

ORDINANCE NO. _____

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ONEIDA TOWNSHIP

HUNTINGDON COUNTY, PENNSYLVANIA

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1972

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ARTICLE I

PURPOSE, TITLE AND AUTHORITY

SECTION 100. GENERAL. This Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation and control of subdivision and land development within Oneida Township. The purpose of such regulation and control is to provide for the safe and coordinated development of the Municipality by assuring sites suitable for building purposes and human habitation; by coordinating proposed streets and other proposed public improvements with those existing; by assuring that adequate easements or rights-of-way are provided for drainage facilities and public utilities in general; and by assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses.

SECTION 101. EFFECT. That the following Subdivision and Land Development Ordinance, including appendices, shall be in full force and effect including definitions, plan requirements and processing procedures, design standards, improvements and construction requirements and conditions of acceptance of public improvements by the Township of Oneida.

SECTION 102. TITLE. That this Ordinance shall be known as the Oneida Township Subdivision and Land Development Ordinance.

SECTION 103. AUTHORITY. That this Ordinance is adopted pursuant to the provisions of the "Pennsylvania Municipalities Planning Code" (Act 247) effective January 1, 1969, as amended.

ARTICLE II
DEFINITIONS

SECTION 200. Unless otherwise expressly stated, the following words shall, for the purposes of this Ordinance, have the meaning herein indicated:

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

BERM: That portion of a street lying on either side of the cartway between the edge thereof and the adjacent road ditch, intended primarily for stopping and parking purposes.

COUNTY: Shall mean the County of Huntingdon, Pennsylvania.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEVELOPER: Shall mean any landowner, agents of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut quarried, uncovered, removed, displaced, relocated or bulldozed and 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 and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLOOD PLAIN:

a. A relatively flat or low land area adjoining a river, stream, watercourse, bay or lake, which is subject to partial or complete inundation;

b. An area subject to unusual and rapid accumulation of runoff or surface waters from any source;

c. and, an area subject to mudslides caused by accumulation of water on or under the ground.

GOVERNING BODY: Shall mean the Board of Supervisors of Oneida Township, Huntingdon County, Pennsylvania.

LAND DEVELOPMENT: Shall mean (i) the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; (ii) a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

LANDOWNER: Shall mean 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 having a remaining term of not less than 40 years, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this ordinance.

LOTS: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessory buildings and open spaces belonging to the same; and for the purpose of this ordinance, no lot area shall include any of that area contained between existing or proposed public rights-of-way lines.

MUNICIPAL ENGINEER: Shall mean a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

MUNICIPALITY: Shall mean the Township of Oneida, Huntingdon County, Pennsylvania.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, under the provisions of a Municipal Zoning Ordinance.

PLANNING COMMISSION OR AGENCY: Shall mean the Oneida Township Planning Commission.

PLAT: Shall mean the map or plan of a subdivision or land development, whether preliminary or final.

a. Preliminary - A tentative plan indicating the proposed layout of a Subdivision prepared by the Subdivider for submission to the Planning Commission for its consideration.

GOVERNING BODY: Shall mean the Board of Supervisors of Oneida Township, Huntingdon County, Pennsylvania.

LAND DEVELOPMENT: Shall mean (i) the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; (ii) a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

LANDOWNER: Shall mean 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 having a remaining term of not less than 40 years, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this ordinance.

LOTS: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessory buildings and open spaces belonging to the same; and for the purpose of this ordinance, no lot area shall include any of that area contained between existing or proposed public rights-of-way lines.

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PLANNING COMMISSION OR AGENCY: Shall mean the Oneida Township Planning Commission.

PLAT: Shall mean the map or plan of a subdivision or land development, whether preliminary or final.

a. Preliminary - A tentative plan indicating the proposed layout of a Subdivision prepared by the Subdivider for submission to the Planning Commission for its consideration.

b. Final - A complete and exact plan of Subdivision which is presented to the Planning Commission for approval and which, if approved, will be submitted by the Subdivider to the Recorder of Deeds of Huntingdon County for recording in accordance with law.

PUBLIC GROUNDS: Includes (i) parks, playgrounds and other public areas; and (ii) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE: Shall mean notice given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by law. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township of Oneida, Huntingdon County, Pennsylvania. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

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.

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".

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

SOIL STABILIZATION: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STREETS: 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 and for the purposes of this Ordinance shall be classified as follows:

a. Arterial Streets are those which are used primarily for through, fast or heavy traffic.

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

c. Minor Streets are those which are used primarily for access to the abutting properties.

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

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

STRUCTURE: Anything enclosing an area of one hundred (100) square feet or more constructed or erected, the use of which demands a location on the soil, or attachment to something located in or on the soil. A structure shall also include any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER: Is hereby defined as person, co-partnership or corporation, who or which owns land in the municipality and for which a Land Subdivision application is filed and processed under the provisions of this ordinance.

SUBDIVISION: (a) Shall mean 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, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted. (b) Any development of a parcel of land or plan thereof, which involves the installation of streets or alleys or both, whether or not proposed for dedication, and any development of land for a shopping center, or for multiple dwellings.

a. MAJOR SUBDIVISION: Any subdivision involving six (6) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities or other facilities immediate or future.

b. MINOR SUBDIVISION: Any subdivision involving not more than five lots, parcels of land, or other divisions of land which abut a street of sufficient width and does not require a new street, the installation of sanitary sewers, storm sewers, water mains or pipes, or other facilities.

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

TOPOGRAPHIC MAP: Shall mean a map showing the elevations of the ground by contours or elevations.

TOP SOIL: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

WATERCOURSE: A permanent stream, intermittent stream; river; brook; creek; or a channel or ditch for water whether natural or man-made.

ARTICLE III

VARIANCES

SECTION 300. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may request that the Governing Body vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the interest and purpose of the Comprehensive Plan or these regulations.

1. CONDITIONS: The standards and requirements of these regulations may be modified for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments including provisions authorizing the planning agency to alter site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development.

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

SECTION 301. LARGE SCALE DEVELOPMENT

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

1. MOBILE HOME PARKS: See Appendix I, Mobile Home Parks.

2. OTHER LARGE SCALE DEVELOPMENT: Not involving the subdivision of land to include, but not necessarily limited to campgrounds, fairgrounds, industrial parks, shopping centers, campus type educational facilities, nursing homes, correctional institutions and similar installations shall be subject to plan review, comment and adjustment by the Township Planning Commission and Governing Body; however, prior to any local approvals, evidence of compliance with all rules and regulations of the State Departments of Environmental Resources and Transportation will be required.

