



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Berwick Borough
Columbia County, Pennsylvania

1987
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PREFACE: HOW TO USE THIS ORDINANCE

If you are a prospective subdivider or developer, you will initially be interested in the following articles: Article 3, which tells you how to proceed; Article 5, which tells you what information you should show on your plans; and Articles 6 and 7, which tell you what standards you should use for designing your subdivision or development.

The Purpose of the Sketch Plan: If you want to subdivide or develop a tract, you should discuss your intentions with the Administrative Assistant to the Planning Commission to make sure that all parties are talking along the same lines. The Administrator will guide you as to procedures and contacts with agencies and will advise you about other laws with which you will have to comply. Most important, he will tell you that, if you provide a sketch plan (it is not required), you should follow the provisions of Section 153.302 and 153.502 of the Subdivision and Land Development Ordinance.

The sketch plan is the basis for informal review and discussion with the Planning Commission. It allows potential problems to be "ironed out" before you expend a great amount of time and money on detailed plans.

If you decide to submit a sketch plan, two (2) copies of the plan and application should be delivered to the Administrative Assistant fourteen (14) days before the regular meeting of the Planning Commission, at which meeting it is accepted.

After the Planning Commission reviews the sketch plan with you, it may suggest changes or it may tell you to proceed with a formal application. This determination will be relayed to you in a written notice from the Planning Commission within fifteen (15) days after the meeting at which the plan was reviewed.

Minor Subdivisions: If you are subdividing a tract into no more than five (5) lots fronting on an existing street and not involving any required public improvements, your subdivision is a minor one. Therefore, you may proceed directly to the preparation and submission of a final plan. (See Sections 153.304 and 153.504 and Article 6 and 7.)

The minor subdivision application should contain twelve (12) copies of the final plan and two (2) copies of the application form along with the fees required by Section 153.910. The Administrator will refer copies of this plan to various agencies and officials after he receives the application, which should be no later than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission.

The official date of filing of the application is the date at which the Planning Commission receives it. The community has ninety (90) days from this date to make a decision on your application. (Under certain specific circumstances the review period can be longer.)

During this ninety-day period various agencies, officials, and the local Planning Commission will review the plan. The County Planning Commission has thirty (30) days to review and comment on the plan, and the Borough cannot render a decision until it has received the comments of the County Planning Commission or until the 30-day period has expired. The Borough Planning Commission may, if it wishes, hold a public hearing on the plan before making its decision. In any event, its deliberations must be made at a public meeting before the end of the 90-day period. (If it does not make its decision on the plan before the end of this period, the plan is approved by default.)

The Borough Planning Commission may approve, conditionally approve, or disapprove the plan. It will then communicate its decision in writing to you not later than fifteen (15) days following the decision.

If your final plan is not approved, you will have to repeat the application process. If your plan is approved, you must file a copy of it with the County Recorder of Deeds (and supply the Borough with a copy of the Recorder's certificate) before you sell any lots.

Major Subdivisions: If you are subdividing a tract into more than five (5) lots or are subdividing a tract into fewer lots which will be provided with a new street or extension of Borough facilities or the creation of any public improvements, you must submit a preliminary plan for approval before submitting the final plan. (See Sections 153.303 and 153.503 and Article 6 and 7.)

The preliminary plan application should contain twelve (12) copies of the plan and two (2) copies of the application form along with the fees required by Section 153.910. It must also be accompanied by three (3) copies of construction plans for the public improvements and copies of deed restrictions, if any. The Administrator will refer copies of this plan to various review agencies and officials after he receives the application, which should be delivered no later than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission.

The official date of filing of the application is the date at which the Planning Commission receives it. The community has ninety (90) days from this date to make a decision on your application. (Under certain specific circumstances the review period can be longer.)

During this ninety-day period various agencies, officials, and the local Planning Commission will review the plan. The County Planning Commission has thirty (30) days to review and comment on the plan, and the Borough cannot render a decision on the preliminary plan until it has received the comments of the County Planning Commission or until the 30-day period has expired. The Borough Planning Commission may, if it wishes, hold a public hearing on the plan before making its decision. In any event, its deliberations must be made at a public meeting before the end of the 90-day period. (If it does not make its decision on the plan before the end of this period, the plan is approved by default.)

The Borough Planning Commission may approve, or disapprove the plan. It will then communicate its decision in writing to you no later than fifteen (15) days following the decision.

If your preliminary plan is not approved, you will have to repeat the application process. If it is conditionally approved, all conditions must be met with the final plan submission. If it is approved, you may proceed to the submission of the final plan.

The final plan application should contain twelve (12) copies of the final plan drawings and two (2) copies of the application form along with all fees required by Section 153.910. Any additional or revised construction drawings and covenants should also accompany this application. The Administrator may refer copies of this plan to various review agencies and officials after he receives this application, which should be no later than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission.

The official date of filing of the application is the date at which the Planning Commission receives it. The community has ninety (90) days from this date to make a decision on your final plan application. (Under certain specific circumstances the review period can be longer.)

Several important things should be kept in mind in regard to the final plan applications for major subdivisions or developments. The final plan can include all or only a portion (phase) of the preliminary plan already approved. The final plan's improvements and design standards must conform to those enumerated in Article 6, 7, and 8 of this Ordinance. The final plan cannot be approved unless either of two conditions is met with regard to public improvements: either the public improvements (roads, for example) must be constructed by the developer and approved prior to final plan approval or a financial security for the later construction and approval of the public improvements must be placed with the Borough Council prior to final plan approval. (See Article 4.)

During the 90-day review period various agencies, officials and the local Planning Commission will review the final plan. If the plan is submitted to the County Planning Commission again, it has thirty (30) days to review and comment on the plan, and the Borough cannot render its decision until it has received the comments of the County Planning Commission or until the 30-day period has expired. The Borough Planning Commission may, if it wishes, hold a public hearing on the plan before making its decision. In any event, its deliberations must be made at a public meeting before the end of the 90-day period. (If it does not make its decision on the plan before the end of this period, the plan is approved by default.)

The Borough Planning Commission may approve, or disapprove the plan. It will then communicate its decision in writing to you no later than fifteen (15) days following the decision.

If your final plan is not approved, you will have to repeat the application process. If your plan is approved, you must file a copy of it with the County Recorder of Deeds (and supply the Borough with a copy of the Recorder's certificate) before you sell any lots or begin development.

ARTICLE 1 GENERAL PROVISIONS

153.101	Title
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Article 1

GENERAL PROVISIONS

153.101 Title: Pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, this Ordinance shall hereafter be known, cited and referred to as the "Berwick Borough Subdivision and Land Development Ordinance".

153.102 Policy

1. It is hereby declared to be the policy of the Borough to consider the subdivision and development of land as subject to the control of the Borough pursuant to the Comprehensive Plan of Berwick Borough for the orderly, planned, efficient, and economical development of the municipality.
2. Land to be subdivided or developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided or developed until available community or on-lot facilities and improvements exist and proper provision has been made for drainage, water, sewerage, recreation facilities, and transportation facilities.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, including the Capital Improvements Program, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan, and Capital Improvements Program of the municipality.

153.103 Purposes: These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the residents.
2. To guide the future growth and development of the community in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the Borough and to encourage the orderly and beneficial development of all parts of the Borough.
5. To protect and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public improvements and facilities.
7. To provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

Section 153.202 (cont'd)

Low Density: Those residential zoning districts in which the density is equal to or less than one dwelling unit per 7,200 square feet.

Medium Density: Those residential zoning districts in which the density is between 5,400 and 7,200 square feet per dwelling unit.

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24-hour), and used in computing storm water management control systems.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the governing body;
2. the zoning hearing board; or
3. the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Detention Basin: A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event or it can be designed to contain a permanent pool of water.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development. (See also Subdivider and Land Development.)

Development: (See Land Development.)

Development Plan: The provision 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 the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

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

Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

Easement: A right-of-access granted, but not dedicated, for a specific use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure but shall have the right to make any other use of the land which is not inconsistent with the right of the grantee.

Section 153.103 (cont'd)

8. To establish reasonable standards of design and procedures for subdivisions, resubdivisions, and land developments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision or development.
10. To prevent the pollution of air, streams, river, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Borough in order to retain the integrity, stability, and beauty of the Borough and the value of the land.
11. To retain the natural beauty and topography of the Borough and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance.

153.104 **Authority:** The Berwick Borough Council is empowered to regulate subdivisions and land developments within the Borough limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

The Council hereby designates the Borough Planning Commission as the official agency for review and decisions on preliminary and final plan approval and disapproval of all subdivision and land development as set forth in this Ordinance.

153.105 **Jurisdiction:**

1. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of the Subdivision and Land Development Ordinance of Berwick Borough.
2. The following types of land development shall be excluded from the definition of land development only when such land development involves:
 - a. the conversion of an existing single-family detached dwelling of 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; or
 - c. the addition or conversion of buildings or rides within the confines of an enterprize which would be considered an amusement park. For the purpose of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Section 153.105 (cont'd)

3. No land shall be subdivided or developed within the corporate boundaries of the Borough until:
 - a. the subdivider, developer, or his agent shall submit a preliminary or final plan of the parcel to the Borough Planning Commission through its administrator for review and approval; and
 - b. file the approved final plan with the Columbia County Recorder of Deeds.
4. No zoning permit or certificate of zoning compliance shall be issued for any parcel or plat of land which was created by subdivision or land development after the effective date of, and not in conformity with, the provisions of these subdivision and land development regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

153.106 Interpretation, Conflict and Separability

1. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the Borough.
2. Conflict with Public and Private Provisions
 - a. Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - b. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Planning Commission in approving a subdivision or land development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
3. Separability: If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application

Section 153.106 (cont'd)

thereof to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

- 153.107 Municipal Liability: The grant of a permit or approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials or employees.
- 153.108 Saving Provision: These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Borough, under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Borough except as shall be expressly provided for in these regulations.
- 153.109 Repeals: The enactment of this Ordinance shall act as a repeal of the Columbia County Subdivision and Land Development Ordinance as it applies to the Borough of Berwick. A certified copy of this Ordinance shall be filed with the County Planning Commission and with the County Law Library.
- 153.110 County Review: All applications for subdivision and land development approval within the Borough shall be forwarded upon receipt to the County Planning Commission for review and report. The Borough shall not take action on said plans until the County report is received or until the expiration of thirty (30) days from the date the plans were forwarded to the County.
- 153.111 Enactment: In order that land may be subdivided and developed in accordance with these purposes and policies, this Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Section 153.111 (cont'd)

ENACTED AND ORDAINED by the Council of the Borough of Berwick, Columbia County, Pennsylvania, this 26th day of August, 1991

The Borough of Berwick Council,
Columbia County, Pennsylvania

By *Frank Buffa*
President of Council
Lawrence Z. Buschi
Mayor

Attest:

Clarence J. O'Dell, Jr.
Secretary

August 28, 1991

I, Clarence O'Dell, Jr., do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Council of Berwick Borough, Columbia County, Pennsylvania, on August 26, 1991

Clarence J. O'Dell, Jr.
Clarence O'Dell, Jr., Borough Secretary

Article 2 DEFINITIONS

153.201 Application and Interpretation
153.202 Definition of Terms

Article 2

DEFINITIONS

153.201 Application and Interpretation

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers.

Unless otherwise expressly stated, the following shall, for the purposes of this Ordinance, have the meaning herein indicated:

1. Words used in the present tense shall include the future tense.
2. The word "person" shall include a profit or non-profit corporation, company, partnership, or individual.
3. The words "used" or "occupied" as applied to any land or building shall include the words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" shall include "part thereof" and "structure".
5. The word "lot" shall include "plot" or "parcel".
6. The word "shall" is always mandatory.
7. The singular number shall include the plural, and the plural the singular.
8. The masculine gender shall include the feminine and neuter.
9. The word "street" shall include "road", "highway", and "lane".

153.202 Definition of Terms: For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

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

Access Drive: A private road connecting a development, such as a hospital, school, shopping, industrial, or housing complex, with the street.

Adjacent: Lying near or close to; sometimes, contiguous; neighboring. "Adjacent" implies that the two objects are not widely separated, though they may not actually touch.

Administrator: The officer as appointed by the Council to administer these regulations and to assist administratively the Planning Commission and other Boards and officers of the Borough.

Alley: A publicly or privately owned right-of-way on which no dwelling or store fronts, and which serves as a secondary means of access to abutting property.

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

Section 153.202 (cont'd)

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 or zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Authority: (See Municipal Authority.)

Block: Property bounded on one side by a street and on the other three sides by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

Borough Council: The Council of Berwick Borough, Columbia County, Pennsylvania.

Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Cistern: An underground reservoir or tank for storing rainwater.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Commission, Planning: The Planning Commission of Berwick Borough, Columbia County, Pennsylvania.

Comprehensive Plan: The Comprehensive Plan of the Borough of Berwick consisting of maps, charts, and textual matter; and containing statements of the Planning Commission and Council for the continuing development of the Borough in terms of community development objectives, plans and policies for the use of land, for housing, for community facilities, and for transportation, and a plan for implementation.

Construction Plan: The maps or drawings accompanying a subdivision or development plan and showing the specific location and design of improvements to be installed in the subdivision or development in accordance with the requirements of the Planning Commission, Council, and improvement construction ordinances as a condition of the approval of the plan.

County Planning Commission: The Planning Commission of Columbia County, Pennsylvania.

Culvert: A pipe, conduit, or similar enclosed structure, including appurtenant works, which carries surface water.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipal Planning Code (Act 247 as amended) to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Columbia County.

Density:

High Density: Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 5,400 square feet.

Section 153.202 (cont'd)

Erosion: The removal of surface materials by the action of natural elements.

Erosion, Accelerated Water: Erosion of the soil or rock over and above normal erosion brought about by changes in the natural cover or ground conditions, including changes caused by human activity. There are several kinds of accelerated erosion, they are: Sheet, Rill, and Gully erosion.

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

Fill: Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between the point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Financial Security: Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit and restrictive or escrow accounts from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Council and to be used wherever required by these regulations. (See Article 4.)

Frontage: (See Lot Frontage.)

Grade: The slope of a road, street, or other public way, specified in percentage terms.

Groundwater Recharge: Replenishment of existing natural underground water supplies.

Hearing: An administrative proceeding conducted by a board pursuant to Section 1002 of the Borough Zoning Ordinance.

Impervious Surface: A surface which prevents the penetration of water into the ground.

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

Infiltration Structures: A structure designed to direct runoff into the ground, e.g., French drains, seepage pits, dry wells, and seepage trenches.

Land Development - any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a. a group of two or more residential or nonresidential buildings whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the

Section 153.202 (cont'd)

purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.
3. Development excluding the following:
 - 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; or
 - 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 subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended.

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.

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

Lot Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

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

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Office of the County Recorder of Deeds.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial and a minor street and with vehicular access solely from the latter.

Section 153.202 (cont'd)

Lot, Through or Double Frontage: A lot with both front and rear street frontage.

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

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.

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

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.

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

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Berwick, Columbia County.

Municipal or Municipality: The Borough of Berwick, Columbia County, Pennsylvania.

Nonresidential Subdivision or Development: A subdivision or development whose intended use is other than residential, such as commercial or industrial. Such subdivision or development shall comply with the applicable provisions of these regulations.

