-6006; as amended by Ord. 4-79, 10/15/1979; and by Ord. 5-92, 6/8/1992*)

**Part 5****Design Standards****A. General Standards; Public Spaces; Utility Easements****§22-501. Application and General Standards.**

1. The standards and requirements contained in Parts 5 and 6 hereof are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Borough Planning Commission and Borough Council in reviewing all subdivision plans.

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

3. The standards and requirements of these regulations may be modified by the Borough Council in the case of complete communities, neighborhood units or other large scale developments which, upon the recommendation of the Borough Planning Commission, where such modifications achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision plan.

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

5. Subdivision plans shall comply with the Official Plans of the Borough and of the County or to such parts thereof as may have been adopted pursuant to statute.

(*Ord. 6, 6/14/1975, §13-7001*)

**§22-502. Public Open Spaces.**

1. In reviewing subdivision plans, the Borough Planning Commission and Borough Council shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such a report thereon as they deem necessary in the public interest.

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

applicable to the tract being subdivided.

3. In subdivisions which are intended to provide housing, the Borough Planning Commission and Borough Council shall consider the need for recreation and shall impose requirements on any new subdivisions to meet Carroll Valley Borough's recreational and open space needs. Guidelines to be used by the Planning Commission and Borough Council in requiring the reservation or dedication of space for recreation shall include the following general requirements:

A. *Recreation Dedication.*

(1) The amount of land required to be provided for recreational purposes for single family detached residential subdivisions or land development plans shall be a minimum of 0.05 acres per lot or dwelling unit when such subdivisions shall consist of five or more dwelling units. Recreation land dedication for multifamily, cluster or attached housing shall be a minimum of 20 percent for the total tract area (for subdivisions consisting of five or more dwelling units).

(2) Proposed recreation areas shall:

(a) Be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have direct access to a public roadway. However, no public roads shall traverse the site(s).

(b) Have suitable topography and soil conditions for use and development as a recreation area.

(c) Be easily and safely accessible to all essential utilities and services; water, sewer (if applicable), power, fire and rescue services/emergency services.

(d) Be designed with input from the residents.

(e) Be compatible with the objectives, guidelines and recommendations as set forth in the Carroll Valley Comprehensive Plan, and with all zoning and other local requirements, ordinances, codes and laws.

(3) When the Borough Council deems it to be in the public interest to accept title to dedicated land, such acceptance shall be by means of clear title through a deed conveying the dedicated recreation area to the Borough.

(4) The Planning Commission, Borough Council and appropriate advisory committees may find dedication to be impractical or undesirable because of the size, shape, location, access, topography, drainage or other physical features of the land, or that such dedication would adversely affect the subdivision or land development and its present or future residents. In such cases, the Borough Council shall require payment of a fee in lieu of land dedication. Such in-lieu-of-fee payments shall be payable to the Borough prior to approval of the development's final plan. Such fees, upon receipt by the Borough, shall be deposited in an interest-bearing account, clearly identifying the specific purpose for which the fee was paid. The interest earned on such an account shall become funds of that account. Funds from such an account shall be expended only to purchase land and/or facilities to be used for recreational purposes. Such funds shall be expended within 5 years of the date of receipt, or the Borough shall refund such fees, together with interest accumulated

thereon, to the developer who remitted the fee, upon receipt from that developer of a written request for refund. Such fees are as follows:

- ~~(a) Five hundred dollars per dwelling unit or building lot, or \$500 per lot for individual dwelling or building lots, up to 10 lots.~~
- ~~(b) Seven hundred fifty dollars per lot for subdivision with more than 10 lots.~~
- ~~(c) Two Thousand Five Hundred Dollars for each single-lot parcel acre or part of an acre in excess of the first acre of single-lot parcels.~~

~~These fee-in-lieu payments may be increased by the Borough Council by annual resolutions adopted by the Carroll Valley Borough Council. Amounts established shall remain in effect until a succeeding resolution establishing other rates is adopted shall be in such amounts as established from time to time by Borough Council. [A.O.]~~

(5) In cases where the opportunity exists to combine dedicated recreation areas, the developer shall be required to escrow funds that will pay for later construction of facilities on a combined recreation area according to the subdivision's percentage contribution to the ultimate combined recreation area. The Borough will then develop the combined recreation area with the escrowed funds when all portions thereof have been deeded to the Borough.

(6) Actual size, number, placement and other specifications of recreation facilities to be developed or acquired shall be recommended to the Borough Council by the Planning Commission and appropriate advisory committees. Such specifications shall bear a reasonable relationship to the desired or anticipated use of the facilities by current and/or future residents of the development, subdivision and/or borough section.