ARTICLE IV

PLAN REQUIREMENTS AND PROCESSING PROCEDURES

SECTION 400. GENERAL. The plan requirements and processing procedures shall be followed by the applicant as set forth herein and all applications for subdivisions and land developments shall be submitted to the Planning Commission of the municipality for review and tentative approval prior to consideration for formal approval by the Governing Body.

SECTION 401. PRE-APPLICATION CONFERENCE (Optional). Previous to the filing of an application for Approval of the Preliminary Subdivision Plan, the applicant should submit to the Planning Commission the following plans and data:

1. GENERAL INFORMATION shall describe or outline existing covenants, land characteristics, community facilities and utilities; and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.
2. LOCATION MAP shall show the relationship of the proposed subdivision and land development to existing community facilities which serve or influence it and shall include development name, location and any existing facilities; traffic arteries; public or other schools, parks, playgrounds; utilities; churches; shopping centers; airports; hospitals; principal places of employment; title; scale; north arrow; and date.
3. A SKETCH shall show in a simple form the proposed layout of streets, lots, and other features in relation to existing conditions and may be free-hand on a copy of a general topography map as shown on a U. S. Geological Survey map, and/or a copy of tax maps from County Court records.
4. Prospective subdividers will consult the County Soil and Water Conservation District representative and a certified geologist concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination can be made as to the result of the subdivision or development. Land that is subject to a lesser frequency of flooding, unusual and rapid accumulation of groundwater, and mudslides can be platted for development with the provision that the developer adequately floodproof all buildings and structures (See Appendix II for floodproofing measures).

SECTION 402. PLANS AND DATA FOR PRELIMINARY APPROVAL. Previous to the filing of an application for Final Approval of the Subdivision Plan, the applicant shall submit to the Planning Commission the following plans and data:

1. EXISTING CONDITIONS DATA: As required for Section 401, plus the following:

- a. Boundary Lines: Or property lines by bearings and distances.
- b. Existing Easements: Location, width and purpose.
- c. Existing Streets: On and adjacent to the tract by name, right-of-way, location; type, width and elevation of surfacing; walks, curbs, gutters and culverts.
- d. Existing Utilities: When applicable show, on and adjacent to the tract; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if any of the above are not available at site indicate direction and distance to the nearest ones and furnish statement of availability.
- e. Other Existing Conditions: Water courses, marshes, rock outcrop, wooded areas, houses, barns and other significant features. If the applicant's tract is located where flood hazard exists the following information shall be provided:
 - (1) A drainage plan satisfactory to the Planning Commission. No plan shall be approved when the Planning Commission finds that drainage or flood control protection is necessary until plans for drainage and flood control are approved.
 - (2) Street Elevation - The Planning Commission shall not recommend approval of streets subject to flooding.
- f. Proposed Public Improvements: Highways, utilities or other major improvements planned by public authorities for future construction on or near the tract.
- g. Ground Elevations On Tract: Based on datum approved by Municipal Engineer; for land that slopes less than two percent (2%) show elevations at all breaks in grade and along drainage channels or swales not more than 100 feet apart; for land that slopes more than two percent (2%) show contours with an interval of not more than five (5) feet and less in cases where necessary to show irregular land for planning purposes.
- h. Title and Certificates: Designation under which subdivision is to be recorded; names and addresses of owners; acreage, scale, north point, benchmarks, and date of survey.

2. PRELIMINARY PLAN shall be at a scale of one hundred feet (100') to one inch (1") or larger and shall show all existing conditions required in Sub-section 402-1 above, and shall show all applicable proposals including and not necessarily limited to the following:

- a. Streets: Names, right-of-way and cartway widths; approximate grades and typical cross sections.
- b. Easements: Location, width and purpose.
- c. Utilities: Location, type and approximate size; this information may be shown on a separate exhibit.
- d. Lots: Lot lines and numbers.
- e. Sites: To be reserved for parks, playgrounds or other public uses.
- f. Sites: For shopping centers, churches, industry, multi-family dwellings or other use exclusive of single-family dwellings.
- g. Building Lines: Dimensions of minimum building setback lines.
- h. Site Data Tabulation: Number of residential lots, typical lot size, and acreage and use of other land areas.
- i. Title, scale, north arrow and date.
- j. Surface Water Drainage: General plans for the collection of surface water and its outfall; and surface water runoff.

3. PERCOLATION TESTS. Percolation tests are required, unless all building lots are to be immediately served by a public sanitary sewer system, and shall be made in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. All costs incurred shall be the responsibility of the applicant.

4. OTHER PRELIMINARY PLANS. When required by the Planning Commission, due to severe topography or other physical conditions, the Preliminary Plan shall be accompanied by such additional profiles showing existing ground surface deemed necessary to ascertain the workability of the plans.

SECTION 403. PLANS AND DATA FOR FINAL APPROVAL. Prior to final approval by the Planning Commission, Final Plans shall be submitted as follows:

1. FINAL SUBDIVISION PLAN shall be drawn on durable material at a scale of one hundred feet (100') to one inch (1") or larger. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision. The FINAL PLAN shall show:

- a. Primary control points, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.
- b. Information as required under Section 402, 2 hereof.
- c. Location and description of survey monuments.
- d. Names of owners of adjoining land.
- e. Certification as to the accuracy of survey and plan by surveyor or engineer.
- f. Statement of title to the land signed by owner.
- g. Statement by owner dedicating streets, rights-of-way and other sites for public uses.
- h. Erosion and sediment control measures. (Vegetation, Mulching, Structural Control, etc., See Section 602).
- i. Floodproofing measures.

2. CROSS SECTIONS AND PROFILES.

- a. Final plans and profiles of streets showing grades and horizontal and vertical curves when applicable.
- b. Cross sections of streets showing the type of construction, width of right-of-way, width of cartway, location and width of sidewalks, and locations and size of utility mains as applicable.
- c. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants as applicable.
- d. Street lighting facilities as applicable.

3. OTHER DATA: Such other documentation as may be required in the enforcement of these regulations to include but not be limited to:

- a. Review and comment by the County Planning Commission.
- b. Approvals and/or review comment of the Department of Environmental Resources.
- c. Recommendations and comment by Soil Conservation Service.
- d. Evidence of PennDOT review when applicable.

SECTION 404. FILING OF PLANS.