Official Map: The Municipal Map adopted by Ordinance showing the exact location of the lines of existing and proposed public streets, watercourses, and public grounds including widening, narrowing, extensions, diminutions, openings or closing of same, for the entire municipality or part thereof.

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a storm event.

Plan or Plat: The map or plan of a subdivision or land development.

Sketch Plan: A sketch preparatory to the preparation of the Preliminary Plan or Final Plan to enable the subdivider or developer to save time and expense in reaching general agreement with the Planning Commission as to the layout of his subdivision or development and the objectives of this Ordinance.

Preliminary Plan: The engineering drawing or drawings, as described in this Ordinance, indicating the manner of layout of the subdivision to be submitted to the Borough for approval.

Section 153.202 (cont'd)

Final Plan: A complete and exact plan prepared for official recording with the Recorder of Deeds of the County following approval by the Borough.

Public Grounds

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
3. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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."

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [This applies to public hearings, not meetings.]

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Resubdivision: Any replatting or resubdivision of land involving changes of street layout, or any reserved for public use, or any lot line on an approved or recorded plan. Any other more major changes shall be considered as constituting a new subdivision of land. (See also Subdivision.)

Right-of-way: A public thoroughfare for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane; or alley, and including both cartway and shoulders.

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

Same Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities,

Section 153.202 (cont'd)

the "Storm Water Management Act".

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The strip of land includes the entire right-of-way, not just the cartway. Streets are further classified according to the functions they perform:

Expressway: A limited access highway on which access is provided only from another street and not from abutting properties. The right-of-way is in excess of one hundred (100) feet wide.

Arterial: A road whose function is to provide for the movement of high volumes of through traffic and direct access to abutting properties; subject to necessary control of entrances, exits, and curb use. The right-of-way is usually in excess of sixty (60) feet wide.

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

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

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

Marginal Access: A local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.

Perimeter: Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Street Line: The dividing line between a lot and the outside boundary or ultimate right-of-way of a public street, road, or highway, legally opened or officially plotted; or between a lot and a privately owned street, road, or way over which the tenants of two (2) or more lots, which each holds in single and separate ownership, have the right of access.

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

Subdivider: (Same as Developer.)

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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (See also Land Development.)

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or unincorporated associations, in which a stockholder, partner, or associate, or member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Sanitary Sewage Disposal System, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, the total system being publicly or privately owned.

Sanitary Sewage Disposal System, On-Lot: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth or by means of conveyance to another site for final disposal.

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".

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured between the front line of the building and the street right-of-way line.

Shade Tree: A tree in a public place, street, right-of-way, or special easement, as provided in these regulations.

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 rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>	<u>Slope Class</u>
(a) Nearly level	0-3 percent	A
(b) Gently sloping	3-8 percent	B
(c) Sloping	8-15 percent	C
(d) Moderately steep	15-25 percent	D
(e) Steep	25-35 percent	E
(f) Very steep	35 + percent	F

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-lot sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Solicitor: The licensed attorney designated by the Borough to furnish legal assistance for the administration of these regulations.

Stabilization: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and insure its resistance to erosion, sliding, or other movement.

Storm Water Management Plan: The plan for managing storm water runoff adopted by Columbia County as required by Act of October 4, 1978, P.L. 864, (Act 167), and known as

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Subdivision or Land Development, Major: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions containing six (6) or more lots, and all land development not classified as minor land developments, including but not limited to and land development containing six (6) or more residential or non-residential buildings on one or more parcels or six (6) or more occupants among which land or space is divided, or any size subdivision or land development requiring any new street or extension of municipal facilities or the creation of any public improvements.

Subdivision or Land Development, Minor: Any subdivision containing not more than five (5) lots or any land development containing not more than five (5) residential or non-residential buildings on one or more parcels or not more than five (5) occupants among which land or space is divided: Provided such subdivision or land development is on an existing street and does not involve the creation of a new street or road or the extension of municipal facilities or the creation of any public improvements; does not adversely affect the remainder of the parcel or adjoining property; and is not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these regulations.

Substantially Completed: Where, in the judgment of the Borough Engineer, at least ninety percent (90%)--based on the cost of the required improvements for which financial security was posted pursuant to Article 4--of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

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

Top Soil: Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

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 or structure.

Watercourse: A permanent or intermittent stream, river, brook, creek, or channel or ditch for collection and conveyance of water, whether natural or man-made.

Water Supply and Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and other buildings within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

Water Supply and Distribution System, On-Lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of

Section 153.202 (cont'd)

Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any wetland area designated by a river basin commission.

Zoning Officer: The person designated by the Council to enforce the Zoning Ordinance.

ARTICLE 3 PROCEDURAL REQUIREMENTS

- 153.301 General Procedure
- 153.302 Sketch Plan
- 153.303 Preliminary (Engineering) Plan
- 153.304 Final (Recording) Plan
- 153.305 Effect of Plan Approval on Official Map
- 153.306 Effect of Ordinance Changes on Application
- 153.307 Effect of Ordinance Changes on Required Improvements

Article 3

PROCEDURAL REQUIREMENTS

153.301 General Procedure

1. Classification of Subdivisions: Whenever any subdivision or development of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure or use of land in such proposed subdivision or development shall be granted, the subdividing or developing owner, or his authorized agent, shall apply for and secure approval of such subdivision or land development in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision or land development and three (3) steps for a major subdivision or land development:
 - a. Minor Subdivision or Land Development
 - (i) Sketch Plan (optional)
 - (ii) Final Plan
 - b. Major Subdivision or Land Development
 - (i) Sketch Plan (optional)
 - (ii) Preliminary Plan
 - (iii) Final Plan
2. Official Submission Dates: For the purpose of these regulations, for both major and minor subdivisions, the official submittal date of the preliminary or final plan at which the ninety-day statutory period required for formal approval or disapproval of the preliminary or final plan shall commence to run shall be the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the official submittal date shall be measured from the thirtieth day following the day the application has been filed.

153.302 Sketch Plan

1. Discussion of Requirements: Before preparing the sketch plan for a subdivision or land development, the applicant should discuss with the Administrator to the Planning Commission, or with the Planning Commission itself, the procedure for adoption of a subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision or land development with those officials (such as the Soil Conservationist, Borough Engineer, and Sewerage Enforcement Officer) who must eventually approve these aspects of the subdivision or land development plan coming within their jurisdiction.
2. Application Procedure and Requirements: Prior to subdividing or developing land, a landowner, or his representative, is advised, but not required, to file an application for approval of a sketch plan. The submission of a sketch plan application shall not constitute the filing of an application for preliminary or final plan review and approval. The sketch plan application should:
 - a. Be made on forms available at the office of the Administrator to the Planning Commission.

Section 153.302 (cont'd)

- b. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet therefrom, or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, with the names of the owners as shown in the County Assessor's files. This information may be shown on a separate, current Assessment Map reproduction from the Assessor's Office showing the subdivision superimposed thereon.
 - c. Be accompanied by a minimum of two (2) copies of the sketch plan as described in Article 5 of these regulations and complying in all respects with these regulations.
 - d. Be presented, along with the application form in duplicate, to the Administrator to the Planning Commission no less than fourteen (14) days prior to the Commission's next regularly scheduled meeting, at which time the application is accepted.
3. Classification: Tentative classification of the sketch plan shall be made upon receipt by the Administrator. The subdivision or land development shall be classified as either major or minor, as defined in these regulations. The application shall then be accepted by the Planning Commission at its next regular meeting for further processing. If classified as a minor subdivision or land development by the Planning Commission, an application may then be filed for approval of a final subdivision or land development plan as provided in these regulations. If classified as a major subdivision or land development by the Planning Commission, an application shall then be filed for approval of a preliminary subdivision or land development plan before filing for final plan approval.
 4. Report of Administrator: The Administrator shall process the sketch plan and make a determination as to whether it is complete according to the requirements of Article 5. The Administrator shall prepare a report to this effect.
 5. Planning Commission Review of Sketch Plan and Report: The Planning Commission shall review the sketch plan and report of the Administrator taking into consideration the requirements of this Ordinance and all other applicable ordinances, as well as the Comprehensive Plan, and the best use of the land being subdivided or developed. Particular attention should be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, water supply, lot sizes and arrangement, and further development of the total tract of which only a portion is being proposed for subdivision and development.
 6. Field Trip: After the regular Planning Commission meeting at which the subdivision or land development is first discussed, the Planning Commission may schedule a field trip to the site of the proposed subdivision or development, accompanied by the applicant or his representative.
 7. Approval of the Sketch Plan: After reviewing and discussing the sketch plan and report from the Administrator, the Planning Commission will advise the applicant of the specific changes or additions, if any, it requests in the layout, and the character and extent of required improvements and reservations which it will request as a prerequisite to the approval of the subdivision or land development plan. The Planning Commission may require additional changes as a result of further study of the subdivision or land development plan in final form.

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Approval of the sketch plan, although not required for further plan processing, shall constitute authorization to prepare and submit a preliminary plan in the case of a major subdivision or land development and a final plan in the case of a minor subdivision or land development. Such approval by the Planning Commission shall be made at a regularly scheduled meeting.

Within fifteen (15) days after the meeting at which the sketch plan was approved or disapproved by the Planning Commission, the Administrator shall send written notice of the Commission's recommendations, including changes and modifications requested by the Planning Commission, to the subdivider or developer.

153.303 Preliminary (Engineering) Plan

1. Application Procedure and Requirements: The applicant for a major subdivision or land development shall file an application for approval of a preliminary plan. The application shall:
 - a. Include completed application forms in duplicate, which forms are available at the Municipal Building.
 - b. Include all contiguous holdings of the owner including land in the "same ownership", as defined herein, with an indication of the portion which is proposed to be subdivided or developed, accompanied by an affidavit of ownership, which shall include the dates the respective holdings were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder of Deeds Office. The affidavit shall advise as to the legal owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock.
 - c. Be accompanied by a minimum of twelve (12) copies of the preliminary plan as described in Article 5 of these regulations and complying in all respects with these regulations.
 - d. Be accompanied by a minimum of three (3) copies of construction plans for required improvements as described in these regulations.
 - e. Be accompanied by a plan showing the sections or phases for which final plans will be submitted if phasing is to be pursued.
 - f. Be mailed or delivered to the Administrator to the Planning Commission no less than fourteen (14) days prior to the Planning Commission's next regularly scheduled meeting.
 - g. Be accompanied by fees as set forth in Article 9.
 - h. Be accompanied by the fee required for preliminary plan review by the Columbia County Planning Commission.

Section 153.303 (cont'd)

- i. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations and by written assurance from the public utility companies that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the provision or extension of utilities as required by the Planning Commission. These fees and assurances are required with the preliminary plan application only if the developer intends to install improvements after preliminary plan approval but before final plan approval.
2. Referrals and Report: The Administrator shall process the preliminary plan and make a determination as to whether it is complete according to the requirements of Article 5. If the preliminary plan is complete, the Administrator shall refer copies of it to other officials and agencies for their review and comments. Such officials and agencies shall include, but need not be limited to:
 - a. The Borough Engineer,
 - b. Berwick Sewerage Authority, if applicable,
 - c. The Sewerage Enforcement Officer, if applicable,
 - d. The Borough Council,
 - e. The Columbia County Planning Commission,
 - f. The Berwick Area School District,
 - g. The United States Post Office,
 - h. The Columbia County Soil Conservation District,
 - i. The Pennsylvania Department of Transportation. (This referral is necessary for a highway occupancy permit only if the development is to front on an existing or proposed state highway or is to have a street entering such highway.)
 - j. The Pennsylvania Department of Environmental Resources.
 - k. Adjacent communities.

The Administrator shall request that all officials and agencies to whom the request for review has been made submit their reports to the Administrator within thirty (30) days from the date any request was forwarded to them.

The Administrator shall consider all reports submitted by the officials and agencies concerning the preliminary plan and shall prepare and submit a report thereon to the Planning Commission. The Administrator shall then place the preliminary plan and reports on the agenda of the Planning Commission for its next regularly scheduled meeting or for a specially scheduled public meeting or public hearing for review and action.

3. Planning Commission Review and Action: Following receipt of the written report from the Administrator, the Planning Commission shall consider the preliminary plan at its next regularly scheduled meeting or a specially scheduled public meeting.

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If the plan is to be considered at a special meeting, the subdivider or developer shall be so notified. The Planning Commission may also schedule a public hearing before taking action on the plan.

The Planning Commission shall review the preliminary plan, official comments and reports received thereon, including the County report (unless thirty [30] days from the date the plan was forwarded to the County have expired), and shall render its decision in writing and shall communicate it to the applicant personally or mail it to him at his last known address not later than fifteen (15) days following the decision.

This review and decision process shall take place not later than ninety (90) days following the date the complete application is filed with the Planning Commission, provided that, should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

The following shall constitute the types of action the Planning Commission may take:

- a. The Planning Commission may disapprove the preliminary plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
- b. The Planning Commission may conditionally approve the preliminary plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of the Ordinance which were relied upon. This additional information shall be required prior to further preliminary plan consideration or the submission of the final plan. Conditional approval may only be granted where the conditions are acceptable to the applicant and the applicant has stated his acceptance of the conditions in writing, signed by the applicant.
- c. The Planning Commission may approve the preliminary plan. Such approval binds the subdivider to the subdivision or land development shown and permits the subdivider to proceed with the final plan, to construct proposed improvements or to arrange for a financial guarantee if proposed improvements are to be constructed after final plan approval. Approval of the preliminary plan does not authorize the sale of lots or lease of space or the recording of the preliminary plan.

Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the preliminary plan application in terms as presented unless the applicant has agreed in writing to an extension of the time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

4. Signing of Plan by the Planning Commission: In approving the preliminary plan the Chairman and Secretary of the Planning Commission shall sign and date the mylar original and three (3) copies of the plan and shall include a notation as to any modifications required for final plan consideration.

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The Planning Commission shall return the mylar original and one (1) signed copy to the applicant for compliance with submission of the final plan. A copy of the signed preliminary plan shall be distributed to the Council and one (1) copy shall be retained for the Commission's files.

5. Installation of Improvements: Following approval of a preliminary plan the developer may install all required improvements in a major subdivision or development or phase thereof before submitting the final plan. All requirements for inspection of improvements pursuant to the provisions of Article 4 shall be met before final plan approval. In lieu of installation of improvements prior to final plan approval, the developer may post a financial security for the installation at a later date of such improvements. The provision of a financial security for deposit with the Borough shall be acceptable to the Borough Council pursuant to the provisions of Article 4.

153.304 Final (Recording) Plan

1. Application Procedure and Requirements: Following the review and approval of the suggested sketch plan in the case of a minor subdivision or development, or the required approval of the preliminary plan in the case of a major subdivision or development, the applicant, if he wishes to proceed with the subdivision or development, shall file with the Planning Commission an application for approval of a final plan. The application shall:
 - a. Include completed application forms in duplicate, which forms are available at the Municipal Building.
 - b. Include the entire subdivision or development, or section thereof, which derives access from an existing state, county, or local public road.
 - c. Be accompanied by a minimum of twelve (12) copies of the final plan as described in Article 5 of these regulations and complying in all respects with these regulations.
 - d. Be accompanied by a minimum of three (3) copies of construction plans for all public improvements as described in these regulations.
 - e. Comply in all respects with the preliminary plan, as approved, as applicable to major subdivisions and land developments.
 - f. Be mailed or delivered to the Administrator to the Planning Commission no less than fourteen (14) days prior to the Planning Commission's next regularly scheduled meeting.
 - g. Be accompanied by fees as set forth in Article 9.
 - h. Be accompanied by the fee required for final plan review by the Columbia County Planning Commission.
 - i. Be accompanied by the performance bond or other financial security, if required, in a form satisfactory to the Borough Solicitor and in an amount established by the Planning Commission, upon recommendation of the Borough Engineer and with the approval of the Council. Such bond shall include a provision that the principal of the

Section 153.304 (cont'd)

bond shall comply with all the terms of the resolution of final plan approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision or land development and offsite improvements, and that all improvements and land included in any irrevocable offer of dedication shall be dedicated to the Borough government free and clear of all liens and encumbrances on the premises.