(7) Recreation facilities shall be bonded and have improvement guarantees posted or deposited as with any other subdivision improvements such as streets, sidewalks, curbs, drainage facilities, utilities, etc.

(8) The developer shall install at its expense, as a minimum, the following number of recreation facilities on the dedicated land based on the following scale of dwelling units to be built:

Dwelling Units	Number of Recreational Facilities
5-24	1
25-49	2
50-99	5
100-199	7
200-299	9
300-399	11
400 or more	13

Recreation facilities shall include, but not be limited to: playgrounds; sports fields; basketball, volleyball, tennis courts; pavilions, walking, hiking,



biking trails; picnic areas, professionally landscaped parks and gardens; swimming pools; etc. The type, size and mix of such recreational facilities shall be determined and approved by the Borough Council, after giving due consideration to the Adams County Comprehensive Plan for Parks and Recreation, any Borough Comprehensive Plan which may be in place from time to time and shall be based on the Planning Commission's and advisory committees' views on the needs of the Borough.

(9) All approved recreation areas shall be completed and dedicated before 50 percent occupancy has been reached in any applicable subdivision. Withholding of occupancy permits may occur to insure compliance with this provision. Developers required to dedicate land for recreation shall also develop the recreation areas, according to the *National Park, Recreation, and Open Space Standards and Guidelines* published by the National Recreation and Park Association in 1983 and any succeeding updates or revisions.

(Ord. 6, 6/14/1975; as added by Ord. 8-03, 12/9/2003; and as amended by A.O.)

#### **§22-503. Community Assets.**

Consideration shall be shown for all natural features such as large trees, watercourses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

(Ord. 6, 6/14/1975, §13-7071)

#### **§22-504. Utility Easements.**

1. Easements with a minimum width of 10 feet, or as required by the respective utility or agency having jurisdiction, shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines or as required by the respective utilities.

3. There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling units and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.

4. Nonresidential subdividers shall avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

5. Utility service for residential development will be provided through the use of underground facilities in accordance with the standards and approval of the utility company having appropriate jurisdiction.

6. No company intending to install any petroleum products or natural gas transmission line shall be allowed to construct the line on less than a 50 foot right-of-way, such line to be installed in the center of the right-of-way. The subdivider shall provide a 50-foot right-of-way for all existing transmission lines within the subdivision.

(Ord. 6, 6/14/1975, §13-7072)

**B. Street Design Standards**

**§22-521. General Standards.**

1. The location and width of all streets shall conform to the Official Plans or to such parts thereof as may have been adopted by the Borough Planning Commission and/or Borough Council.

2. The proposed street system shall extend existing or proposed streets on the Official Plans at the same width or larger but in no case at less than the required minimum width in §22-523.

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

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

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

6. Private streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of these regulations.

*(Ord. 6, 6/14/1975, §13-7006)*

**§22-522. Partial and Half Streets.**

New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained. The subdivider shall provide for the entire required cartway width within his property.

*(Ord. 6, 6/14/1975, §13-7007)*

**§22-523. Street Widths.**

Minimum street rights-of-way and pavement widths shall be as shown on the Official Plans or, if not shown on such plans, shall be as follows:

<b>Street Type</b>	<b>Required Widths (in feet)</b>
Major Street	
Right-of-way	See Note (a)
Cartway	See Note (a)
Collector Street	
Right-of-way	50
Cartway	24
Minor (Local Access) Streets and Cul-de-sacs	

Street Type	Required Widths (in feet)
Right-of-way	50
Cartway	20
Turnaround for Cul-de-sac Street	
Right-of-way	100 foot diameter
Cartway	20 feet with 80 feet outside diameter

*Note:* (a) As specified in the Official Plans, or as determined after consulting with the Borough, the County Planning Commission and the Pennsylvania Department of Transportation. Additional right-of-way and pavement widths may be required by the Borough Planning Commission or Borough Council for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high density residential development.