1. When filing Plans for approval, whether preliminary or final for subdivision and/or land development, the applicant shall submit three (3) copies of all plans and other information to the Planning Commission, and additional copies as required to satisfy the need as set forth under 403.3 hereof.
2. At the time of filing, the applicant shall pay to the Municipality, fees to be used to defray the cost of processing such plans. At the time the preliminary plan is filed, the fee shall be ten dollars (\$10.00) plus one dollar (\$1.00) for each lot shown thereon, plus any additional costs incurred in processing Plans, with a minimum charge of twenty-five dollars (\$25.00). When a plan is submitted for final approval, the fee shall be ten dollars (\$10.00) plus two dollars (\$2.00) for each lot shown thereon, with a minimum charge of twenty-five dollars (\$25.00), plus any additional costs incurred in processing Plans.
3. All plans shall be submitted to the Planning Commission five (5) days prior to the regular meeting of the Planning Commission at which it is desired to seek approval thereof. If plans are submitted prior to the five (5) days as indicated, the record of receipt by the Planning Commission shall show that the plans were received five (5) days prior to their regular meeting date and such shall be the official date of filing. The Planning Commission shall review the plans. After preliminary review, the Planning Commission may require modification to the plan and, subject to such modification, may concur with the plan. The Planning Commission shall submit the Preliminary Plan to the Governing Body for review, comment and approval.
4. After final plan review and approval, the Planning Commission shall submit the plan and supporting documentation together with its recommendations to the Governing Body.
5. Action by Governing Body: All applications for approval of a plan (preliminary or final) shall be acted upon by the Governing Body which shall render its decision and communicate it to the applicant not later than forty (40) days after such application is filed.
 - a. The decision of the Governing Body shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than ten (10) days following the decision;
 - b. When the plan is not approved as filed the decision shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon;

c. Failure of the Governing Body 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 plan 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 effects;

d. 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 and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Refer to Article V, Section 508, (4) of Act 247, the Pennsylvania Municipalities Planning Code, for the effect of ordinance amendments on subdivision plans.

SECTION 405. MINOR SUBDIVISIONS. In the case of a "Minor Subdivision", the subdivider may comply with the following procedures in lieu of submission of a preliminary and final plan:

1. Meet with the Planning Commission and discuss the proposed development as set forth under 401.3 hereof. Preliminary plans and reviews may be bypassed and complete plans prepared at the direction of the Planning Commission. The term "complete plan" for a minor subdivision shall be a final plan for all purposes.
2. Submission: The subdivider shall submit two (2) copies of a complete plan of any minor subdivision to the Planning Commission. Said plan shall outline the subdivider's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with the intent and purpose of this Ordinance, including the responsibilities as set forth under 403.3 hereof.
3. Engineering services may not be required for all minor subdivisions, particularly for those reflecting one or two lots. Nevertheless if in the opinion of the Planning Commission there is question regarding the validity of lot description and/or location in respect to recording, engineering services could be required.
4. Fees: At the time of filing a complete plan of a Minor Subdivision, the applicant shall pay to the Municipality a fee of ten dollars (\$10.00), plus any additional costs incurred in processing Plans.
5. Review and Approval: Upon a determination by the Planning Commission that the proposed subdivision is in accordance with this Ordinance, the subdivider shall be advised of the concurrence of the Planning Commission, or of such changes as may be required, and requested to submit three (3) copies of the plan.
6. The Planning Commission shall submit the complete plan to the Governing Body for action as set forth in Section 404, 5 hereof.

ARTICLE V
DESIGN STANDARDS

SECTION 500. GENERAL STANDARDS.

1. Where no public water supply is available to the subdivision, the Governing Body shall require the developer to obtain from the District Sanitarian of the Pennsylvania Department of Environmental Resources, certificates of approval as to the quality and adequacy of the water supply proposed and approval of the type and construction methods to be employed in the installation.
2. Where the subdivision is inaccessible to sanitary sewers, the Governing Body shall require the developer to obtain from the District Sanitarian of the Pennsylvania Department of Environmental Resources, certificates of approval of the proposed sewage disposal facilities.
3. Improvement construction requirements will be completed under specifications included or referred to herein.

SECTION 501. STREETS. All streets which by design or intent are to become a part of the Official Map and the Municipal circulation system by legal action of the Governing Body, shall conform to the following Design Standards and be planned in a manner acceptable to the Planning Commission:

1. Where a subdivision abuts or contains an existing or proposed arterial street or a railroad right-of-way, access thereto shall be limited to a minimum and such access shall be determined with due regard for sight distance, distance between intersections, approach grades and requirements for future grade separations.
2. Marginal access and reverse frontage streets paralleling limited access and/or arterial streets shall be required. Access to such streets shall not be more frequent than one in 500 feet.
3. Street jogs with centerline offsets of less than one hundred and twenty-five feet (125') shall be avoided.
4. Arterial and collector streets as identified on the Official Map of the Municipality shall be improved in accordance with standards and specifications of the Pennsylvania Department of Transportation.
5. When a street line changes direction more than ten degrees (10°), it shall be connected with a curve with a radius sufficient to assure adequate sight distance.

6. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees (60°).
7. Collector and arterial streets shall not intersect at intervals of less than eight hundred (800) feet.
8. Alleys shall be prohibited unless special permission is granted by the Governing Body.
9. Street right-of-way widths shall conform to the following:

Arterial Streets	- shall conform to standard of the Pennsylvania Department of Transportation.
Collector Streets	- shall conform to standard of the Pennsylvania Department of Transportation.
Residential Streets	- 50 feet
Minor Residential, Marginal Access Streets	- 36 to 40 feet
Alley (When permitted)	- 20 feet
10. Dead-end streets (Cul-de-sacs) designed to be so permanently, shall be provided with a turn around having an outside cartway diameter of at least eighty feet (80') and a property line diameter of at least one hundred feet (100'). Cul-de-sacs planned in excess of 1500 feet in length shall be subject to the review and approval of the Governing Body. Approval of additional length shall be granted only when deemed to the best interests of the citizens and the Township and when no jeopardy in regard to public protection is found.
11. No street grade shall be less than one-half of one (0.5) percent or more than ten (10) percent unless approved by the Governing Body.
12. Where the grade of any street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided having not greater than four percent (4%) grade for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
13. At intersections cartway or curb radii shall not be less than twenty (20) feet.
14. Partial streets shall not be permitted. Suitable access to adjacent unsubdivided land shall be provided when such land does not abut a public street and may be landlocked by the subdivision under consideration.
15. Multiple intersections involving junction of more than two roads shall be prohibited.

16. Horizontal and vertical street alignment:

- a. The minimum radius at the center-line for horizontal curves shall be one hundred fifty (150) feet for local streets.
- b. Vertical curves shall be used in grade differentials exceeding an algebraic difference of two and a half percent (2 1/2%), and shall be designed for maximum visibility.

SECTION 502. EASEMENTS. Easements across lots, centered on rear or side lot lines, or where necessary for lot access, utilities, water course, drainageway, channel or stream shall be not less than twenty feet (20') wide.