- j. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations and by written assurance from the public utility companies that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the provision or extension of utilities as required by the Planning Commission upon preliminary plan approval.
2. Phasing Major Subdivision Plans: Prior to granting final approval of a major subdivision or land development plan, the Planning Commission may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan in compliance with the requirements of Section 153.402 (8).
 3. Referrals and Report: The Administrator shall process the final plan and make a determination as to whether it is complete according to the requirements of Article 5. If the final plan is complete, the Administrator shall refer copies of it to other officials and agencies for their review and comments if this has not been done previously. Such officials and agencies shall include, but need not be limited to:
 - a. The Borough Engineer,
 - b. Berwick Sewerage Authority, if applicable,
 - c. The Sewerage Enforcement Officer, if applicable,
 - d. The Council,
 - e. The Columbia County Planning Commission,
 - f. The Berwick Area School District,
 - g. The United States Post Office,
 - h. The Columbia County Soil Conservation District,
 - i. The Pennsylvania Department of Transportation. (This referral is necessary for a highway occupancy permit only if the development is to front on an existing or proposed state highway or is to have a street entering such highway.)
 - j. The Pennsylvania Department of Environmental Resources.
 - k. Adjacent communities.

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The Administrator shall request that all officials and agencies to whom the request for review has been made submit their reports to the Administrator within thirty (30) days from the date any request was forwarded to them.

The Administrator shall consider all reports submitted by the officials and agencies concerning the final plan and shall prepare and submit a report thereon to the Planning Commission. The Administrator shall then place the final plan and reports on the agenda of the Planning Commission for its next regularly scheduled meeting or for a specially scheduled public meeting or public hearing for review and action.

4. Planning Commission Review and Action: Following receipt of the written report from the Administrator, the Planning Commission shall consider the final plan at its next regularly scheduled meeting or a specially scheduled public meeting.

If the plan is to be considered at a special meeting, the subdivider or developer shall be so notified. The Planning Commission may also schedule a public hearing before taking action on the plan.

The Planning Commission shall review the final plan, official comments and reports received thereon, including the County report (unless thirty [30] days from the date the plan was forwarded to the County have expired) and shall render its decision in writing and shall communicate it to the applicant personally or mail it to him at his last known address not later than fifteen (15) days following the decision.

This review and decision process shall take place not later than ninety (90) days following the date the complete application is filed with the Planning Commission, provided that, should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

The following shall constitute the types of action the Planning Commission may take:

- a. The Commission may disapprove the final plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
- b. The Commission may approve the plan.

Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

5. Installation of Improvements or Financial Security in Lieu Thereof: Before any final plan is approved, the subdivider or developer either shall install all required improvements or shall provide for deposit with the Borough a financial security acceptable to the Council pursuant to the provisions of Article 4.

Section 153.304 (cont'd)

6. Signing of Plan:

- a. When installation of improvements is required, the Chairman and Secretary of the Planning Commission shall sign and stamp the mylar original and three (3) copies of the final plan and attach thereto a notation that it has received approval and the date of such approval after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Borough as shown by a certificate signed by the Borough Engineer and Borough Solicitor that the necessary dedication of public lands and improvements has been made and accepted.
- b. When a financial security is required, the Chairman and Secretary of the Planning Commission shall sign and stamp the mylar original and three (3) copies of the final plan and attach thereto a notation that it has received approval and the date of such approval after the bond or other financial security has been approved by the Council and all the conditions of the resolution pertaining to the plan have been satisfied.

The Planning Commission shall return the mylar original and one (1) signed print to the applicant, one print being for compliance with the recording requirements. The other two (2) copies of the final plan as endorsed shall be distributed to the Borough Planning Commission and to the Council.

7. Recording Plans and Deeds: Upon approval of the final plan the developer or subdivider shall, within ninety (90) days of such final approval, record such plan in the Office of Recorder of Deeds of Columbia County. Whenever such plan approval is required by the Borough, the Recorder of Deeds of Columbia County shall not accept any plan for recording unless such plan officially notes the approval of the Borough Planning Commission and review by the County Planning Commission.

The recording of the plan 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 plan.

153.305 Effect of Plan Approval on Official Map: After a plan has been approved and recorded, as provided in this Ordinance, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Borough, should the Borough have adopted such a map, without public hearing.

153.306 Effect of Ordinance Changes on Application

1. Effect on Application Duly Filed: From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

Section 153.306 (cont'd)

2. Effect Upon Approved Preliminary Plan: In addition, when a preliminary plan application has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan application as hereinafter provided.
3. Effect Upon Disapproved Plan: However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
4. Time Period for Completion of Approved Plan: When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, 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 five (5) years from such approval.

Where final plan approval is preceded by preliminary plan approval, the five-year period shall be counted from the date of the preliminary plan approval.

In the case of any doubt as to the terms of a preliminary plan approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

153.307 Effect of Ordinance Changes on Required Improvements

1. Effect on Substantially Completed Required Improvements: Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit or any extension thereof as may be granted by the Borough Council, no change of Borough ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
2. Effect on Installation of Required Improvements Beyond the Five-Year Period: Where the installation of required improvements is called for beyond the five-year period in a preliminary plan filed prior to the change of ordinance or plan:
 - a. A plan showing all proposed phases or sections of the development shall be submitted with the preliminary plan application.

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

- b. A time schedule for the filing of final plan applications for each phase or section shall be submitted with the preliminary plan application.

Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval

Section 153.307 (cont'd)

of the Council at its discretion.

3. Applicability of Protections from Ordinance Changes: Provided the landowner has not defaulted with regard to, or violated any of the conditions of, the approved preliminary plan, including compliance with the landowner's aforesaid schedule of submission of final plans for the various sections, then:
 - a. The aforesaid protections afforded by substantially completing the improvements shown on the final plan within five (5) years shall apply; and
 - b. For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of the approved final plan for each section.

Failure of the landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any section to any and all changes in zoning, subdivision and other governing ordinances enacted by the Borough subsequent to the date of the initial preliminary plan application.

ARTICLE 4 ASSURANCES FOR COMPLETION OF IMPROVEMENTS

- 153.401 Completion of Improvements
- 153.402 Guarantee of Completion of Improvements
- 153.403 Release from Improvement Guarantee
- 153.404 Reimbursement for Inspection of Improvements
- 153.405 Remedies to Effect Completion of Improvements
- 153.406 Consumer Protection Legislation and Conflict of Interest Statutes

Article 4

ASSURANCES FOR COMPLETION OF IMPROVEMENTS

153.401 Completion of Improvements: No plan shall be finally approved unless the streets shown have been improved as required by this Ordinance, and any walkways, curbs, gutters, street lights, street signs, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and any other required improvements have been installed as required by this Ordinance.

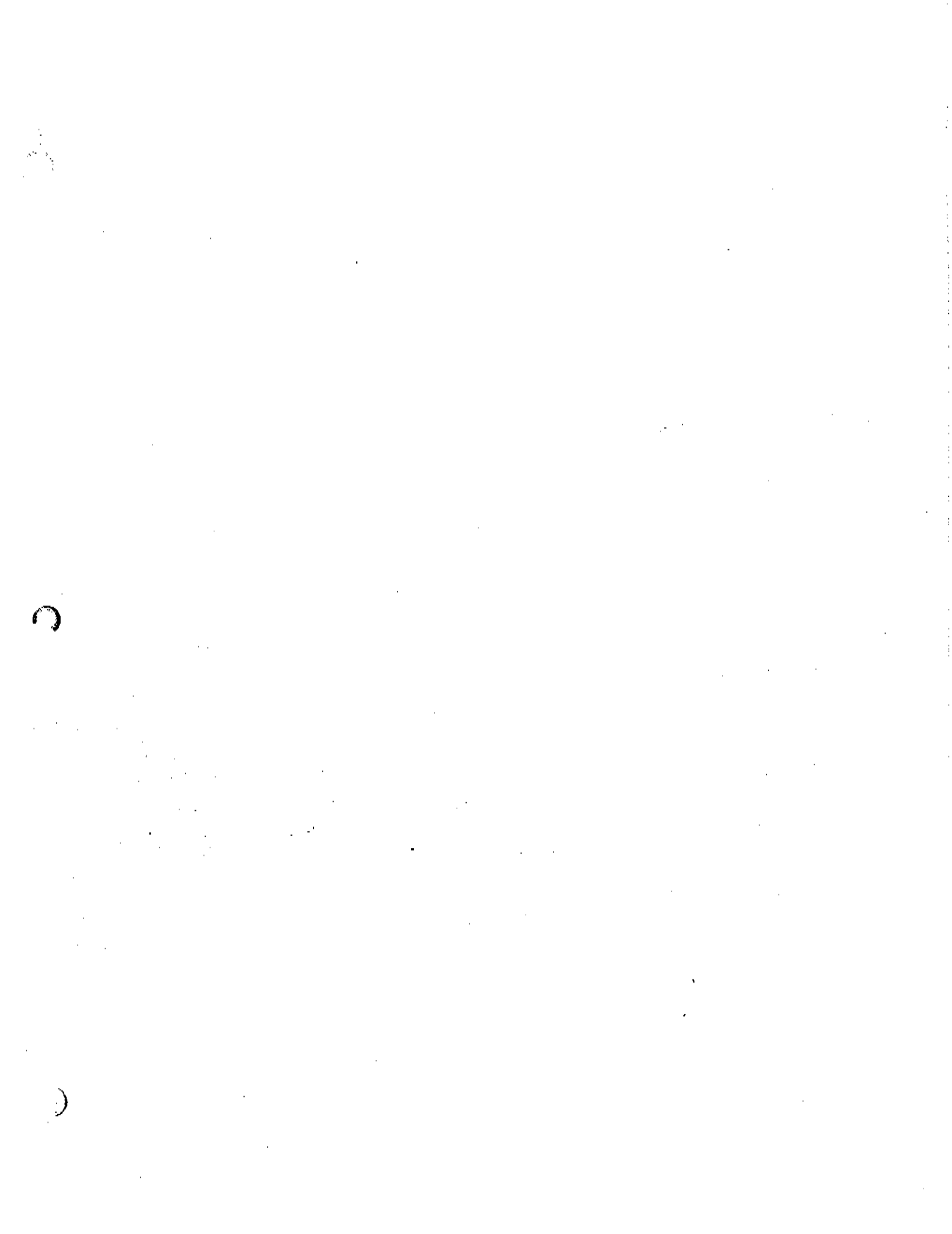
1. Notice of Starting Work: The Borough Engineer shall be given at least twenty-four (24) hours notice by the subdivider or developer prior to commencement of work at the site. Work shall not begin without such prior notification.
2. Inspection of Improvements During Construction: The Borough Engineer may make as many unannounced visits as he deems necessary to the site during normal working hours during the construction of improvements in order to inspect the construction work for conformance with the approved plans.
3. Filing of Report: The Borough Engineer shall file a report, in writing, with the Council after each such inspection and shall promptly mail a copy of the same to the developer or subdivider by certified or registered mail.

The report shall be made and mailed within five (5) days of the inspection and shall indicate whether the improvements are being constructed in accordance with the approved plan or whether they have been found to be defective. The report shall contain a detailed statement of the defects found. A time schedule for correction of the defects shall be provided, and the subdivider or developer shall be notified that no further work will be conducted until the corrections are made and approved.

4. Completion of Improvements: (The same procedures shall be followed as itemized in Subsection 153.403 (1), (2), (3), (4), (5), (6), and (7), except that consideration of financial security shall not apply.
5. Financial Security for Maintenance of Improvements (See Section 153.402 [13].)

153.402 Guarantee of Completion of Improvements: In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to Section 153.402 (8) Phasing of Development, the deposit with the Borough of a financial security shall be required in the amount sufficient to cover the costs of such improvements or common amenities which may be required, including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings. All final documentation of financial security shall be submitted to the Borough Solicitor for his review fourteen (14) days prior to the public meeting at which the plan will be submitted for final approval; otherwise, the plan will be denied.

1. Types of Financial Security: Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, irrevocable letters of credit and restrictive or escrow accounts from Federal or Commonwealth chartered lending institutions shall be deemed acceptable financial security for the purposes of this Ordinance.
2. Posting of Financial Security: Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party



Section 153.402 (cont'd)

posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

3. Action to Facilitate Financing: When requested by the developer, in order to facilitate financing, the Borough Council or the financing agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer's obtaining a satisfactory financial security.

The final plan 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 ninety (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.

4. Time Period for Completion of Improvements: 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.
5. Amount of Financial Security: The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer.

Annually, the 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 90th 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 one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.

6. Establishment of Improvement Cost: The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional 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 the developer and the Borough are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed as such in the 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.

Section 153.402 (cont'd)

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.

7. Increase in Time Period and Amount of Financial Security for Completion of Improvements: If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of the financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the procedure described in (5) above.
8. Phasing of Developments: In the case where development is projected over a period of years, the Council may authorize the submission of final plans by sections or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.
9. Notice of Starting Work: The Borough Engineer shall be given at least twenty-four (24) hours notice by the subdivider or developer prior to commencement of work at the site. Work shall not begin without such prior notification.
10. Inspection of Improvements During Construction: The Borough Engineer may make as many unannounced visits as he deems necessary to the site during normal working hours during the construction of improvements in order to inspect the construction work for conformance with the approved plans.
11. Filing of Report: The Borough Engineer shall file a report, in writing, with the Council after each such inspection and shall promptly mail a copy of the same to the developer or subdivider by certified or registered mail.

The report shall be made and mailed within five (5) days of the inspection and shall indicate whether the improvements are being constructed in accordance with the approved plan or whether they have been found to be defective. The report shall contain a detailed statement of the defects found. A time schedule for correction of the defects shall be provided, and the subdivider or developer shall be notified that no further work will be conducted until the corrections are made and approved.
12. Release of Portions of Financial Security: As the work of installing the required improvements proceeds, the party posting the financial security may request the 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 request shall be in writing addressed to the Council, and the Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify in writing to the Council that such portion of the work upon the improvements has been completed in accordance with the approved plan.

Upon such certification the Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer as fairly

Section 153.402 (cont'd)

representing the value of the improvements completed. Failure of the Council to act within the said forty-five day period shall be deemed an approval of the release of the funds requested.

The Council may require retention of ten percent (10%) of the estimated cost of the aforesaid improvements prior to final release at the time of completion and certification by its Engineer.

13. Financial Security for Maintenance of Improvements: Where the Council accepts dedication of all or some of the required improvements following completion, it 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 shown on the final plan for a term not to exceed eighteen (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 fifteen percent (15%) of the actual cost of installation of said improvements.