(Ord. 6, 6/14/1975, §13-7008)

#### **§22-524. Restriction of Access.**

1. Whenever a subdivision abuts or contains the following existing streets: S.R. 3007 (Tract Road), S.R. 3021 (Jack's Mountain Road), S.R. 0116 (Fairfield Road Rt. 116), S.R. 0016 (Waynesboro Road, Rt. 16), or streets existing or proposed, which meet the requirements according to the Borough Planning Commission to function as a collector street, or proposed collector streets as designated in the Comprehensive Plan of Carroll Valley Borough, the Borough Planning Commission of Borough Council may require restriction of access to said street by: [Ord. 5-92]

A. Provision of reverse frontage lots.

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

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

2. Except as specified under subsection .1.C above, reserve strips shall be prohibited.

(Ord. 6, 6/14/1975, §13-7009; as amended by Ord. 5-92, 6/8/1992)

#### **§22-525. Street Grades.**

1. There shall be a minimum centerline grade of ½ percent.

2. Centerline grades shall not exceed the following:

A. *Minor (Local Access) Street* - 12 percent.

B. *Collector Street* - 8 percent.

C. *Major Street* - 5 percent.

D. *Street Intersection* - 3 percent.

3. Grades in excess of 12 percent may be permitted on a minor (local access) street where sufficient justification warrants the issuance of a modification to these

regulations. [Ord. 5-92]

(Ord. 6, 6/14/1975, §13-7010; as amended by Ord. 5-92, 6/8/1992)

**§22-526. Horizontal Curves.**

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

2. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

- A. *Minor (Local Access) Streets* - 150 feet.
- B. *Collector Streets* - 300 feet.
- C. *Major Streets* - 500 feet.

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

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

(Ord. 6, 6/14/1975, §13-7011)

**§22-527. Vertical Curves.**

At all changes of street grades where the algebraic difference exceeds one percent (1%), vertical curves shall be provided to permit the following minimum sight distances:

- A. *Minor (Local Access) Streets* - 200 feet.
- B. *Collector Streets* - 300 feet.
- C. *Major Streets* - 400 feet.

(Ord. 6, 6/14/1975, §13-7012)

**§22-528. Intersections.**

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

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

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

4. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 3 percent within 50 feet of the intersection of the nearest right-of-way lines.

5. Street cartway intersections shall be rounded by a tangential arc with a minimum paved radius of:

- A. Twenty feet for intersections involving only minor (local access) streets.
- B. Thirty-five feet for all intersections involving a collector street.
- C. Fifty feet for all intersections involving a major street.
- D. Ten feet for all intersections involving only service streets.

6. Street right-of-way lines shall be parallel to (concentric with) cartway arcs at

intersections.

(Ord. 6, 6/14/1975, §13-7013)

**§22-529. Sight Distance at Intersections.**

1. Clear sight triangles shall be provided at all street intersections. Within each triangle, no vision-obstructing objects other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscure vision above the height of 30 inches and below 10 feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

A. Seventy-five feet from the point of intersection of the centerlines, except that:

B. Clear sight triangles of 100 feet shall be provided for all intersections with major streets.

2. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback (reserve) line.

(Ord. 6, 6/14/1975, §13-7014)

**§22-530. Cul-de-Sac Streets.**

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

2. Any temporarily dead-end street shall be provided with a temporary all-weather turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

3. Cul-de-sac streets, permanently designed as such, shall not exceed 800 feet in length and shall not furnish access to more than 16 dwelling units.

4. Unless future extension is clearly impractical or undesirable, 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.

5. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum diameter to the pavement edge or curb line shall be 80 feet, and the minimum diameter of the right-of-way line shall be 100 feet.

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

7. The centerline grade on a cul-de-sac street shall not exceed 12 percent, and the grade of the diameter of the turnaround shall not exceed 8 percent.

(Ord. 6, 6/14/1975, §13-7015)

**§22-531. Street Names.**

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

2. In no case shall the name of a proposed street be the same as or similar to an

existing street name in the Borough and in the same postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

3. All street names shall be subject to the approval of the Borough Council and shall be coordinated with the County Civil Defense Office.

*(Ord. 6, 6/14/1975, §13-7016)*

**§22-532. Service Streets (Alleys).**

1. Service streets may be permitted, provided that the subdivider produces evidence satisfactory to the Borough Planning Commission or Borough Council of the need for such service streets.

2. No part of any dwelling, garage, or other structure shall be located within 10 feet of the cartway edge of a service street.

3. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of 50 feet.

4. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in §22-528 and deflections in alignment in excess of 5 degrees shall be made by horizontal curves.

*(Ord. 6, 6/14/1975, §13-7017)*

**§22-533. Driveways.**

Private driveways on corner lots should be located at least 40 feet from the point of intersection of the nearest street right-of-way lines.

*(Ord. 6, 6/14/1975, §13-7018)*



**C. Blocks****§22-541. Layout.**

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

- A. Provision of adequate sites for buildings of the type proposed.
- B. Zoning requirements.
- C. Topography.
- D. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.
- E. Unusual storm drainage requirements.