SECTION 503. BLOCKS.

1. Block lengths shall not exceed sixteen hundred feet (1,600').
2. In cases where the block length exceeds twelve hundred feet (1,200') or where deemed essential by the Planning Commission to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities, a cross walk shall be provided with a pavement width of not less than eight feet (8').

SECTION 504. LOTS.

1. Lot dimensions and areas shall conform to Township Zoning regulations; or in the absence thereof, to the following minimums and other applicable State regulations:
 - a. Without water and sewer services:
 - (1) Single family dwellings: 20,000 square feet
 - (2) Two-family dwellings: 26,000 square feet
 - (3) Lot width at building line: 100 feet
 - b. With water service only:
 - (1) Single-family dwellings: 12,000 square feet
 - (2) Two-family dwellings: 18,000 square feet
 - (3) Lot width at building line: 80 feet
 - c. With both water and sewer service:
 - (1) Single family dwellings: 9,000 square feet
 - (2) Two-family dwellings: 11,000 square feet
 - (3) Lot width at building line: 75 feet

2. Lot Area and Width Adjustments:

a. On a lot held in single and separate ownership at the effective date of this Ordinance which does not fulfill the regulations for the minimum lot area and width, a building may be erected, altered, and used thereon when approved by the Governing Body; and as further regulated by any Township Zoning Ordinance.

b. Lot areas shall be increased to any size deemed necessary by reason of, (1) poor soil conditions determined by percolation tests; (2) in areas with slopes steeper than twenty percent (20%) grade; or (3) in drainageways.

c. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking area and yards. In all cases where public sewers are not available, the lot areas shall be of sufficient size to provide open areas, exclusive of parking areas or other paved areas for a septic tank and leeching field.

d. The lot areas and width specified above may be reduced by ten percent (10%) when the lot is in a subdivision or land development of twenty (20) lots or more providing the area by which the lots are reduced is established for playgrounds, parks and open space.

3. The subdividing of the land shall be such that each lot is provided with direct access to a public street. Such access shall be an easement or an actual extension of the lot or property at least 20 feet in width.

SECTION 505. BUILDING LINES.

Unless otherwise regulated by Township Zoning Ordinance the required building lines shall not be less than the following:

1. Front Yard - Arterial Streets - 70 feet from right-of-way centerline.
Collector Street - 55 feet from right-of-way centerline.
Minor Streets - 50 feet from right-of-way centerline.

2. Side Yards - Two (2) side yards not less than ten (10) feet each.

3. Rear yard - not less than ten (10) feet.

4. Building line adjustments -

a. Where sub-surface disposal (septic tanks) is to be located on the lot and in an area adjacent to the right-of-way line, the building line or set-back line shall be increased enough to provide sufficient area for the subsurface drainage field. The Planning Commission may modify setback requirements as necessary. Approval by the Pennsylvania Department of Environmental Resources shall also be required.

b. Except as provided for in Section 505.4, a, hereof, when an unimproved lot adjoins an improved lot having a building thereon, the setback of any building on the unimproved lot may be the average setback of such adjoining improved lot and the required setback for the unimproved lot. The adjoining unimproved lot second from the original improved lot must have at least the minimum required setback.

c. Where topographic or other physical conditions dictate, the Planning Commission may increase or decrease the setback; subject to approval of the Pennsylvania Department of Environmental Resources when sewage and/or water becomes involved.

SECTION 506. PUBLIC GROUNDS AND OPEN SPACES.

Where a proposed park, playground, school, easement or other public use shown in the Comprehensive Plan or in the opinion of the Planning Commission is necessary, the Governing Body may require the reservation of such area within the subdivision or land development in a reasonable manner.

SECTION 507. STORM DRAINAGE.

1. Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.
2. Storm sewers, culverts, and related installations shall be provided:
 - a. To permit unimpeded flow of natural water courses.
 - b. To ensure adequate drainage of streets.
 - c. To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
3. Special consideration shall be given to avoiding problems which could arise from concentration of storm water run-off over adjacent properties.
4. The developer shall submit run-off data upon which the size of conduits, culverts, and swales for proposed storm water control has been based.

SECTION 508. SANITARY SEWERS AND PUBLIC WATER.

1. SANITARY SEWERS. The developer shall plan and construct sanitary sewers with provisions for connection to each lot in the proposed subdivision in all cases where public sewers are planned or available within 1,000 feet of the subdivision.
2. PUBLIC WATER. The developer shall plan and install water mains with provisions for connection to each lot in the proposed subdivision in all cases where a public water main is available or exists within 1,000 feet of the proposed subdivision. The developer shall also place fire hydrants along said water mains at locations approved by the Municipal Engineer, and in keeping with fire protection standards.

SECTION 509. UTILITY LOCATION. Whenever the Subdivision Plan, involves five (5) or more lots, utilities shall be installed underground.

SECTION 510. EROSION AND SEDIMENT CONTROL.

1. Standards.

a. No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until a Erosion and Sediment Control Plan has been processed and reviewed by the municipal Planning Commission, or a determination is made by the Commission that such plans are not necessary.

b. No subdivision or land development plan shall be approved unless (1) there has been a plan approved by the Governing Body that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (2) there has been a determination made by the Governing Body that a plan for minimizing erosion and sedimentation is not necessary.

c. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the U.S.D.A. Soil Conservation standards and specifications. The Municipal Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Local District.

2. Guidelines.

a. The following measures shall be included where applicable in the control plan:

(1) Stripping of vegetation, regrading, or other activities shall be done in such a way that will minimize erosion.

(2) Development plans shall preserve natural features, minimize cut-fill operations and ensure conformity with topography so as to create the least erosion potential and adequately handle surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(4) The disturbed area and the duration of exposure shall be kept to a minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(7) The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to accommodate the increased runoff during and after development. Where necessary the rate of surface water runoff will be structurally retarded.

(9) 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.

SECTION 511. GRADING FOR DRAINAGE.

1. In order to provide more suitable building sites, the following requirements shall be met:

a. All lots, tracts, or parcels shall be graded to provide proper drainage from buildings without ponding, and all land within a development shall be graded to drain surface water without ponding, except where other arrangements are approved by the Commission.

b. All drainage provisions shall be adequate to handle the surface runoff and carry it to the nearest curbed street, storm drain, or natural water course. Where drainage swales are used they shall be sodded or planted and of adequate slope, shape and size.

c. Concentration of surface water runoff shall only be permitted in swales or watercourses.

d. Excavations and fills

(1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Commission when handled under special conditions.

(2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(3) Cut and fills shall not endanger adjoining property.

(4) Fill shall be placed and compacted to minimize sliding or erosion.

(5) Fills shall not encroach on natural watercourses or constructed channels.