14. Financial Security for Improvements Under Jurisdiction of Public Utility or Municipal Authority: 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 municipality, 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.

15. Issuance of Permits When Financial Security Has Been Posted: If financial security has been provided in lieu of the completion of improvements required as a condition for final plan approval as set forth in this Section, the Borough shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as shown on the final plan upon actual completion of the improvements shown on the approved final plan.

16. Certificates of Zoning Compliance (Occupancy) Not to be Withheld Under Certain Conditions: If said financial security has been provided, certificates of zoning compliance, or occupancy permits, for any building or buildings to be erected shall not be withheld following:

- a. 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
- b. the completion of all other improvements as shown on the approved final plan, either upon the lot or lots beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

Any ordinance or statute inconsistent herewith is hereby expressly repealed.

153.403 Release from Improvement Guarantee

1. Notification of Completion of Improvements: When the developer or subdivider has completed all of the necessary and appropriate improvements, the developer or subdivider shall notify the 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.

2. Authorization of Inspection of Improvements: The Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall be a duly registered Professional Engineer (PE) employed by the Borough or engaged as a consultant thereto.

3. Filing of Report: The Borough Engineer shall thereupon file a report, in writing, with the Council and shall promptly mail a copy of the same to the developer or subdivider by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Council. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. 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 the reasons for such nonapproval or rejection.

4. Notification of Borough Action: The Council shall notify the developer or subdivider, within fifteen (15) days of receipt of the Engineer's report, in writing, by certified or registered mail, of the action of said Council with relation thereto.

5. Failure of Borough to Act Within Time Limit: If the 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 or subdivider shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.

6. Responsibility of Developer Upon Disapproval of Improvements: If any portion of the said improvements shall not be approved or shall be rejected by the Council, the developer or subdivider shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in this Section, shall be followed.

7. Developer's Right to Contest Action: Nothing herein, however, shall be construed in limitation of the developer's or subdivider's right to contest or question by legal proceedings or otherwise any determination of the Council or Borough Engineer.

153.404 Reimbursement for Inspection of Improvements: The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements.

Such reimbursement shall be based upon a schedule established by ordinance or resolution. 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 the fees are not reimbursed or otherwise imposed on the applicants.

Section 153.404 (cont'd)

1. Applicant's Dispute of Inspection Fees: In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (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.
2. Appointment of Second Engineer: If, within twenty (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 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.
3. Procedures of Second Engineer: 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 fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
4. Dispute on Appointment of Second Engineer: In the event that the Borough and applicant cannot agree upon the Professional Engineer to be appointed within twenty (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 five (5) years.
5. Fees of Appointed Second Engineer: The fee of the appointed Professional Engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of the 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 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.

153.405 Remedies to Effect Completion of Improvements

1. Enforcement of Financial Security: In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Council can enforce any corporate bond or other security by appropriate legal and equitable remedies.
2. Insufficiency of Financial Security: If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute

Section 153.405 (cont'd)

appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

3. Proceeds from Financial Security Limited as to Use: All of the proceeds, whether resulting from the security or from any legal or equitable action or from both, brought against the developer or subdivider shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

153.406

Consumer Protection Legislation and Conflict of Interest Statutes

1. Violation of Consumer Protection Laws: No zoning permit or certificate of zoning compliance (occupancy permit) shall be granted or issued if a developer or subdivider shall have violated any Federal, State, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflict-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
2. Revocation of Permits: With respect to said lot or parcel of land, in the event a zoning permit or certificate of zoning compliance (occupancy permit) has been granted or issued, it shall be subject to revocation by the Borough until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of zoning compliance (occupancy permit) be prejudiced by any such revocation.
3. Subdivision Ordinance Violation: Any violation of a Federal, State, or local consumer protection law (including but not limited to: the Postal Reorganization Act of 1970, the Federal Trade Commission Act of 1970, the Interstate Land Sales Full Disclosure Act, the Truth in Lending Act, the Uniform Commercial Credit Code) or conflict of interest statute, law, or ordinance shall be deemed a violation of the regulations of this Ordinance and subject to all the penalties and proceedings as set forth in Article 9.

ARTICLE 5 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

- 153.501 General Requirements
- 153.502 Sketch Plan
- 153.503 Preliminary (Engineering) Plan
- 153.504 Final (Recording) Plan

Article 5

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

153.501 General Requirements: All major subdivision and land development plans should meet the requirements outlined in the following sections. Minor subdivisions and land developments should follow requirements for sketch and final plans. Such plans and surveys shall be prepared in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law."

153.502 Sketch Plan: The sketch plan, when provided, should include the following information legibly drawn to scale of one (1) inch equals one hundred (100) feet on prints either 18" x 24", 22" x 36", 27" x 40", or 36" x 48":

1. Name and address of record owner and name and address of subdivider or developer if different than owner.
2. Name of proposed subdivision or development.
3. Name of municipality or municipalities in which the subdivision or development is located.
4. Tract boundaries and location and a statement of the total acreage of the tract.
5. Name of owners or subdividers of all abutting properties within two hundred (200) feet of the tract, including land on the opposite side of an abutting road.
6. The name of the registered engineer, surveyor, qualified planner, architect, or landscape architect responsible for the preparation of the sketch plan.
7. North arrow, written and graphic scale, and date of original drawing.
8. Significant topographic and physical features of the area.
9. Existing watercourses, streams, ponds, and wetlands within the tract together with their names. All tree clusters or wooded areas.
10. Existing buildings, roads, and rights-of-way within two hundred (200) feet of the boundaries of the proposed subdivision or development.
11. The proposed general layout of lots and streets within the entire tract.
12. A location map showing the proposed subdivision or development in relation to municipal boundaries, public roads, and streams.
13. Proof of ownership.

The sketch plan should be accompanied by a letter of intent explaining the concept of development proposed for the tract.

153.503 Preliminary (Engineering) Plan: The Preliminary Plan should include the following information legibly drawn to a scale of not more than one (1) inch equals fifty (50) feet on mylar film of either 18" x 24", 22" x 36", 27" x 40", or 36" x 48":

Section 153.503 (cont'd)

1. A title block shall include the following information:
 - a. Name and address of record owner and name and address of subdivider or developer if different than owner.
 - b. Name of proposed subdivision or development.
 - c. Name of municipality or municipalities in which the subdivision or development is located.
 - d. Name, address, license number, and seal of registered engineer or surveyor responsible for the preparation of the plan.
 - e. North arrow, graphic scale, written scale, and date of original plan and of each revision.
 - f. The total acreage, number of lots, number of buildings if a development, and average lot size in the tract proposed to be subdivided or developed.
 - g. The existing zoning classification of the tract.
 - h. A place for the signatures of the Chairman and Secretary of the Planning Commission and the date of approval of the preliminary plan.
 - i. A place for the signatures of the authorized persons of the County Planning Commission and for the date of review.
2. A location map showing the proposed subdivision or development in relation to municipal boundaries, public roads, and streams.
3. If the Preliminary Plan requires more than one sheet, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet, and a match line of one sheet to another shall be shown.
4. If only part of the tract is being subdivided or developed, a sketch plan of the entire parcel should be included showing the relationship of the subdivided or developed area to the unsubdivided or undeveloped area and the proposed use of the entire parcel.
5. The Plan shall show the tract boundaries including bearings and distances and the names of all adjoining landowners and subdivisions within two hundred (200) feet of the tract boundaries, including those on the opposite side of abutting roads, and also the tax map sheet, block, and lot numbers within the proposed tract from the County Assessor's Office.
6. Man-made features including the following shall be shown: existing or recorded streets on or adjacent to the tract including name or number, right-of-way width and pavement width; and existing buildings, storm sewers, sanitary sewers, water mains, culverts, power transmission lines, oil and gas pipelines, fire hydrants and other significant man-made features.

Section 153.503 (cont'd)

7. Original and proposed topographic contours at vertical intervals of not more than two (2) feet for land with average natural slope of five percent (5%) or less, and at intervals of not more than five (5) feet for land with the average natural slope exceeding five percent (5%). Location and elevation of the data to which the contour elevations refer shall be the closest United States Coast and Geodetic established benchmark.
8. The Preliminary Plan of proposed development shall include the following:
 - a. Location and width of all street rights-of-way and cartways, with a statement of any conditions governing their use.
 - b. Suggested street names and number and location of street signs.
 - c. Building setback lines along each street.
 - d. Lot lines with dimensions.
 - e. Lot numbers and block numbers in consecutive order.
 - f. A statement of intended use of all nonresidential lots, parcels and buildings.
 - g. Sanitary and storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities.
 - h. Parks, playgrounds, and other areas to be provided for public or common use, with any conditions governing such use.
 - i. Location, width, and purpose of proposed easements and utility rights-of-way.
 - j. The location of soil test probes and percolation test sites if on-lot sewerage is to be used.
 - k. Map notations where deed restrictions and protective or restrictive covenants apply.
9. Supplementary maps or a composite map at the same scale as the Preliminary Plan containing the following additional information shall be supplied unless the Berwick Borough Planning Commission has determined the additional information unnecessary:
 - a. A map illustrating an analysis of the natural drainage patterns and water resources including the delineation of streams, natural drainage swales, ponds and lakes, wetlands, flood plains subject to a fifty (50) year and a one hundred (100) year flood frequency, permanent and seasonal high water table areas, and Federal Emergency Management Agency flood hazard maps for the Borough.
 - b. A map illustrating an analysis of types of soils present on the tract including prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion, and soils most suitable to urban development. This information can be obtained from the County Soil Survey prepared by the USDA Soil Conservation Service.

Section 153.503 (cont'd)

- c. A map illustrating significant natural features within the proposed tract, such as woodland areas containing trees six (6) inches or more in diameter (measured at a height of four and one-half [4 1/2] feet above original grade), rock outcroppings, and scenic views.
 - d. A map illustrating an analysis of the slopes within the tract including a delineation of slope areas under eight percent (8%), between eight percent (8%) and fifteen percent (15%), and between fifteen percent (15%) and twenty-five percent (25%), and twenty-five percent (25%) and over.
 - e. A map illustrating the entire contiguous holdings of the landowner, indicating the area or scope of ultimate development and the area included in the Preliminary Plan, and also the proposed road system for the remainder of the area.
10. Materials to be submitted with the Preliminary Plan, unless the Planning Commission has determined that the submission of certain data is not necessary, shall include:
- a. Preliminary Plan application form and fee. (See Article 9.)
 - b. A fee for County review if required by the County Planning Commission.
 - c. Proof of ownership.
 - d. Copies of proposed deed restrictions, if any.
 - e. Engineering profiles, typical cross-sections, and specifications for proposed streets and sidewalks.
 - f. Engineering designs of proposed bridges or culverts.
 - g. Engineering designs of proposed sewerage systems and water supply systems where such systems are proposed to be installed.
 - h. Drawings of present and proposed grades and facilities for storm water drainage.
 - l. A sewerage module and all accompanying documentation as required by the Pennsylvania Department of Environmental Resources, if applicable.
 - j. Test probe and percolation test data and all accompanying documentation as required by the Pennsylvania Department of Environmental Resources, if applicable.
 - k. When land included in the proposed subdivision has a natural gas pipeline, a petroleum or petroleum products pipeline, or a power transmission line located thereon, a letter from the owner of such pipeline or transmission line stating the minimum setback distance which shall be required from such pipeline or transmission line.
 - l. Itemized estimated costs for required improvements.

Section 153.503 (cont'd)

11. Review Fees: Review fees may include reasonable and necessary charges of the Borough's professional consultant or Engineer for review and report thereon to the Borough.

Such review fees shall be based on a schedule established 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 Borough, but in no event shall the fees exceed the rate charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

- a. Applicant Dispute of Review Fees: In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (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.
- b. Procedure for Dispute Resolution: In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for dispute resolution set forth in Section 153.404.

153.504 Final (Recording) Plan: The Final Plan shall conform to the standards and data requirements set forth for the Preliminary Plan in Section 153.503. It shall not be necessary to resubmit supporting data and maps submitted with the Preliminary Plan, provided there have been no changes. The Final Plan to be submitted for approval and recording shall be a transparent reproduction of the Final Plan with black line on mylar film of the same dimensions for the Preliminary Plan.

The following additional data shall be illustrated on the Final Plan:

1. The latest source of title to the land as shown by deed, page number and book of the Columbia County Recorder of Deeds Office.
2. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearing to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.
3. The exact dimensions of all streets (including rights-of-way and cartways); lot lines, areas, and distances; utility and other easements; and all lands to be dedicated to public use.
4. The location and material of all permanent monuments and lot markers.
5. Highway occupancy permit numbers if the subdivision proposes a new street or driveway intersection with a State Route.
6. All lot lines shall be completely dimensioned in bearing and distance, in feet if straight and, if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds). All internal angles within the lots shall be designated to the closest second.

Section 153.504 (cont'd)

7. The proposed building setback line or the proposed placement of each building shall be shown, and, where corner lots are involved, the setbacks on both streets shall be shown.
8. Space on the title block of the Final Plan shall be provided for the signatures of the Chairman and Secretary of the Planning Commission of Berwick Borough and the date of signing.
9. Space for the signatures of the authorized persons of the County Planning Commission and for the date of review.
10. Space on the lower edge of the Final Plan shall also be provided for acknowledgement of receipt and recording of the Plan by the Columbia County Recorder of Deeds Office.
11. Materials to be submitted with the Final Plan include:
 - a. Final Plan application form and fee. (See Article 9.)
 - b. A fee for County review if required by the County Planning Commission.
 - c. Any material from the Preliminary Plan for which the Planning Commission had requested correction or updating.
 - d. Copies of final deed restrictions, if any.
 - e. All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.
 - f. Certification from utilities that proper water, power, and other facilities also can be or have been installed.
 - g. Certification from the Pennsylvania Department of Environmental Resources approving the subdivision sewerage system in all areas where public sewerage is not available and where on-lot sewerage facilities are not to be installed.
 - h. Certification of ownership, acknowledgement of plan, and offer of dedication signed by the owner of the property and notarized.
 - i. A certificate for approval of the Final Plan by the Berwick Borough Planning Commission.
 - j. Final designs of all sanitary sewer, water distribution, and storm drainage systems showing their exact location, size, and invert elevation; the locations of all manholes, inlets, and culverts; and final profiles, cross-sections, and specifications for streets, sidewalks, sanitary sewers, water distribution systems, storm drainage systems, and parking lots and buffer areas on one or more sheets.
 - k. If the streets are not to be offered for dedication to public use, the subdivider shall submit and record with the Final Plan a copy of an agreement made and executed by the Council on behalf of the subdivider's or developer's heirs and assigns, subject to review and approval by the Borough Solicitor, establishing the conditions under which

Section 153.504 (cont'd)

the street may be later offered for dedication, and shall stipulate, among other things:

-That 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,

-That an offer to dedicate the street shall be made for the street as a whole,

-That the method of assigning repair costs to be as stipulated, and

-That agreement by the owners of fifty-one percent (51%) of the front footage thereon shall be binding on the owners of the remaining lots.

- l. A financial security for the installation of improvements, if such improvements are not to be installed prior to Final Plan approval. (See Articles 4 and 9.)
 - m. A financial security for the maintenance of improvements. (See Articles 4 and 9.)
 - n. An inspection fee for the inspection of improvements by the Borough Engineer. (See Articles 4 and 9.)
12. Review Fees: Review fees may include reasonable and necessary charges of the Borough's professional consultant or Engineer for review and report thereon to the Borough.