(Ord. 6, 6/14/1975, §13-7025)

**§22-542. Length.**

1. Blocks shall have a maximum length of 1,600 feet and a minimum length of 500 feet; provided, however, that the Borough Planning Commission or Borough Council may increase the maximum and/or decrease the minimum length of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage condition warrants such a change.

2. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection and pedestrian crosswalks or footpaths.

3. Where practicable, blocks along major and collector streets shall not be less than 1,000 feet long.

(Ord. 6, 6/14/1975, §13-7026)

**§22-543. Crosswalks.**

1. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities.

2. Such crosswalks shall have a width of not less than 10 feet.

(Ord. 6, 6/14/1975, §13-7027)

**§22-544. Depth.**

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

2. Blocks in commercial areas may vary from the elements of design detailed above as required by the nature of the use.

(Ord. 6, 6/14/1975, §13-7028)





**D. Lots and Parcels****§22-551. General Standards.**

1. Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
2. Where feasible, lot lines should follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.
3. Generally, the depth of residential lots should be not less than one nor more than 2½ times their width.
4. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
5. If, after subdividing, there exist remnants of land, they shall be either:
  - A. Incorporated in existing or proposed lots.
  - B. Legally dedicated to public use, if acceptable to the Borough.

(Ord. 6, 6/14/1975, §13-7035)

**§22-552. Lot Frontage.**

1. All lots shall have direct access to the public street, existing or proposed, or to a private street if it meets the requirements of these regulations.
2. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
3. All residential reverse frontage lots shall have a rear yard with a minimum depth of 75 feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall have within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least 10 feet in width, across which there shall be no right of access.

(Ord. 6, 6/14/1975, §13-7036)

**§22-553. Lot Size.**

Lot dimensions and areas shall not be less than specified by the Borough Zoning Ordinance [Chapter 27].

(Ord. 6, 6/14/1975, §13-7037)



## **E. Sanitary Sewage Disposal**

### **§22-561. Connection to a Public System.**

Each property shall be connected with a public sewer system if accessible. Where the public sewer system is not yet accessible but is planned for extension to the subdivision, the subdivider shall install sewer lines, including lateral connections as may be necessary, to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. Design of the capped sewer system shall be subject to approval by the Borough and the Pennsylvania Department of Environmental ~~Resources~~ Protection.

(Ord. 6, 6/14/1975, §13-7041; as amended by A.O.)

### **§22-562. Design Standards.**

Sanitary sewers shall be designed and constructed in strict accordance with the Pennsylvania Department of Environmental ~~Resources~~ Protection standards and Borough standards.

(Ord. 6, 6/14/1975, §13-7042; as amended by A.O.)

### **§22-563. Plan and Permit Requirements.**

The individual, builder or developer must submit plans showing the proposed location of the residence or residences, topography, and grade of lines prepared in compliance with these specifications. The plans may be prepared under either method shown below:

A. At the request of the individual, builder or developer, the Borough can provide the plans and detailed design of the sewer extension, including the required applications and supporting documents required for approval and service by the Borough will at its costs, plus 10 percent to cover administrative costs. The engineering fees for the design will be in accordance with the current schedule of the Pennsylvania Society of Professional Engineers, together with the necessary legal and other related costs which shall be paid by the individual, builder or developer. The total estimated costs of the engineering, legal and other charges shall be in accordance with Part 3 of this Chapter.

B. The individual, builder or developer may employ any professional engineer qualified and competent in the field of sanitary engineering to develop the necessary plans and specifications for the sewer extensions. The plans and specifications must comply with the technical specifications of the Borough for sanitary sewer construction. The completed plans and specifications must be submitted to the Borough for its consideration and action. If, in the opinion of the Borough, any revisions to the plans are considered necessary, these revisions will be made by the Borough and the applicant will be charged at cost of time and materials, engineering and legal fees and other expenses. Upon affirmative action by the Borough, based on recommendations of its consulting engineer and Solicitor, the Borough will undertake to secure the necessary permits and approvals of the Department of Environmental ~~Resources~~ Protection. The applicant shall deposit

with the Borough an amount equal to the estimated costs of obtaining permits and approvals of the Department of Environmental ~~Resources~~ Protection and the estimated cost of the revisions plus 10 percent for administrative costs. The deposit shall be made prior to the commencement of the revisions of the plans and/or submitting the project to the Commonwealth for approval. [A.O.]