(6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

(7) Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Commission and the landowner.

(8) Necessary measures for dust control will be exercised.

(9) Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.

SECTION 512. DESIGN STANDARDS FOR FLOOD PRONE AREAS.

1. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the subdivider shall consult the County Soil and Water Conservation District Office concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate.

2. Except for a privately developed water body, subdivisions adjacent to a river, stream or other significant body of water shall adhere to the following standards:

a. No building or street may be located within the area subject to a fifty (50) year flood frequency. This area shall be designated on a flood delineation map as Zone F-1.

b. Building is permitted in areas subject to less frequent occurrences of flooding, the rapid accumulation of groundwater, and mudslides with the provision that they adhere to reasonable floodproofing standards (Appendix II). This area shall be designated on a flood delineation map as Zone F-2.

ARTICLE VI

IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

SECTION 600. MONUMENTS AND MARKERS.

1. Placement; Marking - Monuments and markers must so be placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. The top of the monument or marker must be level with the surface of the surrounding ground. Concrete monuments shall be marked on top with a copper or brass dowel. Cut stone monuments shall have a point marking.
2. Monuments must be set at:
 - a. The intersections of major street right-of-way lines.
 - b. The intersections of lines forming angles in the boundaries of the subdivision.
 - c. Such intermediate points as may be required by the Governing Body.
3. Location of Lot Markers: Lot markers must be set at all corners, except those monumented, by the time the lot is offered for sale.
4. Removal: Any monuments or markers that are removed shall be accurately replaced at the expense of the person removing them.
5. Monuments and markers shall be as follows:
 - a. Monuments shall be six (6) inches square or four (4) inches in diameter and shall be thirty (30) inches long. Monuments shall be made of concrete, stone, or by setting a four (4) inch cast iron steel pipe filled with concrete.
 - b. Markers shall be three quarters (3/4) of an inch square or three quarters (3/4) of an inch in diameter and fifteen (15) inches long. Markers shall be made of iron pipes or iron or steel bars.
6. In minor subdivisions and at the discretion of the Planning Commission, markers may be substituted for monuments.

SECTION 601. UTILITY AND STREET IMPROVEMENTS.

1. Utility and street improvements shall be provided in each new subdivision in accordance with the following standards and requirements and as indicated in Section 602 hereof:

- a. For apartment, townhouse, and other multi-family residential types, improvements to be in accord with STANDARD A.
- b. For single-family dwellings and duplexes with lot areas 1/2 acre or less improvements to be in accord with STANDARD B.
- c. For single-family dwellings with a lot area more than 1/2 acre improvements to be in accord with STANDARD C.
- d. For Commercial, Industrial and other special type uses, the standards shall be as determined by the Governing Body and the Municipal Engineer.
- e. Improvement Schedule.

STANDARD

<u>A</u>	<u>B</u>	<u>C</u>	
x	x		o Public Water (see Section 508).
x	x		o Public Sanitary Sewer (if feasible) (see Section 508).
x	x	x	o Arterial Streets: In accordance with Comprehensive Plan and as determined by the Municipal Engineer and the Pennsylvania Department of Transportation.
x	x	x	o Collector Streets: In accordance with Comprehensive Plan and as determined by the Municipal Engineer and the Pennsylvania Department of Transportation.
			o Minor and Marginal Access Streets:
x	x	x	a. Original Cartway construction shall not be less than twenty (20) feet in width with berms on each side constructed and of a width as determined by the Municipal Engineer.
x	x	x	o Alleys: paved full width.
x	x	x	o Grading and Centerline Profiles of Streets: Per approved Plans.
x	x	x	o Storm Water Facilities and Other Drainage Improvements: Per Approved Plans.
x	x		o Curbs, when necessary to control storm water runoff, may be as follows: (The decision as to the need shall be at the discretion of the Municipal Engineer.)
			a. Cement - 24" x 8" with 6" top battered to 8" at a point 7" below the top.
			b. Extruded bituminous curb held in place with an epoxy adhesive, when approved by the Governing Body.
		x	o Streets: 6" base graded and drained, with dust free surface treatment.
	x		o Streets: 6" base choked and surfaced with tar and chips.
x			o Streets: Conform to Pennsylvania Department of Transportation Construction Standards.

STANDARD (Continued)

A B C

- x x x ° Sidewalks: Portland Cement Concrete 4 inches thick and not less than 4 feet wide where deemed necessary for public safety by the Governing Body at schools, churches and other places of public assembly.
- x x x ° Street trees: 1-1/2" caliper - 40 to 60 feet apart. Street trees shall be planted between the sidewalk and the building line. Street trees may be eliminated where, in the opinion of the Governing Body, sufficient trees exist and will be permitted to remain. In no circumstances will any of the following trees be permitted either to remain or to be planted as street trees:
 - a. Poplars; all varieties.
 - b. Willows; all varieties.
 - c. White or Silver Maple (Acer Saccharinum).
 - d. Aspen; all varieties.
 - e. Common Black Locust.
- x x x ° Seeding and Planting Strips.
- x x x ° Street Name Signs at all intersections; form and material to be approved by the Governing Body.

In cases where one or more of the above requirements are deemed not appropriate by the Governing Body and the Municipal Engineer to serve in the public interest, the right is reserved to increase, change, alter or substitute materials, manner and specifications for utility and street improvements, provided that such changes, alterations, etc. are approved by the Governing Body.

SECTION 602. EROSION AND SEDIMENT COMPLIANCE.

1. The Governing Body in considering all preliminary plans of subdivision and land development shall condition its approval upon the execution of erosion and sediment control measures as contained in this Section and Section 510 hereof.

2. The installation and design of the required erosion and sediment control measures shall be in accordance with U.S.D.A. Soil Conservation Service (Pa.) Standards and Specifications, including:

- a. Temporary Cover on Critical Areas, (Specification No. 342)
- b. Permanent Grass and Legume Cover on Critical Areas with Prepared Seedbed, (Specification No. 342)
- c. Permanent Grass and Legume Cover on Critical Areas with unprepared Seedbed, (Specification No. 342)
- d. Sodding, (Specification No. 342)
- e. Mulching, (Specification No. 484)
- f. Temporary Diversion, (Specification No. 362-U)

- g. Permanent Diversion, (Specification No. 362)
- h. Grassed Waterway or Outlet, (Specification No. 412)
- i. Grade Stabilization Structure, (Specification No. 410)
- j. Debris Basin, (Specification No. 350)
- k. Drain, (Specification No. 606)
- l. Drainage - Main or Lateral, (Specification No. 480)

Stream channel construction on watersheds with drainage areas in excess of 320 acres, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Resources.