Such review fees shall be based on a schedule established 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 Borough, but in no event shall the fees exceed the rate charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

- a. Applicant Dispute of Review Fees: In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (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.
- b. Procedure for Dispute Resolution: In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for dispute resolution set forth in Section 153.404.

ARTICLE 6 DESIGN STANDARDS

- 153.601 Application of Standards
- 153.602 General Site Standards
- 153.603 Blocks
- 153.604 Lots
- 153.605 Streets
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Article 6

DESIGN STANDARDS

153.601 Application of Standards: The following principles, standards and requirements will be applied by the Berwick Borough Planning Commission in evaluating plans for proposed subdivision or land developments. The standards and requirements outlined herein shall be considered the minimum standards and requirements for the promotion of the public health, safety, morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Planning Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance. (See Section 153.903.)

153.602 General Site Standards

1. Land shall be suited to the purposes for which it is to be subdivided or developed.
2. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision and land development plan. Land considered as having unsuitable characteristics include that which is subject to flooding or which has a high ground water table; that which, if developed, would create or aggravate a flooding condition upon other land; that which is subject to subsidence or underground fires; that which contains significant areas of slopes greater than fifteen percent (15%); that which is hazardous because of topography or means of access; and that which is subject to ground pollution or contamination.
3. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
4. Proposed subdivisions and land developments shall insure, insofar as possible, the preservation of natural and historic features, areas, and structures determined to be worthy of such preservation by the Planning Commission, and public access to such places where appropriate.
5. The design of proposed subdivisions and land developments shall conform to the Comprehensive Plan with respect to streets, public grounds and proposed utilities.
6. The design of proposed subdivisions and land developments shall conform with all applicable rules and regulations of the Pennsylvania Department of Environmental Resources and Department of Transportation and with all applicable rules and regulations of other State and Federal agencies.
7. Proposed land use shall conform to the Zoning Ordinance of the Borough.

153.603 Blocks

1. Layout: The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the Borough land use and zoning requirements, to the topography of the land being subdivided, and to the requirements for safe and convenient vehicular and pedestrian circulation.

Section 153.603 (cont'd)

2. **Length:** Blocks shall not exceed one thousand six hundred (1,600) feet in length, nor be less than five hundred (500) feet in length. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length. In the design of blocks longer than one thousand (1,000) feet special consideration shall be given to the requirements of satisfactory fire protection.
3. **Depth:** Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used or where, due to the contour of the land or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two-tier design.
4. **Crosswalks:** Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1,000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for a width of not less than four (4) feet, shall be located in easements not less than ten (10) feet in width, and shall, insofar as possible, be located in the center of any such block.
5. **Commercial and Industrial Blocks:** Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access rights-of-way, and utilities shall be provided as necessary.
6. **Exception:** The above minimum standards for the design and size of blocks shall govern unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required.

153.604 **Lots**

1. **Layout:** The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.
2. **Lot Lines Intersecting Streets:** Lot lines intersecting street lines shall be substantially at right angles to straight street lines or radial to curved street lines.
3. **Municipal Boundaries:** Lot lines shall follow municipal boundaries rather than cross them, whenever possible, in order to avoid jurisdictional problems.
4. **Depth of Residential Lots:** Generally, the depth of residential lots shall be not less than one (1) nor more than two and one-half (2 1/2) times their width.
5. **Depth of Multi-Family Residential and Non-Residential Lots:** Depth and width of parcels intended for multi-family residential and all non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, and landscaping.
6. **Frontage on Streets:** Lots shall, in general, front on a street which has already been dedicated to the Borough or which the subdivider or developer proposes to dedicate to the Borough in connection with approval of the final plan. In multi-family residential

Section 153.604 (cont'd)

or in commercial or industrial or other nonresidential subdivisions or developments where access is proposed to be provided by private streets within the subdivision or development, this requirement may be waived by the Borough Planning Commission.

7. Double or Reverse Frontage Lots: Double or reverse frontage lots shall be avoided except where required to provide separation of residential uses from arterial or collector streets or to overcome specific disadvantages of topography or orientation.
8. Land Remnants: Remnants of land smaller than required for a lot shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots or dedicated to public use if acceptable to the Borough Planning Commission and Borough Council.
9. Lot Dimensions: Lot areas, dimensions and setback lines shall conform with the Zoning Ordinance of the Borough.
10. Address Numbers for Lots: Address numbers for each lot within a subdivision shall be assigned in accordance with the directives of the Borough.

153.605 Streets

1. Street Classification: Three functional classifications are hereby established for the streets and roads of the Borough:
 - a. Arterial: This classification includes major streets or roads located and designed for the continuous movement of heavy volumes of all types of comparatively short-haul (usually five miles or greater) vehicular traffic between communities and for collecting and distributing traffic to and from expressways. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.
 - b. Collector: This classification is intended to include those streets located and designed for all types of intra-community vehicular traffic and functioning to carry traffic from local streets to arterials. Generally, these streets should accommodate speeds of 35 miles per hour.
 - c. Local: This classification is intended to include streets that provide local access to residences and other uses along its sides. Travel volumes are low and travel distances are short. Generally, these streets should accommodate speeds of 25 miles per hour. These streets also include cul-de-sac, marginal access, and perimeter streets.
2. General Standards: All streets proposed to be constructed within the Borough shall conform to the following general design standards:
 - a. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Comprehensive Plan of the Borough.
 - b. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted or filed as prescribed by law.

Section 153.605 (cont'd)

- c. All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- d. Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, and probable volumes of traffic.
- e. Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be so arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- f. Minor streets shall be laid out to discourage use by through-traffic, to permit efficient drainage and utility systems, and to provide the minimum number of streets necessary for convenient and safe access to property. The rigid, rectangular gridiron pattern need not necessarily be adhered to and the use of curvilinear, cul-de-sac, and U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- g. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts. Reserve strips and land-locked areas shall not be created.
- h. Proposed streets shall extend existing streets or recorded streets at the same width, but in no case at less than the required minimum width. Where a subdivision abuts an existing street of improper width or alignment, sufficient land shall be dedicated to widen the street or correct the alignment.
- i. If lots resulting from original subdivision are large enough to permit resubdivision or if a portion of the tract is not subdivided; adequate street rights-of-way to permit further subdivision shall be provided as necessary.
- j. Where a subdivision abuts or contains a railroad or an existing or proposed arterial or expressway, the Planning Commission may require marginal access streets, parallel streets, reverse frontage lots, or such other treatment as will provide protection to abutting properties and will result in the reduction of the number of intersections and the separation of local and through traffic.
- k. No street shall be laid out or opened which extends to or crosses any municipal boundary except with the specific approval of the Planning Commission and upon such condition as they may impose. If such street is proposed to serve a major traffic generator (such as a school, shopping center or industrial site) located in another municipality, it shall not be approved unless the streets in both municipalities are adequate to handle the anticipated traffic volume.

Section 153.605 (cont'd)

3. Private Streets
 - a. All subdivided land shall have immediate access to a public street, except as provided for below.
 - b. No subdivision shall be approved on a private street or road if more than two (2) lots already front on such street or road or if, after subdivision, more than two (2) lots will front on such private street or road.
4. Dead-End Streets: Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
5. Cul-de-Sac Streets
 - a. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround complying with the street design standards of these regulations. (See Table 1.)
 - b. A temporary cul-de-sac shall be provided where a street is designed to be extended either in a future phase of development or into an adjacent undeveloped tract. At such time as such street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the turnaround.
 - c. A permanent cul-de-sac shall be provided where a street is not designed to extend to a boundary and its continuation is not required by the Planning Commission for access to adjoining property. The terminus of a permanent cul-de-sac street shall not normally be closer to a tract boundary than fifty (50) feet; however, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. For greater convenience to traffic and more effective police and fire protection, permanent cul-de-sac streets shall, in general, be limited in length in accordance with the street design standards of these regulations. (See Table 1.)
6. Half or Partial Streets (Perimeter Streets)
 - a. New half or partial streets at the perimeter of a subdivision shall not be permitted, except where essential to provide reasonable access to a subdivision of a tract. Such streets may be authorized where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
 - b. Wherever a tract to be subdivided or developed borders an existing half or partial street at the perimeter of the tract, the entire street shall be shown on the plan and shall be improved and dedicated with the tract unless otherwise determined by the Borough.
7. Reserve Strips: The creation of reserve strips, including those controlling access to streets from adjacent property, shall be forbidden.

Section 153.605 (cont'd)

8. Alleys

- a. Alleys are prohibited in residential developments except where required to avoid direct driveway access to collector streets or to assure continuity to present street patterns or where other methods of entrance and exit are impractical. No lots shall front on an alley.
- b. Alleys may be provided in non-residential areas where needed for loading and unloading or access purposes. Such alleys shall have a minimum paved width of twenty (20) feet.

9. Access Drives: Access drives shall have the following characteristics:

- a. The number of access drives for a tract shall not exceed one (1) per street frontage.
- b. Access drives shall be so located as to provide reasonable sight distances at intersections with streets. (See Table 1.)
- c. At its intersection with a street, no part of any access drive shall be nearer than one hundred (100) feet to the intersection of any two street right-of-way lines.
- d. The intersection of an access drive with a street or with another access drive shall conform to the street design standards for collector streets. (See Table 1.)
- e. The vertical and horizontal alignments of access drives shall conform to the street design standards for local streets. (See Table 1.)
- f. Access drives which form cul-de-sacs shall conform to the street design standards for local streets. (See Table 1.)
- g. Access drives do not require a specific right-of-way width; however, the minimum pavement width shall conform to the street design standards for local street cartway width. (See Table 1.)

10. Fire Fighting Access Easements: In areas where, in the opinion of the Fire Chief, there will exist any fire hazards, access easements for fighting fires shall be provided. Such easements shall be kept unobstructed and their design, size, location, and grading shall be as recommended by the Fire Chief and as found necessary by the Planning Commission.11. Driveways

- a. Driveways, where provided, shall be located not less than forty (40) feet from the intersection for corner lots and provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications.
- b. Driveways shall be so located as to provide reasonable sight distances at intersections with streets.
- c. The number of driveways shall not exceed one (1) per lot or two per two hundred (200) feet of street frontage.

Section 153.605 (cont'd)

- d. Driveway entrances shall be rounded at a minimum radius of five (5) feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line).
- e. The entrance to the cartway from the driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway.
- f. Adequate drainage facilities shall be provided under driveways where they meet the street cartway.
- g. Subdivisions and land developments should be designed to eliminate, where possible, driveways abutting State highways. This shall be accomplished either by providing for a street parallel to the State highway and separated from it by a grass area, or by laying out lots such that the rear lot lines about the State highway right-of-way and that provision for driveways be made from the front of the lot onto a street of the subdivision or land development. Where driveways are proposed to require access to State highways the subdivision or land development plan shall be submitted to the Pennsylvania Department of Transportation for review. Only if a highway occupancy permit has been issued by the Department will such driveways be permitted.

12. Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty-five (85) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Borough upon recommendation of the Borough Engineer.
- b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect arterial streets, their alignment shall be continuous. Intersection of arterial streets shall be at least eight hundred (800) feet apart.
- c. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- d. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a four percent (4%) rate at a distance of forty (40) feet, measured from the nearest right-of-way line of the intersecting street.
- e. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall

Section 153.605 (cont'd)

cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

- f. The cross-slopes on all streets, including intersections, shall be two percent (2%) or less.

13. Highway Occupancy Permit: No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

The Department shall, within sixty (60) days of the receipt of an application for a highway occupancy permit:

- a. Approve the permit, which shall be valid thereafter unless prior commencement of construction thereunder or the geographic, physical or other conditions under which the permit is approved change, thereby requiring modification or denial of the permit, in which event the Department shall give notice thereof in accordance with regulations,
- b. Deny the permit,
- c. Return the application information or correction to conform with Department regulations, or
- d. Determine that no permit is required, in which case the Department shall notify the Borough and the applicant in writing.

If the Department shall fail to take any action within the 60-day period, the permit will be deemed to be issued.

The plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit.

Neither the Department nor any municipality to which permit-issuing authority has been delegated under Section 420 of the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit by the Department.

Furthermore, the Borough, from which the zoning permit approval has been requested, shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.

14. Street Design Standards: In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardship to adjoining properties, the following design standards for streets are hereby required. (See Table 1 following.)

Table 1

DESIGN STANDARDS FOR STREETS

Improvement	Development Density			
	Residential			Nonresidential
	Low	Medium	High	Business & Industrial
<u>Minimum Width of Right-of-Way (in feet)</u>				
Local Street	55	55	60	55
Collector Street	55	60	70	60
Arterial Street*				
<u>Minimum Width of Cartway (in feet)</u>				
Local Street	18	20	22	22
Collector Street	22	24	24	24
Arterial Street*				
<u>Minimum Width of Shoulders (each side)</u>				
Local Street	4	6	8	10
Collector Street	6	8	10	10
Arterial Street*				
<u>Maximum Grade (percent)**</u>				
Local Street	10	10	8	6
Collector Street	8	8	8	6
Arterial Street*				
<u>Minimum grade (percent)</u>				
	1	1	1	1
<u>Minimum Radius of Curve (in feet)</u>				
Local Street	260	335	335	260
Collector Street	775	585	470	470
Arterial Street*				
<u>Minimum Length of Vertical Curves</u>				

All Streets

Vertical curves shall be designed to provide for the minimum sight distance at design speed using height of eye equals 4.5 feet and height of object equals 4 inches.

Superelevation

Superelevation (e) shall be required on all curved roadways according to the following formula:

$$e = \frac{V^2 \cdot f}{15 R}$$

where e maximum = 0.06 ft./ft.,
 V = velocity,
 R = centerline radius, and
 f = the following for design speeds

Table 1 (continued)

DESIGN STANDARDS FOR STREETS

Improvement	Development Density			
	Residential			Nonresidential
	Low	Medium	High	Business & Industrial
				0.155 (35 mph design speed)
				0.150 (40 mph design speed)
				0.145 (45 mph design speed)
				0.140 (50 mph design speed)
<u>Minimum Sight Distance (in feet)</u>				
Local Street	200	240	240	200
Collector Street	350	325	275	275
Arterial Street*				
Intersection of Streets	75 feet back from intersection across corners			
<u>Minimum Length of Tangents Between Reverse Curves (in feet)</u>				
Local Street	100	100	150	200
Collector Street	100	100	150	200
Arterial Street*				
<u>Minimum Turnaround (in feet)</u>				
Local Street				
Right-of-way Diameter	100	100	120	150
Pavement Diameter	80	80	100	120
Center Island Diameter (if required)	50	50	70	90
<u>Design Speed (miles per hour)</u>				
Local Street	30	35	35	30
Collector Street	50	45	40	40
Arterial Street*				
<u>Maximum Length of Cul-de-Sac</u>				
Permanent	Six times minimum lot width, serving no more than fourteen (14) families and not exceeding 800 feet in length.			
Temporary	Twelve times minimum lot width, serving no more than twenty-five (25) families and not exceeding 1,000 feet in length.			