(*Ord. 6, 6/14/1975; as added by Ord. 5-92, 6/8/1992; and as amended by A.O.*)

**§22-564. Construction and Inspection.**

1. After receipt of the necessary State permits and approvals, the construction of the sewer extensions may commence at the expense of the individual, builder, or developer. This construction shall be inspected by an inspector designated by the Borough. The cost of such inspection, including salaries and expenses, shall be paid by the individual, builder or developer.

2. After the acceptance of the extensions by the Borough, all house connections shall be made in accordance with the rules and regulations of the Borough of Carroll Valley, including securing permits and inspection for the house connections and other applicable requirements.

3. If the sewer extension traverses any private property, the individual, builder or developer shall arrange and pay for a 20-foot permanent easement over the private property, and record the easement with the County Recorder of Deeds in the name of the Borough of Carroll Valley. Right-of-way plats and deed descriptions, as recorded, shall be submitted to the Borough for their permanent record with a notation as to the date and deed book in which recorded. All such easements shall be obtained in advance of commencement of construction.

4. The Borough will attempt to provide the individual, builder or developer with access to any public streets or roads under its right of access. The cost of any State or Borough permits and inspection fees for entry into roads shall be borne by the individual, builder or developer. Applicable Federal, State and Borough rules and regulations regarding construction within public streets and roads shall be strictly adhered to.

(*Ord. 6, 6/14/1975; as added by Ord. 5-92, 6/8/1992*)

**§22-565. Legal Agreements.**

Before issuing final approval to an applicant to construct and/or connect a sewerage system with the Borough, there may be required an agreement binding the individual, builder or developer and Borough of Carroll Valley to certain terms and/or conditions relative to the proposed project. The Borough shall determine the need for and/or the terms and/or conditions of such an agreement.

(*Ord. 6, 6/14/1975; as added by Ord. 5-92, 6/8/1992*)

**§22-566. Use for Stormwater Prohibited.**

Sanitary sewers shall not be used to carry stormwater.

(*Ord. 6, 6/14/1975, §13-7043*)

**§22-567. On-Lot Alternative.**

All lots which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system which shall, as a minimum requirement, meet the design standards of the Pennsylvania Department of Environmental ~~Resources~~ Protection, Borough ordinances and/or any amendments or supplements thereto or any regulations adopted pursuant thereto by either the Pennsylvania Department of Environmental ~~Resources~~ Protection or the Borough.  
(*Ord. 6, 6/14/1975, §13-7044; as amended by Ord. 5-92, 6/8/1992; and by A.O.*)

**§22-568. Economic Feasibility Report.**

1. If on-site sanitary sewage disposal facilities are to be utilized, the Borough Planning Commission may require that the subdivider submit an economic feasibility report. Such report shall compare the cost of providing on-site facilities and the cost of a community sanitary sewer system with a temporary sewage treatment plant.

2. Based on the analysis of this report, the Planning Commission may require the installation of a community sanitary sewer system.

(*Ord. 6, 6/14/1975, §13-7045*)

**§22-569. Land Development Planning Module Requirements.**

1. The owner or developer for all subdivisions or developments of one lot or more (equivalent in sewage flow) shall prepare and submit a land development planning module in accordance with the requirements of the Pennsylvania Department of Environmental ~~Resources~~ Protection. In general, the planning module shall set forth the proposals of the owner or developer relative to the collection and treatment of sanitary wastes that will originate in the proposed subdivision or development. The planning module shall, if applicable, conform to §22-563 of this Chapter.

2. Prior to an approval of any subdivision the land development planning module shall be (A) reviewed by the Adams County Planning Commission, (B) Borough Planning Commission, (C) be approved and/or adopted by the Borough as either a supplement or revision to the Borough's Official Sewage Facilities Plan, (D) be approved by the Pennsylvania Department of Environmental ~~Resources~~ Protection.

(*Ord. 6, 6/14/1975, §13-7046; as amended by A.O.*)



**F. Water Supply****§22-571. Water Supply.**

If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

(*Ord. 6, 6/14/1975; as amended by Ord. 5-92, 6/8/1992*)

**§22-572. Connection to Existing System.**

Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the requirements of the Borough. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

(*Ord. 6, 6/14/1975, §13-7051*)

**§22-573. Development of a Community System.**

Where such systems are not accessible, and where on-site sanitary sewage disposal systems are to be used, a community water supply system shall be considered.

(*Ord. 6, 6/14/1975, §13-7052*)

**§22-574. On-site Water Supply Requirements.**

1. Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall not be placed within 100 feet of any part of the absorption (tile) field of any on-site sanitary sewage disposal system, nor within 50 feet from lakes, streams, ponds, quarries, etc.