3. The Erosion and Sediment Control Plan will be incorporated into the agreement and bond requirements as required under Section 703 hereof. Said plan shall be a part of the final plans of subdivision and land development.

4. At the time of application for a building permit, a review shall be conducted by the Municipal Engineer to insure conformance with the plan as approved. During construction consultative technical assistance will be furnished, if requested, by the Municipal Engineer and the County Soil and Water Conservation District. The Municipal Engineer shall inspect the development site and enforce compliance with the approved plans.

ARTICLE VII
CONDITIONS OF ACCEPTANCE

SECTION 700. SUBDIVISION CONTROL. No subdivision or land development shall be made except in strict accordance with the provisions of this ordinance.

SECTION 701. RECORDING. Within ninety (90) days after the date of approval, the Final or Complete (Section 405) Plan shall be recorded in the office of the Recorder of Deeds of the County. The developer shall furnish the Governing Body a Recorder's Certificate that said Plan is properly recorded. The requirements of Act 247, the Pennsylvania Municipalities Planning Code, shall govern the action of the developer in the recording of documents.

1. After the subdivision or land development plan is officially recorded, the streets, public grounds, and other public areas shown thereon shall be considered a part of the Official Map of the municipality.

2. Streets, public grounds, easements, and other public improvements may be offered for dedication to the municipality by formal notation on the plan, or the owner may note that any such improvements have not been offered for dedication to the municipality.

3. Streets and public grounds shown on a recorded subdivision plan shall be deemed private until offered for dedication to the municipality and accepted by ordinance or resolution; or until condemned for use by the public.

4. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or structures are installed on the lots included within the subject plan.

SECTION 702. SALE OF LOTS; ISSUANCE OF BUILDING PERMIT; OR ERECTION OF BUILDING. No lot in a subdivision or land development may be sold, no permit to erect, alter or repair any building upon land in a subdivision or land development, unless and until a plan of such subdivision or land development has been approved and recorded, and improvements constructed or guaranteed as herein provided.

SECTION 703. GENERAL PROVISIONS.

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

2. The Governing Body may alter any subdivision or land development plan and specify alterations, changes, or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.
3. No right-of-way or related improvement shall be accepted by the municipality for maintenance unless opened, layed out, graded and improved in strict accordance with standards and specifications of the municipality and/or this Ordinance.
4. Before approving any subdivision or land development plan, the Governing Body shall require a written agreement that the necessary grading, paving, street improvements, curbs, sidewalks, street lights, fire hydrants, water mains, and sanitary sewers, as may be required by the Governing Body, shall be installed in strict accordance with the standards and specifications by the APPLICANT within a specified time period. The written agreement shall include a bond, deposit of funds, or other securities, sufficient in amount as shall be determined by the Municipal Engineer and acceptable to the Governing Body, to cover the cost of such improvements.
5. Release From Improvement Bond.
 - a. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The Governing Body shall, within ten (10) days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the Governing Body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
 - b. The Governing Body shall notify the developer, in writing by certified or registered mail, of the action of said Governing Body with relation thereto.
 - c. If the Governing Body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond.

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

e. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceeding or otherwise, any determination of the Governing Body or the municipal engineer.

8. Remedies to Effect Completion of Improvements. In the event that any improvements which are required have not been installed as provided in this Ordinance or in accord with the approved final plat the Governing Body may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of the installing or making repairs or corrections to all the improvements covered by said security, the Governing Body may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

ARTICLE VIII
ADMINISTRATION

SECTION 800. PENALTY AND VIOLATIONS. Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid to the Municipality. 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.

SECTION 801. ENFORCEMENT. It shall be the duty of the Governing Body to enforce the provisions of this Ordinance. In order to properly carry out this responsibility, the Governing Body can appoint an Agent and grant to the duly appointed agent the power and authority to administer and enforce the provisions of this Ordinance in their stead. The Agent shall be responsible to the Governing Body and shall report periodically to them concerning the administration of the Ordinance and such report shall contain all the information necessary to permit the Governing Body to ascertain that the Ordinance is being administered and enforced in accordance with the law. The Agent shall require that an application for a building permit shall contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved Final Plat (Land Subdivision Plan). No Building Permit shall be issued until the Agent has certified that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plat (Subdivision or Land Development Plan).

SECTION 802. APPEALS TO COURT FROM SUBDIVISION AND LAND DEVELOPMENT DECISIONS. The decisions of the governing body or the planning agency with respect to the approval or disapproval of plats may be appealed directly to court in the same manner and within the same time limitations, as is provided for zoning appeals from the decisions or findings of the Zoning Hearing Board by Act 247 (Pennsylvania Municipalities Planning Code).

SECTION 803. SEVERABILITY. The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part of application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or applications. It is hereby declared to be the legislative intent of the Governing Body that this ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

In any case where a provision of this ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this Municipality or law, rule or regulation of the Commonwealth of Pennsylvania, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with the provisions of another ordinance or code of this Municipality or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

SECTION 804. AMENDMENTS. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed Subdivision and Land Development Ordinance by Act 247, the "Pennsylvania Municipalities Planning Code". In addition, in case of an amendment other than that prepared by the Planning Commission, the Governing Body shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

SECTION 805. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights accrued, or liability incurred, or any cause or causes of action accrued or existing, under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 806. EFFECTIVE DATE. This Ordinance shall become effective immediately.

Enacted and ordained into an Ordinance this Eighth (8th) day of November , 1972.

ONEIDA TOWNSHIP BOARD OF SUPERVISORS

 John A. Wagner
Chairman

ATTEST:

 George E. Race
Secretary

APPENDIX I

MOBILE HOME PARKS

1. Establishing minimum standards for Mobile Home Parks; establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities.
2. Definitions. The following terms shall have the meaning indicated when used hereinafter:
 - a. MOBILE HOME - A transportable, facility which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes, and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as in normal housing.
 - b. MOBILE HOME LOT - A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
 - c. MOBILE HOME PARK - A parcel of land under a single ownership which has been planned and improved for the placement of mobile homes for non-transient use.
 - d. MOBILE HOME STAND - That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.
3. Permits and License
 - a. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the Municipality unless he holds a valid permit issued by the Department of Environmental Resources in the name of such person and also a license issued by the Municipality hereunder. (See 6 hereof)
 - (1) All applications when necessary for review and approvals shall be made by the Owner to the State Department of Environmental Resources, Department of Labor and Industry, Department of Transportation, etc., when applicable.
4. Submission of plans and specifications to the Municipality. Any person, firm or corporation, from and after the passage of this ordinance, who proposes to operate or maintain any premises, area or tract or piece of land for use as a mobile home park shall first submit to the Municipality a plan for the layout and design thereof, including a legal description and map clearly setting forth the following information:

- a. Name and address of applicant.
 - b. Interest of the applicant in the mobile home park.
 - c. Location and legal description of the mobile home park.
 - d. A sketch plan shall be presented to the Planning Commission for review and comment prior to preparing any final plans to accompany an application.
 - (1). The sketch plan may be free hand superimposed on a plot plan of the property to be used for the Mobile Home Park. The sketch shall indicate general topography, locations for mobile homes or groups thereof; accessory buildings; accesses, circulation and parking areas.
 - e. Complete engineering plans and specifications of the proposed park showing:
 - (1). See Article IV, Section 402 and 403 of the Subdivision and Land Development Ordinance.
5. Fees. A fee of \$100.00 plus \$1.00 for each mobile home lot shall accompany all applications for the approval of all mobile home park plans.
6. Licenses
- a. It shall be unlawful for any person to operate any mobile home park within the limits of the Municipality unless he holds a valid license, in the name of such person for the specific mobile home park. All applications for licenses shall be made annually to the Municipality who shall issue or re-issue a license annually upon compliance by the applicant with provision of this Ordinance and regulations issued hereunder and other applicable legal requirements.
 - b. Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of \$25.00 plus \$5.00 for each mobile home stand, and shall contain: the name and address of the applicant; the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways, and service facilities. The issuance of a license in no way eliminates the need for a Building Permit and the cost thereof, for each and every individual Mobile Home to be placed within the Mobile Home Park.
 - c. Applications for annual renewal of licenses shall; (1) be made in writing by the holders of the licenses; (2) be accompanied by the deposit of a fee of \$25.00 plus \$2.00 for each mobile home stand; and (3) contain any change in the information submitted since the original license was issued or the latest renewal granted.

d. Whenever, upon inspection of any mobile home park, the Municipality finds that conditions or practices exist which are in violation of any provision of this ordinance or regulations issued hereunder, the Municipality shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time as specified in the notice by the Municipality, the license shall be suspended. At the end of such period the Municipality shall re-inspect the mobile home park and, if such conditions or practices have not been corrected, the license shall be suspended and notice given in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park.

e. A license, upon written request therefor, may be issued by the Governing Body for every mobile home park in existence at the effective date of this ordinance, permitting the mobile home park to be operated after the effective date of this ordinance in accordance with such conditions as the Municipality may require.

(1) The fee for a license to continue to operate a mobile home park existing at the effective date of this ordinance shall be calculated as follows:

(a) Should the effective date of this Ordinance fall between the dates of December 31 and March 1 a fee for a license shall be charged as set forth under 6, c hereof.

(b) Should the effective date of this Ordinance fall on or between March 1 and November 30 a fee equal to one-half of the fee established, (See 6, c) shall be charged for a license.

(c) Should the effective date of this Ordinance fall between November 30 and January 1, no license will be required for that period; however a full license fee shall be required on or after January 1 of the succeeding year. (See 6, c hereof)

(2) Compliance herewith:

(a) The owner, operator and/or manager of a mobile home park existing at the effective date of this Ordinance, is required to meet with the local Governing Body and the Planning Commission, and to cooperatively identify the extent of conformance with these regulations that is possible within the existing Mobile Home Park; and such conformance must be effectuated within 180 calendar days of the date of such cooperative determination.

- (b) Should any mobile home park existing at the effective date of this Ordinance be discontinued for any reason for a period exceeding six (6) consecutive months, such mobile home park shall not be reopened, reused and/or reoccupied unless it is in full conformance with this Ordinance.
- (c) Any extension, enlargement and/or expansion of an existing mobile home park, whether on land owned by the park or acquired by the park prior to or after the effective date of this Ordinance, shall be in full conformance with this Ordinance.

7. Inspection of Mobile Home Parks

- (a) The Municipality is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations issued hereunder.

8. Required separation between mobile homes.

- a. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet; provided that mobile homes placed end to end may have a clearance of 15 feet where opposing rear walls are staggered.

9. Required recreation areas. Where a proposed park, playground, school, easement or other public use shown in the Comprehensive Plan or in the opinion of the Planning Commission is necessary, the Governing Body may require the reservation of such area within the mobile home park or land development in a reasonable manner. Such areas should in total approximate 6% of the mobile home park area.

10. Required Setbacks, buffer strips and screening.

- a. All mobile homes shall be located at least 25 feet from any property boundary line abutting upon a public street or highway, and at least 15 feet from other park property boundary lines.
- b. There shall be a minimum distance of 15 feet between an individual mobile home and (1) adjoining pavement of a park street, (2) adjoining recreation area, (3) parking area or (4) other common areas.
- c. All mobile home parks located adjacent to industrial or commercial land use shall be provided with screening such as fences, or natural growth along the property boundary line separating the park and such adjacent non-residential uses.
- d. In the event that Mobile Homes are located in reference to municipal roads or rights-of-way intended to be dedicated as public roads, the following setbacks shall be required.

- (1) Front Yard - Arterial Streets - 50 feet from right-of-way line.
- Collector Street - 30 feet from right-of-way line.
- Minor Streets - 25 feet from right-of-way line.

11. Park Street System.

- a. General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.
- b. Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road pavement width of 26', within which parking shall be prohibited.
- c. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:
 - (1) Where parking is permitted on both sides, a minimum width of 36' will be required.
 - (2) A minimum road pavement width of 27' will be required where parking is limited to one side.
 - (3) Dead-end streets shall be provided at the closed end with a turn around having an outside roadway radius of at least 60 feet.
- d. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide for the safe movement of pedestrians and vehicles at night:
- e. Street Construction and Design Standards:
 - (1) Pavement: All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The pavement shall be constructed as set forth under Article VI of the Subdivision and Land Development Ordinance.
 - (2) Design Standards. See Article V of the Subdivision and Land Development Ordinance.

12. Required Off-Street Parking Areas.

- a. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 1.5 car spaces for each mobile home lot.