Table 1 (continued)

DESIGN STANDARDS FOR STREETS

Improvement	Development Density			
	Residential			Nonresidential
	Low	Medium	High	Business & Industrial
Minimum Pavement Thickness***				
Local Street	A-4	A-4	B-4	C-6
Collector Street	B-4	C-6	C-6	D-6
Arterial Street*				

- A = 2 1/2" bituminous concrete base course and double seal coat or
2" bituminous concrete base course and 1" bituminous wearing course ID-2
- B = 3" bituminous concrete base course and 1" bituminous wearing course ID-2
- C = 4" bituminous concrete base course and 1" bituminous wearing course ID-2
- D = 5" bituminous concrete base course and 1" bituminous wearing course ID-2
- 4 = 4" subbase
- 6 = 6" subbase

All street construction shall be performed in accordance with the Pennsylvania Department of Transportation Specification Form 408, currently in effect.

Footnotes:

*All improvements for arterial streets shall be determined by the Council on a case-by-case basis upon recommendation by the Planning Commission.

**A maximum grade of 12% on local streets and 10% on collector streets may be allowed by the Planning Commission for distances of 150 feet or if another less steep access street is available to serve the subdivision.

***Compliance with the above requirements shall in no way be construed as imposing an obligation on the Borough to accept dedication of any streets. Streets which will be accepted for dedication by the Borough shall comply with the requirements of the Borough ordinance applicable thereto.

153.606 Grading for Drainage: In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. Positive Drainage: All blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
2. Grading and Drainage Plan: Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface water away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A grading and drainage plan shall be required for all subdivisions and land developments, except minor subdivisions.
3. Excavations: No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 - a. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical.
 - b. A written statement is provided by a civil engineer, licensed by Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the deviation from the slope specified above will not result in injury to persons or damage to property. This statement shall be submitted to and approved by the Borough Engineer.
 - c. A concrete or stone masonry wall is constructed according to sound engineering standards to support the face of the excavation. Construction plans for such a wall shall be submitted to and approved by the Borough Engineer.
4. Fills: No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 - a. The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, or buildings.
 - b. A written statement is provided by a civil engineer, licensed by Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the deviation from the slope specified above will not result in injury to persons or damage to property. This statement shall be submitted to and approved by the Borough Engineer.
 - c. A concrete or stone masonry wall is constructed according to sound engineering standards to support the face of the fill. Construction plans for such a wall shall be submitted to and approved by the Borough Engineer.
5. Distance of Slope Edge from Property and Right-of-Way Lines: The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls are five (5) feet or more in height or where slopes are steeper than one (1) horizontal to one (1) vertical may be required to be fenced at the top

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of the wall or slope in order to prevent people from falling off. Such fence, when required, shall be no less than three (3) feet in height and shall be approved by the Borough Engineer.

6. Debris and Nuisances: All lots shall be kept free of any debris or nuisance whatsoever.

153.607 Erosion and Sedimentation Control: The minimization of erosion and control of sedimentation in connection with land development and major subdivisions is in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are necessary for the Borough. (Minor subdivisions are exempt.)

1. General Standards

- a. Erosion and Sedimentation Control Plan Required: No changes shall be made in the contour of the land; no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Borough Engineer and/or the County Soil and Water Conservation District, or there has been a determination by the above entities that such plans are not necessary.
- b. Approval and Financial Security for Plan: No subdivision or land development plan shall be approved unless: (i) there has been an Erosion and Sedimentation Control Plan approved by the Borough that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other form of financial security is deposited with the Borough in the form of an escrow guaranteed which will ensure installation and completion of the required improvements; or (ii) there has been a determination by the Borough that a plan for minimizing erosion and sedimentation is not necessary.
- c. Minimum Requirements of County Soil and Water Conservation District to be Met: Where not specified in this Ordinance, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the County Soil and Water Conservation District. The Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District.
2. Specific Standards: The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:
- a. Stripping: Stripping of vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.
- b. Natural Features: Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- c. Natural Vegetation: Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

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- d. Disturbed Areas: The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - e. Stabilization: Disturbed soils shall be stabilized as quickly as practicable.
 - f. Temporary Vegetation and Mulching: Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - g. Permanent Vegetation and Measures: The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 - h. Accommodation of Increased Runoff: Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be structurally retarded.
 - i. Containment of Sedimentation: Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
3. Grading for Erosion and Other Environmental Controls: In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
- a. Street Improvements: Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with Section 153.605 and as approved by the Borough Engineer.
 - b. Cuts and Fills: Provision shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by the installation of temporary or permanent drainage across or above these areas.
 - c. Compaction of Fills: Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - d. Fills Near Watercourses: Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
 - e. Dust Control: During grading operations necessary measures for dust control shall be exercised.
 - f. Stream Crossings: Grading equipment shall not be allowed to enter into flowing streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

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4. Responsibility

- a. Sedimentation Damage: Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the responsibility of the land developer, subdivider, contractor, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- b. Maintenance of Control Facilities: Maintenance of all erosion and sedimentation control facilities during the construction and development period shall be the responsibility of the land developer or subdivider.
- c. Maintenance of Watercourses: It shall be the responsibility of the developer, subdivider, person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale, or upon the flood plain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- d. Installation of Improvements: The subdivider or land developer shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

5. Compliance with Regulations and Procedures

- a. Compliance a Condition of Preliminary Plan Approval: The Borough, in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sedimentation control measures as contained in Sections 153.607 (2) and 153.607 (3) above.
- b. Compliance with Requirements of County Soil and Water Conservation District: The installation and design of the required erosion and sedimentation control measures shall be in accordance with standards and specifications of the County Soil and Water Conservation District.
- c. Compliance with Requirements of Pennsylvania Department of Environmental Resources: Stream channel construction on watersheds with drainage areas in excess of one-half square mile or in those cases where downstream hazards exist shall conform to criteria established by the Pennsylvania Department of Environmental Resources.

153.608 Storm Water Management and Drainage: There shall be no increase in the rate of storm water discharge from land development or subdivision than would have occurred from the land prior to the activity, using a grassland condition for cleared agricultural land and a good woodland condition for former forested land. For land previously developed, the prior condition shall reflect the actual developed condition.

1. Calculating Storm Water Runoff: The general criteria for calculating storm water runoff shall include the following:

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- a. Point of Evaluation: The point of evaluation shall be the point at which the storm water leaves the development site. The Borough Engineer may require additional points of evaluation beyond the development site as he deems necessary.
- b. Method of Computation: The acceptable methods of computation shall be those that are contained in the publication "Recommended Hydraulic Procedures for Computing Urban Runoff from Small Water Sheds in Pennsylvania". The limitations of each method are defined in this publication. The same method of computation shall be used for both predevelopment and postdevelopment calculations.
- c. Rainfall Frequency Data: Rainfall frequency data area available from the U.S. Department of Commerce, Weather Bureau, and from the Pennsylvania Department of Environmental Resources, Research Publication Number 70.
- d. Design Storms: All storm water retention/detention facilities shall be designed on the basis of providing adequate control for all storms of a 24-hour duration and for frequencies of 2, 10, 25, and 50 years.

Storm sewer systems shall be designed to handle the peak rate of runoff from a storm of 10-year frequency. This design shall be used for (i) building drains and (ii) local streets.

Culverts shall be sized for the following classes of roads and storm frequencies: (i) secondary (collector) roads for storms of 10-year frequency; (ii) primary (arterial) highways for storms of 25-year frequency; and (iii) expressways for storms of 50-year frequency.

Greater design frequencies may be imposed on individual projects if deemed necessary for particular uses of land by the Borough Engineer.

Where State or Federal laws impose a greater design frequency, they shall prevail.

- e. Release Rate: The release rate of storm water from retention/detention facilities shall not exceed the predevelopment peak discharge for a 10-year frequency event.
2. Methods of Storm Water Runoff Detention and Control: The following is a listing of detention and control methods which may be utilized in storm water management systems, if appropriate. The choice of control techniques is not limited to the ones appearing on this list. All State and Federal regulations must be followed in the use of any control method.
 - a. Detention basins
 - b. Retention basins
 - c. Roof-top storage
 - d. Parking lot and street ponding
 - e. Seepage pits, seepage trenches or other infiltration structures
 - f. Porous pavement and concrete lattice-block surfaces
 - g. Grassed channels and vegetative strips
 - h. Cisterns and underground reservoirs
 - i. Routing flow over grass

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j. Decreased impervious area coverage

The use of other control methods which meet the criteria in this Section shall be permitted if approved by the Borough Engineer. Various combinations of methods should be tailored to suit the particular requirements of the type of development and topographic features of the project area.

3. Design of Control Methods: The following publications should be consulted as an aid in designing control facilities:
 - a. Chapter 105. Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources.
 - b. Guidelines for Storm Water Management, Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterways Management.
 - c. Urban Hydrology for Small Watersheds, Technical Release No. 55, U.S. Department of Agriculture, Soil Conservation Service, January 1975.
4. Storm Water Management Plan Required: No changes shall be made in the contour of the land; no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for managing storm water runoff has been processed with and reviewed by the Borough Engineer and/or the County Soil and Water Conservation District, or there has been a determination by the above entities that such plans are not necessary. Minor subdivisions shall be exempt. The Storm Water Management Plan and the Erosion and Sedimentation Control Plan may be combined.
 - a. Storm Water Management Controls: The plan shall show the location and description of permanent control measures and facilities to be provided at the site, including:
 - (i) Permanent vegetation or other soil stabilization measures;
 - (ii) Infiltration facilities such as seepage pits, beds, or trenches for groundwater recharge; the location of septic tank infiltration areas and wells relative to these facilities;
 - (iii) Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, drainage easements, storm sewers, culverts, etc.;
 - (iv) Details on the types, locations and dimensions of facilities for storm water detention and conveyance and for groundwater recharge.
 - b. Hydrologic Calculations: As an attachment to the plan, hydrologic calculations shall be provided for storm water flows from the site and from the entire area tributary to the site under conditions existing prior to development and resulting from the proposed development. Hydrologic calculations, assumptions and criteria used in the design of storm water control devices or methods shall also be provided. Measurements shall be in cubic feet per second for the design storms identified in

Section 153.608 (cont'd)

Section 153.608 (1) (d).

- c. Approval and Financial Security for Plan: No major subdivision or land development plan shall be approved unless: (i) there has been a Storm Water Management Plan approved by the Borough that provides for controlling storm water runoff consistent with this Section, and an improvement bond or other form of financial security is deposited with the Borough in the form of an escrow guaranteed which will ensure the installation and completion of required improvements; or ii) there has been a determination by the Borough that a plan for minimizing storm water runoff is not necessary.
5. Storm Water Drainage: Storm sewers, culverts, drainage easements and related measures shall be provided so as to control drainage and shall be included where applicable in the management plan:
- a. Storm Sewers: Storm sewers shall be required when the storm water runoff cannot be satisfactorily handled within the street cartway in the determination of the Borough Engineer. Where existing storm sewers are accessible, proposed subdivisions and land developments shall be required to connect to them. Where storm sewers are to be located in undedicated land, they shall be placed in an easement at least fifteen (15) feet wide.
- b. Street Drainage at Intersections: Storm water shall not be permitted to cross intersections or the crown of a street. Inlets shall be provided along a street at intervals sufficient to keep the gutter flow at or below 1.5 cubic feet per second. Inlets shall be designed to PennDOT specifications Type C or M. Inlet tops shall be cast-in-place reinforced concrete or precast concrete. Culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections. Minimum pipe size shall be fifteen (15) inches in diameter and shall be made of reinforced concrete. When material for storm drain systems is not specified, the specifications of the Pennsylvania Department of Transportation shall govern.
- c. Natural Drainageways: Where a subdivision or land development is traversed by a natural watercourse, a drainage easement shall be provided conforming substantially with the line of such watercourse. The width of such easement shall be at least thirty (30) feet, measuring fifteen (15) feet on each side, or of such additional width as will be adequate to preserve the unimpeded flow of natural drainage.
- No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Pennsylvania Department of Environmental Resources or the Borough, whichever is applicable. The Borough shall assure that all permanent streams not under the jurisdiction of other official agencies are maintained open and free-flowing.
- d. Roof Drains: Storm water roof drains shall not discharge water directly onto streets and sidewalks.

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- e. Springs and Sump Pump Discharges: Springs and sump pumps shall not discharge water directly onto streets and sidewalks.
- f. Footer Drains, Floor Drains, and Downspouts: Stabilized outlets shall be provided for footer drains, floor drains, and downspouts. House footer drains shall be designed to discharge above the design water surface of the drainageway receiving the flow.
- g. Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.
- h. Drainage onto Adjacent Properties: Special consideration shall be given in the design of storm drainage facilities so as to prevent excess runoff onto adjacent properties. Whenever a subdivision or land development disposes storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capacity of the watercourse, approval shall be obtained from the affected property owner in writing and a copy submitted with the preliminary plan.

6. Compliance with Regulations and Procedures

- a. Compliance a Condition of Preliminary Plan Approval: The Borough, in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of storm water management control measures as contained in Sections 153.608 (4) and (5). The plan shall be accompanied by the following certification signed by a licensed Professional Engineer.

I, _____, hereby certify that the storm water management plan meets all design criteria of the storm water management controls as required by Berwick Borough.

153.609 Flood Plain Area Regulations (See Berwick Borough Flood Plain Ordinance.)

153.610 Water Systems

1. General Requirements

- a. Necessary action shall be taken by the developer to establish a water supply system capable of providing domestic water use and fire protection.
- b. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plan, and the cost of installing the same shall be included in the performance bond or other financial security to be furnished by the developer.
- c. In addition, if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Planning Commission that the subdivision or development is to be supplied by a certificated 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

Section 153.610 (cont'd)

commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

2. Community Water Systems and On-Lot Wells

- a. In high-density residential and in non-residential zoning districts a community water supply system and distribution system shall be provided.
 - b. In low-density and medium-density zoning districts, in the discretion of the Planning Commission, either a community water supply and distribution system or on-lot wells may be provided.
 - c. Community water systems and on-lot wells shall be designed and constructed according to applicable construction standards of the Pennsylvania Department of Environmental Resources, Bureau of Water Quality Management, "Public Water Supply Manual", latest edition. Water samples shall be submitted to the Pennsylvania Department of Environmental Resources for its approval. The results of water tests and proof that the Department of Environmental Resources construction standards have been followed shall be submitted to the Planning Commission.
3. Fire Hydrants: Where community water systems are proposed, fire hydrants shall be located no more than five hundred (500) feet apart on any approved street and shall be connected to a water main at least eight (8) inches in diameter. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision or land development plan.