2. Where individual on-site water supply system(s) are to be utilized, it is required that the subdivider provide at least one test well for each 10 lots. Such wells should be drilled, cased, and grout sealed into bedrock. They shall have a production capacity of at least 5 gallons per minute of safe potable drinking water as certified by the State or Borough Health Officer, and all findings shall be submitted to the Borough Planning Commission and Borough Council.

(*Ord. 6, 6/14/1975, §13-7053*)





## **G. Storm Drainage**

### **§22-581. General Requirements.**

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

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

2. Storm sewers and related installations shall be required when, in the opinion of the Borough Engineer, the runoff of stormwater cannot be satisfactorily handled within the street cartway.

3. Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required, if necessary, to connect therewith.

4. In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of stormwater runoff adjacent to developed or undeveloped properties.

5. Storm drainage facilities shall be designed to not only handle the anticipated peak drainage discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at the higher elevation in the same watershed is fully developed in accordance with the Borough Zoning Ordinance [Chapter 27] land use allowances.

6. The provisions of Chapter 23, "Stormwater Management and Erosion and Sedimentation Control," shall apply in any instances where the provisions of this Part are found to be insufficient.

(*Ord. 6, 6/14/75, §13-7060; as amended by Ord. 6-00, 8/14/2000*)

### **§22-582. Requirements Where Watercourse Traverses Subdivision.**

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage way, channel, or stream and of such width as will be adequate to preserve, protect, and allow the operation of the controlled flow of natural drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Water and Power Resources Board, where the Board has jurisdiction, and the Borough.

(*Ord. 6, 6/14/1975, §13-7061*)

### **§22-583. Street Design with Respect to Drainage.**

1. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

2. The slope of the crown on proposed streets shall be not less than  $\frac{1}{8}$  of an inch per foot and not more than  $\frac{1}{3}$  of an inch per foot.

3. Adequate facilities shall be provided at low points along streets and where

necessary to intercept runoff.

(*Ord. 6, 6/14/1975, §13-7062*)

**§22-584. Retention Facilities.**

The use of retention basins shall be considered in the design of storm drainage facilities. The Borough shall, when deemed desirable by the Borough Engineer, require the developer and/or the owner of the land being developed to dedicate sufficient land for such facilities. In addition to the dedication of sufficient land to provide for retention facilities, the Borough may require the developer to construct the required retention facilities determined appropriate and necessary by the Borough Engineer.

(*Ord. 6, 6/14/1975, §13-7063*)

## Part 6

### Improvement Specifications

#### §22-601. General Requirements.

1. Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the record plan, in accordance with the requirements of these regulations, or other Borough ordinances or regulations, whichever is more restrictive.

2. As a condition to review of a final plan by the Borough Planning Commission and Borough Council, the subdivider shall agree with the Borough as to the installation of all improvements shown on the plan and required by these or other Borough ordinances or regulations. Before the record plan is endorsed by the Borough Planning Commission and Borough Council, the subdivider shall submit a completed original copy of an appropriate subdivision improvements agreement.

3. All improvements installed by the subdivider shall be constructed in accordance with the design specifications of the Borough including any promulgated by a Borough Authority. Where there are no applicable Borough specifications, improvements shall be constructed in accordance with specifications furnished by the Borough Engineer, County engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental ~~Resources~~ Protection, Pennsylvania Department of Forests and Waters, or such other State agency as applicable. If there are no applicable Borough or State regulations, the Borough Planning Commission may authorize the specifications to be prepared by the Borough Engineer. [A.O.]

4. Supervision of the installation of the required improvements shall in all cases be the responsibility of the Borough or the appropriate State regulatory agency at the expense of the developer.

(Ord. 6, 6/14/1975, §13-8001; as amended by A.O.)

#### §22-602. Required Improvements.

The following improvements, as shown on the record plan, shall be provided by the subdivider in all subdivisions:

A. *Street Grading*. All streets shall be graded at full right-of-way width as shown on the approved subdivision plan.

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

C. *Curbs*. In order to protect and preserve the rural character of the Borough, curbs will not be required except in instances where it becomes necessary to provide for proper drainage, traffic control, and/or compatible aesthetics with the subdivision or development proposed. In general, each subdivision or development shall be reviewed and examined specifically for the need and/or desirability of curbs by the Planning Commission and Borough Council. If after such review and examination it is determined that curbs shall be required, they shall be constructed in accordance with the specifications set forth elsewhere herein.

(1) Where concrete curbs are required and provided they shall be not less than 6 inches wide at the top and 7 inches wide at the bottom. The overall depth of the concrete curb shall not be less than 18 inches. The curbs shall rest on a 6-inch crushed stone base.