153.611 Sewerage Systems

1. General Requirements: The developer shall install sanitary sewerage facilities in a manner prescribed by the construction standards and specifications of the Berwick Sewerage Authority, the Pennsylvania Sewerage Facilities Act, and the Pennsylvania Department of Environmental Resources. All plans shall be designed in accordance with the rules, regulations, and standards of the Borough Engineer, the Sewerage Authority, or other appropriate agency. Plans shall be approved by the above agencies. Necessary action shall be taken by the developer to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision or development where no district exists for the land to be served.
2. High-Density Residential Districts: Sanitary sewerage facilities shall connect with public sanitary sewerage systems, if available, or to other community sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes approved by the Borough Engineer. No individual (on-lot) disposal system shall be permitted if public sewers are available within one hundred fifty (150) feet of the development. Sanitary sewerage facilities (including installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Borough Engineer, the Berwick Sewerage Authority, and the Pennsylvania Department of Environmental Resources.
3. Low-Density and Medium-Density Residential Districts: Sanitary sewerage systems shall be constructed as follows:

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- a. Where a public sanitary sewerage system is reasonably accessible, the developer shall connect with the system and provide sewers accessible to each lot in the subdivision or building in the development.
- b. Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable period of time (not to exceed five [5] years), the developer may choose one of the following alternatives:
 - (i) Other Community Sewerage System: A community sewerage system other than a public system may be provided. The maintenance cost shall be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the developer shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - (ii) On-Lot Disposal Systems: On-lot disposal systems shall be allowed provided the developer shall install sanitary sewer lines, laterals, and mains either from the street curb or from the rear lot line to a point in the subdivision or development boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house or other building to the street line, and a connection shall be available in the building to connect from the on-lot disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system and shall be ready for connection to such public main.
- c. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of five (5) years, the developer may install sewerage systems as follows:
 - (i) Medium-Density Residential Districts: A community sewerage system other than a public system shall only be used. No on-lot system shall be permitted.
 - (ii) Low-Density Residential Districts: On-lot disposal systems or community sewerage systems other than public shall be used.
4. Non-Residential Business and Industrial Districts: If an on-lot disposal system is proposed, the system shall be approved by the Borough Sewerage Enforcement Officer (SEO). If a community sewerage system other than a public system is proposed, the system shall be designed according to the Pennsylvania Department of Environmental Resources (DER), Bureau of Water Quality Management "Sewerage Manual" and approved by the Borough Engineer.
5. Mandatory Connection to Public Sewer System: If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an on-lot sewage disposal system.

Section 153.611 (cont'd)

6. On-Lot Disposal System Requirements: If public sewer facilities are not available and on-lot disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance, and percolation tests and test holes shall be made as directed by the Berwick Sewerage Enforcement Officer (SEO), and the results shall be submitted to the Pennsylvania Department of Environmental Resources (DER). The on-lot disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Sewerage Enforcement Officer (SEO).
7. Design Criteria for Sanitary Sewers: All public and other community sewer systems shall be designed according to the Pennsylvania Department of Environmental Resources (DER), Bureau of Water Quality Management "Sewerage Manual".

153.612 Utility Easements: Easements shall be provided for all utilities, including but not limited to poles, wires, conduits, storm and sanitary sewers, water and heat mains, gas, electric power, telephone, and cable TV.

1. Location and Width: With the exception of on-site sewer laterals, utilities shall be located either within the public right-of-way or in easements centered on or adjacent to rear or side lot lines. No structures or trees shall be placed within such easements. Such easements shall be a minimum of twenty (20) feet in width.
2. Underground Installation: In developments of five or more lots, electric, telephone, and all other utility facilities shall be installed underground with such exceptions as listed below. All existing and proposed utilities shall be shown on the preliminary plan. Prior to final plan approval the developer shall be required to obtain a letter from each utility company providing service to the subdivision stating that it has entered into an agreement with the developer to provide for an underground system in accordance with the regulations of the Pennsylvania Public Utility Commission or that a waiver has been obtained from the Pennsylvania Public Utility Commission to allow an overhead system.
3. Petroleum, Gas and Electric Transmission Lines: Where any petroleum, petroleum products, natural gas or electric transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which the company requires between each structure and the centerline of such transmission line. Prior to final plan approval the developer shall be required to obtain a letter from the transmission or distribution company stating that it has entered into an agreement with the developer establishing an easement through the tract and stating any conditions on the use of the tract and the easement width.

153.613 Curbs and Sidewalks1. Curbs

- a. Where Required: Curbs shall be required on all streets and parking lots located within multi-family and apartment building developments and in business and industrial developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required setback line is one hundred (100) feet or less. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed one hundred (100) feet when

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the centerline street grade of any street exceeds three percent (3%). In such cases curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The curbing requirement may be waived at the discretion of the Planning Commission, but when the requirement is waived, grass-lined swales or rock-lined ditches shall be required.

- b. Requirements for the Handicapped: All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depressions shall be in line with sidewalks where provided.
- c. Curb Type: Curbs shall be the vertical type.
- d. Construction Material: All vertical curbs shall be constructed of Portland cement concrete with expansion joints every ten (10) feet and shall follow PennDOT standards and specifications where applicable.

2. Sidewalks

- a. Where Required: Sidewalks shall be provided on all streets and parking lots located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivision and land developments in which the average lot width of interior lots at the required building setback line is one hundred (100) feet or less.
- b. Width and Construction: Sidewalks shall be a minimum of four (4) feet in width along local streets in residential areas, a minimum of five (5) feet in width along collector streets in residential areas, and a minimum of six (6) feet in width along any street in business and industrial areas. Sidewalks shall be constructed in accordance with Borough standards and specifications. (See Berwick Borough Ordinance: Street and Sidewalks, Chapter 149 of the Code of the Borough of Berwick.)

153.614 Trees (Planting and Beautification): In order to promote the highest environmental quality possible, the degree to which the developer of a subdivision or land development plans to preserve existing salient natural features and land forms intrinsic to the site shall be assessed. Such features and forms may include trees, wooded areas, and water courses, among other items.

1. Tree Preservation: Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
2. Open Space: Where the developer is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work" designation, which will confine excavation, earth-moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
3. Top Soil Preservation: All of the top soil from areas where cuts and fills have been made shall be stockpiled and redistributed uniformly after grading. All areas of the site shall

Section 153.614 (cont'd)

be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or greater.

4. Watercourse Protection: Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. Such easement shall be in addition to the open space requirement of Section 153.614 (2) above.
5. Preserved Landscaping: When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation contains woodlands and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be accepted in lieu of additional landscaping requirements.
6. Landscaping: For all multi-family, apartment, office, commercial, and industrial subdivisions and land developments, a landscaping plan shall be provided and shall include efficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.
7. Buffer Planting Requirements: Buffer area requirements shall be as specified in the Zoning Ordinance of Berwick Borough.
8. Street Trees: The subdivider or developer shall seed the planting strip between the curb and sidewalk, if either or both are required, and, in addition, provide street trees of a caliper of not less than one and one-half (1 1/2) inches and planted a minimum of forty (40) feet and a maximum of sixty (60) feet apart.

The type of tree shall be approved by the Planning Commission upon recommendation of the Borough Engineer. The following is a list of acceptable trees. Any tree not on this list shall be specifically noted as not being on the list with reasons given for the substitution.

- a. Norway Maple
- b. Sugar Maple
- c. White Ash
- d. Green Ash
- e. Maidenhair Tree
- f. Thornless Honey Locust
- g. Sweet Gum
- h. Oriental Plane Tree
- i. American Plane Tree
- j. White Oak
- k. Red Oak
- l. Scarlet Oak
- m. Pin Oak
- n. Little Leaf European Linden
- o. Silver Linden
- p. American Elm

153.615

Public Grounds (Community Facilities): In reviewing subdivision and land development plans the Borough will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed. Developers shall give consideration to the desirability of providing or reserving areas for facilities shown in the Comprehensive Plan and normally required in residential areas, including churches, fire halls, schools, and other public and semi-public uses; and parks, playgrounds and playfields.

1. **Recreation Facilities:** Every proposed residential subdivision or land development to accommodate twenty-five (25) or more dwelling units may be required to provide open space for the common recreational use of the residents thereof. If such land is to be offered for dedication and accepted by the Borough, the Borough or other public agency shall acquire the recreational facility. Such area shall be shown and marked on the preliminary plan as "Reserved for Park and/or Recreation Purposes". The recreational facility shall be designed in accordance with the following standards:
 - a. The land shall be of suitable size, dimensions, topography, and general character for the type of recreational facility proposed.
 - b. The amount of such land shall equal at least .02 acres for each dwelling unit to be established in the subdivision or land development, provided, however, that in no case shall the site be less than one (1) acre.
 - c. Such recreational space shall be easily and safely accessible to all areas of the subdivision or land development and shall be free of hazards to health and safety.
 - d. Such land shall be developed with the facilities proposed, and such improvements shall be included in the performance bond or other financial security if not to be completed before final plan approval.
 - e. The developer shall make adequate provision for the perpetuation and grounds maintenance of such recreation area not offered for dedication and shall provide evidence of such provision.

2. **Other Facilities:** Whenever a tract to be subdivided or developed includes a site for a school or other public use, as indicated on the Community Facilities Plan or Official Map of the Borough, such site shall be incorporated into the preliminary plan by the developer.
 - a. **Referral to Appropriate Public Agency:** The Planning Commission shall refer the preliminary plan to the appropriate public agency involved with the acquisition of such site for a determination of the agency's intent to acquire the proposed site or an alternative site. Upon receipt of an affirmative report from such agency the Planning Commission shall notify the property owner and shall designate on the preliminary and final plans the site to be acquired by the public agency.
 - b. **Land Reservation and Acquisition:** Where sites are identified for eventual public acquisition in an Official Map Ordinance or an adopted Comprehensive Plan, no subdividing, building or developing of the site shall be permitted for a period of twelve (12) months after the owner of such property has submitted a written notice to the Council announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation, or has made formal application for an official permit to build a structure for private use, unless the Council or other public agency shall have acquired the property or begun condemnation proceedings to acquire such property

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before the end of the twelve (12) month period or unless the landowner has consented in writing to an extension of time.

153.616 Multi-Family Development

1. Compliance with Zoning Ordinance: The use, density, parking area, building bulk and setback requirements and all other relevant requirements of the Zoning Ordinance for multi-family developments shall be met.
2. Arrangement of Buildings and Facilities
 - a. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the buildings in order to produce a livable and economic land use pattern.
 - b. Arrangement of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site. Grading around buildings shall be designed to be in harmony with natural topography, at the same time assuring adequate drainage and safe and convenient access.
3. Access and Circulation
 - a. Access to the dwellings and circulation between buildings and other important development facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
 - b. Access and circulation for fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal shall be planned for efficient operation and convenience.
 - c. Walking distance from the main entrance of a building to a street, driveway or parking area shall usually be less than one hundred (100) feet. Any exception to this standard should be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed two hundred fifty (250) feet.
4. Yards: Yards shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the dwelling structures and other essential uses.
5. Streets, Driveways and Parking Areas: Streets, driveways and parking areas shall be as specified in other Sections of this Article.
6. Sidewalks
 - a. Upon completion of a block or parcel, street sidewalks and on-site walks shall be provided for convenience and safe access to all dwelling units from streets, driveways, parking areas or garages, and for convenient circulation and access to all development

Section 153.616 (cont'd)

facilities.

- b. Width, alignment and gradient of walks shall provide for safety, convenience and appearance for pedestrian traffic.
 - c. The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.
7. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

153.617 Non-Residential Subdivisions and Land Developments

1. General Standards: Land zoned for commercial or industrial purposes shall have a subdivision or land development plan designed with respect to such use. A non-residential subdivision or land development shall also be subject to all site plan approval requirements of the Zoning Ordinance and may proceed simultaneously with the approval process of this Ordinance. The plans shall be subject to the standards below and to all other relevant standards of this Article and the Zoning Ordinance, Official Map, and Comprehensive Plan.
2. Specific Standards: The developer shall demonstrate to the satisfaction of the Borough that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be met:
 - a. Proposed industrial or commercial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
 - c. Street, curb, gutter, and sidewalk design and construction shall be appropriate to the types of development anticipated.
 - d. Public utilities, including water, sewer, and storm water facilities, shall be designed to handle the demands of the types of development anticipated.
 - e. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
 - f. Every effort shall be made to protect adjacent residential areas from potential nuisances from proposed commercial or industrial uses, including the provision of extra depth in parcels backing on existing or potential residential development and the provision of a permanently landscaped buffer area where necessary.

ARTICLE 7 MOBILE HOME PARK DESIGN STANDARDS

- 153.701 General Requirements**
- 153.702 Zoning Regulations**
- 153.703 Specific Design Standards**

Article 7

MOBILE HOME PARK DESIGN STANDARDS

153.701 General Requirements: The general design standards and required improvements of Articles 6 and 8 and residential design standards shall apply to mobile home park subdivisions or developments even though streets will not be submitted for dedication. The following additional standards shall also apply to mobile home developments.

153.702 Zoning Regulations: Provisions of the Zoning Ordinance as they apply to mobile home parks shall be adhered to.

153.703 Specific Design Standards

1. Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average slope of eight percent [8%] or less). The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one hundred (100) year flood and shall have access to public roads.
2. Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the wheels of the mobile home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide, and seventy (70) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio six (6) inches deep and at least one hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home.
3. Mobile Home Lot Requirements: Lot area, dimension, setback, and coverage regulations shall comply with the Zoning Ordinance.
4. Buffer Areas: All mobile home parks shall be bounded by a buffer area fifty (50) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it.
5. Recreation Areas: A mobile home park shall be provided with a recreation area for mobile home residents. The recreation area shall be no less than five percent (5%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.
6. Laundromats: At least one (1) laundromat shall be provided for every mobile home park for the exclusive use of residents of that park. At least one (1) washer for every ten (10) mobile homes and one (1) dryer for every fifteen (15) mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all requirements of the Pennsylvania Department of Environmental Resources.
7. Utilities: All utilities serving mobile home lots shall be placed at depths required by the relevant utility. If no utility company's standards are available, water shall be placed a minimum of four (4) feet deep and other utilities a minimum of two (2) feet deep. Each mobile home in the park shall be served by community water and sewerage systems as well as with electric and other utilities.

Section 153.703 (cont'd)

8. Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be handled according to the requirements prescribed in Section 153.608 Storm Water Management in this Ordinance.
9. Storage Sheds: Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home.
10. Refuse Storage: Each mobile home shall provide its own garbage and refuse containers in accordance with Borough regulations pertaining to garbage and other solid wastes, or the mobile home park owner shall provide a dumpster and private hauling service where individual mobile homes cannot be served.
11. Sewer Connection: Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.
12. Water Connection: Each mobile home lot shall have a frost-free water riser pipe which connects the mobile home water system to the central water system. An outside hose bib shall be supplied for each mobile home.
13. Sidewalks: All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or Portland cement concrete to a depth and width approved by the Borough Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.
14. Parking Spaces: Parking spaces shall be provided as required by the Zoning Ordinance. All parking spaces for mobile home lots shall be paved.
15. Ingress and Egress: Access points to public streets from a mobile home park shall be located no less than sixty (60) feet from any public street intersection. Streets within the mobile home park shall be constructed to Borough specifications as described in Article 6, except that one-way streets shall be allowed, provided access by fire and other emergency vehicles is not impaired and provided the street plan is reviewed and approved by the Borough Engineer.
16. Street Signs: Street identification signs shall be provided for all streets at every intersection in the mobile home park. Such signs shall be purchased and installed by the developer.

ARTICLE 8 REQUIRED IMPROVEMENTS

- 153.801 General Requirements
- 153.802 Monuments and Markers
- 153.803 Streets
- 153.804 Erosion and Sedimentation Control
- 153.805 Storm Water Management Control
- 153.806 Water Systems
- 153.807 Sewerage Systems
- 153.808 Utility Easements
- 153.809 Curbs and Sidewalks
- 153.810 Street Trees
- 153.811 Recreation Facilities
- 153.812 Street Name Signs
- 153.813 Street Lights
- 153.814 Mobile Home Parks

Article 8

REQUIRED IMPROVEMENTS

153.801 General Requirements: The following improvements shall be installed by the subdivider or developer. The final plan shall not be approved until final design of improvements is approved and the improvements are installed or financial security has been established with the Council as provided for in Article 4.