(2) The cross sections of gutters and combination curbs and gutters shall be constructed in accordance with the details shown on approved drawings.

(3) Curbs and gutters shall be set and finished to the lines and grades given on the approved drawings.

(4) Concrete for curbs shall be a minimum of six bag mix and shall develop a 28-day compressive strength of at least 3,000 psi. Suitable expansion joints, reinforcement, and finish shall be as approved by the Borough Engineer.

D. *Sidewalks.* In order to protect and preserve the rural character of the Borough, sidewalks will not be required except in instances where it becomes necessary to provide for proper drainage, traffic control, and/or compatible aesthetics with the subdivision or development proposed. In general, each subdivision or development shall be reviewed and examined specifically for the need and/or desirability of sidewalks by the Planning Commission and Borough Council. If after such review and examination it is determined that sidewalks shall be required, they shall be constructed in accordance with the specifications set forth elsewhere herein.

(1) Sidewalks, when required, shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line or as shown on approved drawings.

(2) Sidewalks must be at least 5 feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks shall be at least 6 feet wide and located within the street right-of-way or as shown on approved drawings.

(3) Concrete for sidewalks shall be a minimum of 6 bag mix and shall develop a 28-day compressive strength of at least 3,000 psi. Concrete sidewalks shall slope at least  $\frac{1}{8}$  inch per foot toward the street cartway, rest on a minimum of 4 inches of gravel, and be at least 4 inches thick. Suitable expansion joints, reinforcement, and finish shall be as approved by the Borough Engineer.

E. *Storm Sewers.* Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Part 5G of these regulations, and/or Borough standards.

F. *Sanitary Sewage Disposal System(s).* Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Part 5E of these regulations.

G. *Water Supply.* Water supply system(s) shall be installed consistent with design principles and requirements contained in Part 5F of these regulations.

H. *Fire Hydrants.* Wherever a public or community water supply system is provided, fire hydrants suitable for the coupling of equipment serving the Borough shall be installed within 600 feet of all existing and proposed structures. Locations of hydrants shall be at locations approved by the Borough Engineer.

I. *Monuments.*

(1) Monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided. The Borough Engineer shall inspect the placement of such monuments, and it shall be the responsibility of the subdivider, or his representative, to notify the Borough Engineer after the monuments are placed.

(2) All monuments shall be placed by a licensed professional surveyor so that the scored (by an indented cross or drilled hole of not more than ¼ inch diameter in the top of the monument) point shall coincide exactly with point of intersection of the lines being monumented. [*Ord. 4-83*]

(3) Monuments shall be set with their top level with the finished grade of the surrounding ground, except:

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

(b) Where monuments are located beneath a sidewalk, proper access shall be provided for their use.

(4) All streets shall be monumented, within the right-of-way lines of the street and 5 feet distant therefrom and at the following locations:

(a) At least one monument at each intersection.

(b) At changes in direction of street lines, excluding curb arcs at intersections.

(c) At each end of each curved street line, excluding curb arcs at intersections.

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

(e) At such other places along the line of streets as may be necessary so that any street may be readily defined in the future.

J. *Street Signs.* Street name signs shall be installed at all street intersections. The design and placement of such signs shall be by the Borough, the cost of which shall be borne by the subdivider.

(*Ord. 6, 6/14/1975, §13-8002; as amended by Ord. 4-83, 6/13/1983*)

**§22-603. Other Improvements.**

1. *Street Lights.* In accordance with the conditions to be agreed upon by the subdivider, the Borough, and the appropriate public utility, street lights shall be installed in all subdivisions. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation upon consultation with the public service utility company involved.

2. *Shade Trees.* The subdivider shall preserve existing shade trees and, in addition, shall provide deciduous hardwood trees with a minimum caliper of 1½ inches

in accordance with conditions to be agreed upon by the Borough, and if necessary the appropriate public utility. Where provided, such trees shall be planted between the street right-of-way and the building reserve (setback) line at least 10 feet from the public street right-of-way. [*Ord. 5-92*]

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

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

3. *Markers*. Metal markers shall be accurately placed at all lot corners.

(*Ord. 6, 6/14/1975, §13-8003; as amended by Ord. 5-92, 6/8/1992*)

**Part 7****Administration, Amendments and Enforcement****§22-701. Revision and Amendment.**

The Borough Council may from time to time on their own motion revise, modify, or amend these regulations in order to increase their effectiveness or to expedite the approval of subdivision plans.

(*Ord. 6, 6/14/1975, §13-9001*)

**§22-702. Effect of Change in This Chapter.**

Changes in this Chapter shall affect plats as follows:

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

B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Chapter, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.

C. Where final approval is preceded by preliminary approval, the aforesaid 5-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this Chapter or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.

D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid 5 year limit, or any extension thereof as may be granted by the Borough Council, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

E. In the case of a preliminary plat calling for the installation of improvements beyond the 5-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such



schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.

F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion. Provided, the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said 5-year period the aforesaid protections shall apply for an additional term or terms of 3 years from the date of final plat approval for each Section.

G. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this Chapter, zoning, and other governing ordinance enacted by the Borough subsequent to the date of the initial preliminary plan submission.

(*Ord. 6, 6/14/1975; as amended by Ord. 5-92, 6/8/1992*)

### **§22-703. Procedure for Amendment.**

Any revisions, modifications, or amendments to these regulations shall be made in accordance with the procedures established by law after a public hearing on the proposed revisions, modifications, or amendments, held pursuant to public notice in accordance with the provision of Act 247, §505, 53 P.S. §10505, or any amendment thereto. In addition, in the case of amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each amendment to the Borough Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

(*Ord. 6, 6/14/1975, §13-9002*)

### **§22-704. Exemptions.**

The following are exempt or partially exempt from the provisions of this Chapter:

A. 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.

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 enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the

expanded area have been approved by proper authorities.  
(*Ord. 6, 6/14/1975*)

**§22-705. Modifications.**

1. The Borough Council may grant a modification of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.

2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved and the minimum modification necessary.

3. The request for modification shall be referred to the Planning Commission for advisory comments.

4. The Borough Council shall keep a written record of all action on all requests for modifications.

(*Ord. 6, 6/14/1975, §13-9003; as amended by Ord. 5-92, 6/8/1992*)

**§22-706. Appeals and Challenges.**

1. Any subdivider aggrieved by a finding, decision, or recommendation of the Borough Planning Commission may request and shall receive an opportunity to appear before the Borough Planning Commission to present additional relevant information and request, in writing, reconsideration of the original finding, decision or recommendation.

2. Any persons aggrieved by a finding, decision or recommendation of the Borough Planning Commission may appeal, in writing, to the Borough Council within 10 days after the date of action of the Borough Planning Commission. All appeals and challenges shall conform to the requirements and procedures as outlined in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

(*Ord. 6, 6/14/1975, §13-9004*)

**§22-707. Fees.**

1. The Borough Council shall establish by resolution a collection procedure and schedule of fees to be paid by the subdivider.

2. The schedule of fees shall be posted in the Borough office or in such other place as Borough Council may designate. A copy of the fee schedule is to be given to the subdivider upon request.

3. In the event the subdivider is required to pay additional fees, such fees shall be collected by the Borough Secretary. There shall be no refund or credit of any portion of the fee should the subdivider fail to apply for final approval within the required period of time.

4. No final plan shall be approved unless all fees and charges have been paid in full and all agreements, bonds, rights-of-way, etc., deemed necessary have been

provided.

(*Ord. 6, 6/14/1975, §13-9005*)

**§22-708. Review Fees.**

1. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants or engineer for review and report to the Borough, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

2. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

3. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. 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 so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

(*Ord 6, 6/14/1975; as amended by Ord. 5-92, 6/8/1992*)

**§22-709. Preventive Remedies.**

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. 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.

C. 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.

D. 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.

3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(*Ord. 6, 6/14/1975; as amended by Ord. 5-92, 6/8/1992*)

#### **§22-710. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the ~~district judge~~ magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the ~~district judge~~ magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the ~~district judge~~ magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. [A.O.]

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judge shall have initial jurisdiction in proceedings brought under this Section. [A.O.]

(*Ord. 6, 6/14/1975, §13-9006; as amended by Ord. 5-92, 6/8/1992; and by A.O.*)

#### **§22-711. Keeping of Records.**

The Borough Planning Commission and Borough Council shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

(*Ord. 6, 6/14/1975, §13-9007*)

#### **§22-712. Responsibility of Subdivider.**

The subdivider shall be responsible for observing the procedures established in this Chapter and for submitting all plans and documents as may be required.

(*Ord. 6, 6/14/1975, §13-9008*)

**§22-713. Conflicting Standards.**

1. Whenever there is a difference between the minimum standards specified herein and those included in other Borough ordinances or regulations the more stringent requirements shall apply.

2. All existing ordinances or regulations or parts thereof which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

*(Ord. 6, 6/14/1975, §13-9009)*