153.802 Monuments and Markers

1. Specifications: Monuments and markers shall be constructed as follows:

	<u>Material</u>	<u>Minimum Size</u>
Monument	concrete or stone	30" x 6" x 6"
Marker	iron pipes or iron or steel bars	30" x 3/4" dia.

2. Location of Monuments: Monuments shall be set:

- a. At the intersection of lines forming angles in the boundaries of the subdivision or development, and
- b. At the intersection of street lines.

3. Location of Markers: Markers shall be set:

- a. At the beginning and ending of curves along street property lines,
- b. At points where lot lines intersect curves either front or rear,
- c. At angles of property lines of lots, and
- d. At all other lot corners.

4. Placement and Marking: Monuments and markers shall be placed by a Professional Registered Land Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They shall be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments shall be marked on top with a copper or brass dowel.

5. Removal: Any monuments or markers that are removed shall be replaced by a Professional Registered Land Surveyor at the expense of the person removing them.

153.803 Streets: Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider or developer and approved by the Borough Engineer. The subdivider or developer shall install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in Section 153.605 of this Ordinance.

153.804 Erosion and Sedimentation Control: Erosion and sedimentation control improvements, where determined to be necessary by the Borough Engineer, the County Soil and Water Conservation

Section 153.804 (cont'd)

District, or the Pennsylvania Department of Environmental Resources, shall be installed and maintained in accordance with the plans submitted by the subdivider or developer and approved by the Borough Engineer and above-mentioned agencies. The improvements shall be designed and constructed to the standards set forth in Section 153.607 of this Ordinance.

153.805 Storm Water Management Control: Storm water management control improvements, where determined to be necessary by the Borough Engineer, the Soil and Water Conservation District, the Pennsylvania Department of Environmental Resources, or the Pennsylvania Department of Transportation, shall be installed and maintained in accordance with the plans submitted by the subdivider or developer and approved by the Borough Engineer and above-mentioned agencies. The improvements shall be designed and constructed to the standards set forth in Section 153.608 of this ordinance.

153.806 Water Systems: Where a community water supply system is proposed and/or required, it shall be designed, installed, and maintained in accordance with the plans submitted by the subdivider or developer and approved by the Borough Engineer, the applicable water utility company, and the Pennsylvania Department of Environmental Resources. The improvements shall be designed and constructed to the standards set forth in Section 153.610 of this Ordinance. Upon completion of the installation of the improvements, a reproducible as-built plan of the system shall be filed with the Borough.

Where a community water supply system is not proposed and/or required, each lot in a subdivision shall be capable of being provided with an on-lot water supply system in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Resources as referenced in Section 153.610 of this Ordinance.

Fire hydrants shall be provided as an integral part of any community water supply system. The improvements shall be designed and constructed to the standards set forth in Section 153.610 of this Ordinance and shall be approved by the local fire authorities.

153.807 Sewerage Systems: Where a community sewerage system is proposed and/or required, it shall be designed, installed, and maintained in accordance with the plans submitted by the subdivider or developer and approved by the Borough Engineer, the Engineer of the Sewer Authority or Department, and the Pennsylvania Department of environmental Resources. Where required, a DER Planning Module approval shall also be obtained for final plan approval. The improvements shall be designed and constructed to the standards set forth in Section 153.611 of this Ordinance. Upon completion of the installation of improvements, a reproducible as-built plan of the system shall be filed with the Borough.

Where a community sewerage system is not feasible or is not required, each lot in a subdivision shall be capable of being provided with an on-lot disposal system in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Resources and as referenced in Section 153.611 of this Ordinance.

153.808 Utility Easements: Where utilities are required to be installed underground, the developer or subdivider shall be required to obtain a letter from each utility company providing service according to the standards set forth in Section 153.612 of this Ordinance. Such a letter shall be submitted to the Borough at the time of final plan approval.

- 153.809 Curbs and Sidewalks: Curbs and sidewalks, when required, shall be provided in accordance with the standards set forth in Section 153.613 of this Ordinance.
- 153.810 Street Trees: Street trees, when required, shall be provided in accordance with the standards set forth in Section 153.614 of this Ordinance.
- 153.811 Recreation Facilities: Recreation facilities, when required, shall be provided in accordance with the standards set forth in Section 153.615 of this Ordinance.
- 153.812 Street Name Signs: Street name signs shall be provided at all street intersections in the subdivision or land development. They shall be paid for by the subdivider or developer and furnished and installed by the Borough.
- 153.813 Street Lights: When street lights are to be provided, the subdivider or developer shall make the necessary arrangements with the Borough and the utility company involved. (See also Section 153.808 above.)
- 153.814 Mobile Home Parks: All required improvements in mobile home parks shall be approved by the Borough Engineer. (See Article 7.)

Article 9 ADMINISTRATION

- 153.901 Administrator
- 153.902 Resubdivision of Land
- 153.903 Modifications
- 153.904 Mediation Option
- 153.905 Planning Commission Records
- 153.906 Preventive Remedies
- 153.907 Jurisdiction
- 153.908 Enforcement Remedies
- 153.909 Appeals to Court
- 153.910 Payment of Fees

Article 9

ADMINISTRATION

153.901 Administrator: An Administrator to the Planning Commission shall be appointed by the Borough Council and shall receive such compensation as the Council by Resolution shall provide. The Administrator shall not hold any elective office in the Borough. The duties of the Administrator may include:

1. Providing prospective developers and subdividers with the Subdivision and Land Development Ordinance at a fee to be established by Council.
2. Providing prospective subdividers and developers with other documents and information as they may require.
3. Supplying application forms and collecting fees with regard to the preliminary plan and final plan of subdivision and land development. To supply forms for Subdivision and Land Development Ordinance amendments.
4. Accepting fees, classifying applications, reviewing applications for completeness, and preparing reports on those applications for the Planning Commission.
5. Inspecting subdivision and land developments for compliance with the regulations and reporting to the Planning Commission on such inspections.

153.902 Resubdivision of Land: For any change in a map or an approved or recorded subdivision plan, if such change affects any street layout shown on such map, or any reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by Berwick Borough by the same procedures, rules, and regulations as for a subdivision.

153.903 Modifications

1. General Requirements: The Borough Planning Commission may grant a modification of the requirements of one or more provisions of the Subdivision and Land Development Ordinance 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 the Ordinance is observed.
2. Procedures
 - a. Filing: All requests for a modification shall be in writing and shall accompany and be 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 the ordinance involved and the minimum modification necessary.
 - b. Review: All proposals for modification of the provisions of this Ordinance shall be referred to the Borough Planning Commission for its review and action.
 - c. Record of Decisions: The Borough Planning Commission shall keep a written record of all action on all requests for modifications.

153.904 Mediation Option: The Borough may offer a mediation option as an aid in completing proceedings of Article 3 Procedural Requirements. In exercising such an option, the Borough and the mediating parties shall meet the stipulations and follow the procedures set forth below:

1. Parties to Proceedings: Parties to proceedings authorized in Article 10 Zoning Hearing Board and Other Administrative Proceedings and Article 11 Appeals to Court in the Zoning Ordinance of the Borough of Berwick may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediation party.
2. Supplemental Role of Mediation: Mediation shall supplement, not replace, those procedures in Article 10 Zoning Hearing Board and Other Administrative Proceedings and Article 11 Appeals to Court in the Zoning Ordinance of the Borough of Berwick once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
3. Rules for Mediation: Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - a. Funding mediation.
 - b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in meditation.
 - c. Completing mediation, including time limits for such completion.
 - d. Suspending time limits otherwise authorized in the Pennsylvania Municipalities Planning Code (Act 247 as amended), provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - e. Identifying all parties and affording them the opportunity to participate.
 - f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in other sections of this Ordinance.
4. Admissability as Evidence: No offer or statements in the mediating sessions, excluding the final written mediated agreement, shall be admissable as evidence in any subsequent judicial or administrative proceedings.

153.905 Planning Commission: The Planning Commission shall keep records of its findings and decisions relative to all subdivision and land development plans filed for review and approval. Such records shall be open to the public for review.

153.906 Preventive Remedies

1. Actions to Restrain, Correct or Abate Violations: 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. Authority to Refuse to Issue Permits or Grant Approvals: 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 any ordinance adopted pursuant to this Ordinance.

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.

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.

153.907 Jurisdiction: District Justices shall have initial jurisdiction in proceedings brought under Section 153.908, below.

153.908 Enforcement Remedies

1. Any person, partnership or corporation who or which has violated the provisions of the Subdivision and Land Development Ordinance enacted by the Borough of Berwick 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 Justice.

Section 153.908 (cont'd)

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 Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending the final adjudication of the violation and judgment.
3. Nothing 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.

153.909 Appeals to Court: All appeals from approval or disapproval of a subdivision or land development shall be governed by Article 11 Appeals to Court of the Zoning Ordinance (or Article X-A Appeals to Court, Pennsylvania Municipalities Planning Code, Act 247 as amended by Act 170.)

153.910 Payment of Fees: The following fees shall be paid by the developer, subdivider, or his agent to the Borough of Berwick by check or money order:

1. An application fee for preliminary plan review when such plan is required. The fee shall be Seventy-Five Dollars (\$75.00) plus Twenty-Five Dollars (\$25.00) per lot or building.
2. An application fee for final plan review, which fee shall be Seventy-Five Dollars (\$75.00).
3. A fee for review of the plan by the Columbia County Planning Commission, if such fee is required.
4. A fee for review of the plan by the Borough Engineer or Consultant and any other local, County, State, or Federal agency, if such fee is required.
5. A financial security in the amount of 110% of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval. (See Section 153.402 [5].)
6. A financial security for the maintenance of improvements for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their actual cost of installation. (See Section 153.402 [13].)
7. An inspection fee based on the actual cost of inspection by the Borough Engineer of required improvements. (See Section 153.404.)

Article 10

AMENDMENTS

153.1001 Purpose: Whenever the public necessity, convenience, general good, or good subdivision and land development practice require, the Borough Council by Ordinance, may, after receipt and recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations now or hereafter established by this Ordinance and amendments thereof.

153.1002 Citizen Request for Amendment: Requests for changes in the Subdivision and Land Development Ordinance may be made by owners of land in the Borough or by their authorized agents.

1. Applications: All applications for amendments shall be made in writing by the owner or authorized agent, and shall be filed with the Administrator to the Planning Commission on forms prescribed by him.

Applications shall contain all information necessary to assure the fullest practicable presentation of the facts for the record, and shall contain the following:

- a. The applicant's name and address and that of his representative, and the interest of every person represented in the application; and
- b. A statement of the proposed change in the Ordinance and the reasons for in support of the change.

The Administrator shall check the application to determine whether it conforms with these requirements; and, if satisfactory, shall immediately submit it to the Borough Council.

153.1003 Planning Commission Requests for Amendment to Ordinance: Amendments to the Subdivision and Land Development text may be initiated by the Planning Commission by motion recommending adoption according to procedures enumerated in Section 153.1005, below, and be submitted to the Borough Council, who shall follow the procedures enumerated in Section 153.1004, below.

153.1004 Procedures of the Borough Council: The Borough Council shall follow the procedures below for amending the Subdivision and Land Development Ordinance:

1. Preparation of Amendments: The Borough Council may request the Planning Commission to prepare amendments to the Subdivision and Land Development Ordinance using the same procedure as set forth in the Pennsylvania Municipalities Planning Code (Act 247 as amended) for the preparation of the Subdivision and Land Development Ordinance itself, as described in Section 153.1005, below.
2. Referral to the Planning Commission: In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. However, the Borough Council shall not be bound by the recommendations of the Planning Commission.
3. Referral to County Planning Commission: The Borough Council shall submit the proposed amendments to the County Planning Commission for its review and recommendations

Section 153.1004 (cont'd)

thirty (30) days prior to the public hearing on the amendment by the Borough Council. However, the Borough Council shall not be bound by the recommendations of the County Planning Commission.

4. Public Hearing: Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice, which notice shall be given in the manner prescribed in Section 153.1006, below.
5. Voting on Amendment: The Borough Council shall consider the recommendations of the Borough Planning Commission, the County Planning Commission and testimony presented at the public hearing before voting on the proposed amendment at a public meeting.
6. Notice of Decision: The applicant and others requesting notice of the decision of the Borough Council shall receive such notice through the Administrator.
7. Filing Copy of Amendment with County: Within thirty (30) days after enactment, a certified copy of the amendment to the Subdivision and Land Development Ordinance shall be forwarded to the County Planning Commission.

153.1005 Procedures of the Planning Commission: The Planning Commission shall follow the procedures set forth below for amending the Subdivision and Land Development Ordinance:

1. Preparation of Amendments: At the request of the Borough Council or on its own initiative the Planning Commission:
 - a. shall prepare the text of the proposed subdivision and land development amendments as well as make all necessary studies and surveys preliminary thereto;
 - b. may hold a public meeting pursuant to public notice and may hold additional public meetings upon such notice as it shall determine to be advisable; and
 - c. shall present to the Borough Council the proposed subdivision and land development amendments, together with recommendations and explanatory materials, upon completion of its work.
2. Review Amendments: In the case of an amendment other than that prepared by the Planning Commission, the Commission shall review each such amendment submitted to it by the Borough Council. It shall consider whether or not such proposed amendment reflects, in the view of the Commission, the policy goals of the Borough as found in the statement of Community Development Objectives in the Comprehensive Plan and the statements of Policies and Purposes in this Ordinance. The Commission shall submit its recommendations on the amendment to the Borough Council prior to the public hearing scheduled on the amendment by the Borough Council.

153.1006 Public Notice and Hearings: Before voting on the enactment of an amendment to the Subdivision and Land Development Ordinance, the Borough Council shall hold a public hearing for the purpose of informing the public and obtaining public comment on the proposed amendment. The public hearing shall be held pursuant to public notice as follows:

Section 153.1006 (cont'd)

1. Description of Amendment: Public notices of a proposed Subdivision and Land Development Ordinance amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:
 - a. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published;
 - b. An attested copy thereof shall be filed in the County Law Library; and
 - c. A public notice shall include a reference to the place within the Borough where copies of the proposed Subdivision and Land Development Ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
2. Public Notice: A public notice of a proposed Subdivision and Land Development ordinance amendment shall be published once each week for two (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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

153.1007 Publication, Advertisement and Availability of Ordinances

1. Notice of Proposed Enactment: Proposed Subdivision and Land Development Ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Borough where copies of the proposed Subdivision and Land Development Ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Borough Council shall publish the proposed Subdivision and Land Development Ordinance amendment once in a newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage.

Publication of the proposed Subdivision and Land Development Ordinance amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor, and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published; and
 - b. An attested copy of the Subdivision and Land Development Ordinance amendment shall be filed in the County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.
2. Revision of Amendment: In the event substantial amendments are made in the Subdivision and Land Development Ordinance amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one

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newspaper of general circulation in the Borough, a brief summary of the revised amendment setting forth all the provisions in reasonable detail together with a summary of the amendment.

3. Incorporation into Official Ordinance Books: This Subdivision and Land Development Ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.