- b. Required car parking spaces shall be so located as to provide convenient access to the mobile home but shall not exceed distance of 200 feet from the mobile home that it is intended to service. Paving: A smooth, dense, solid and dustfree surface capable of use throughout the year shall be provided.
13. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the super structure against uplift, sliding, or rotation.
- a. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- b. The mobile home stand shall be provided with anchors and tie-downs such as cast in place concrete "deadmen" eyelets imbedded in concrete foundations or run-ways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- c. Each mobile home stand shall have a paved patio of at least 190 square feet. The least dimension shall not be less than 8 feet.
14. A mobile home park shall have an average gross area per mobile home lot of not less than six thousand (6,000) square feet.
- a. The minimum width of a mobile home lot shall be forty (40) feet.
- b. The minimum depth of a mobile home lot shall be 100 feet or at least 40% longer than the mobile home to be placed thereon.
- c. A mobile home park plan may propose clustering of the units in order to provide a common open space of a size to better serve all the residents of the park. In no circumstance however, shall the average area of a mobile home lot be less than 4,000 square feet. In order to approve the "cluster plan" the Planning Commission shall apply the following test: The number of mobile home lots times 4,000, plus the area of common open space in square feet, divided by the number of mobile home lots shall equal at least 6,000 square feet.
15. Water Supply
- a. General Requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water and supply is not available, a private water system may be developed and used as approved by the Pennsylvania Department of Environmental Resources.

16. Sewage Collection and Disposal

- a. General Requirements. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the regulations of the Pennsylvania Department of Environmental Resources, and all local sanitary sewer regulations.
- b. Sewage Treatment and/or Discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Resources prior to construction.

17. Electrical Distribution System.

- a. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

18. Refuse Handling.

- a. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with health regulations governing mobile home parks. Plans for refuse handling, storage and disposal shall be subject to review and approval by the Governing Body, Planning Commission, and Pennsylvania Department of Environmental Resources.

19. Insect and Rodent Control.

- a. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Resources regulations governing mobile home parks.

20. Fire Protection.

- a. The mobile home park area shall be subject to all rules and regulations of the Municipality, County and Commonwealth pertaining to fire prevention.
- b. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
- c. Portable fire extinguishers of a type approved by the area Fire Marshal shall be kept in public service buildings under park control.

21. Responsibilities of the Park Management.

- a. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The park management shall supervise the placement of each mobile home on its mobile home stand which includes assurance of stability and installation of all utilities and connections.
- c. The park management shall give the health officer free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.
- d. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
- e. The management shall notify the local Pennsylvania Department of Environmental Resources immediately of any suspected communicable or contagious disease within the park.

22. Notices and Orders.

- a. Whenever the Governing Body determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, or of any regulation adopted pursuant thereto, they shall proceed as set forth in Article VIII of the Subdivision and Land Development Ordinance.

APPENDIX II

FLOODPROOFING MEASURES FOR AREAS SUBJECT TO INUNDATION BY STREAM OVERFLOW

A. Building Elevation

1. No structures or any portion thereof shall be erected unless the finished surface of the ground is higher than, or is raised by filling, to an elevation of at least one (1) foot above the elevation of the one hundred (100) year flood.
2. No first floor, or opening below the first floor, of any building shall be constructed at an elevation of less than one (1) foot above the elevation of the one hundred (100) year flood.

B. Structural Anchoring

Any structure permitted shall be firmly anchored to prevent the structure from floating away and thus threaten life or property downstream or to further restrict bridge openings and other restricted sections of the creek.

C. Structural Effect

Any structures permitted shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.

D. Obstructions

The following shall not be placed or caused to be placed in the flood hazard area: fences except two-wire fences, other structure or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.

E. On-Site Sewage Disposal Systems

No part of any on-site sewage disposal system shall be constructed within this area.

F. Storage of Materials

No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored below an elevation one (1) foot above the elevation of the one hundred (100) year flood.

G. Installation of Fill Materials

Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.

H. Recommendations of an Architect or Engineer

Plans for buildings and structures within this area shall incorporate the recommendations of a registered architect or certified engineer to provide for protection against predictable hazards.

ARTICLE IV

SECTION 402

3. ON SITE SOIL PROFILE INVESTIGATION AND PERCOLATION TESTS.

Soil profile investigation and percolation tests are required, unless all building lots are to be immediately served by a public sanitary sewer system, and shall be made in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. All costs incurred shall be the responsibility of the applicant.

SECTION 404 FILING OF PLANS

2. At the time of filing, the applicant shall pay to the Municipality, fees to be used to defray the cost of processing such plans. At the time the preliminary plan is filed, the fee shall be ten dollars (\$10.00) plus one dollar (\$1.00) for each lot shown thereon, plus any additional costs incurred in processing Plans, with a minimum charge of twenty-five dollars (\$25.00). When a plan is submitted for final approval, the fee shall be ten dollars (\$10.00) plus two dollars (\$2.00) for each lot shown thereon, with a minimum charge of twenty-five dollars (\$25.00), plus any additional costs incurred in processing Plans. A deposit may be required to cover professional expenses incurred.

SECTION 504. LOTS

1. Lot dimensions and areas shall conform to township zoning regulations; or in the absence thereof, to the following minimums and other applicable state regulations:

a. Without water and sewer services:

- (1) Single family dwellings: 43,560 square feet
- (2) Two-family dwellings: 60,000 square feet
- (3) Multi-family dwelling: required area for two-family dwelling plus an additional 10,000 square feet per dwelling unit over two units.
- (4) Lot width at building line: 140 feet

- b. With water service only:
 - (1) Single-family dwellings: 30,000 square feet
 - (2) Two-family dwellings: 50,000 square feet
 - (3) Multi-family dwelling: required area for two-dwelling plus an additional 10,000 square feet per dwelling unit over two units.
 - c. With both water and sewer service:
 - (1) Single family dwellings: 12,000 square feet
 - (2) Two-family dwellings: 18,000 square feet
 - (3) Multi-family dwelling: required area for two-family dwelling plus an additional 5,000 square feet per dwelling unit over two units.
 - (4) Lot width at building line 75 feet
 - d. With sewer service only
 - (1) Single-family dwellings: 15,000 square feet
 - (2) Two-family dwellings: 22,000 square feet
 - (3) Multi-family dwelling: required area for two-family dwelling plus an additional 5,000 square feet per dwelling unit over two units.
 - (4) Lot width at building line: 80 feet
- 2.

d. Repealed

SECTION 505. BUILDING LINES

- 3. Rear yard not less than twenty (20) feet.

SECTION 601. UTILITY AND STREET IMPROVEMENT

STANDARD

<u>A</u> <u>B</u> <u>C</u>	Lot size (see section 504)
	Public Water-Repealed
	Public Sanitary sewer-Repealed

SECTION 804. AMENDMENTS

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed Subdivision and Land Development Ordinance by Act 247 as amended, the "Pennsylvania Municipalities Planning Code". In addition, in case of an amendment other than that prepared by the Planning Commission, the Governing Body shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

APPENDIX I

MOBILE HOME PARKS

2.

c. MOBILE HOME PARK - A parcel of land under a single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

5. A fee of \$100.00 shall accompany all applications for the approval of all mobile home park plans. An additional deposit may be required to cover professional expenses incurred.

The above amendments to the Oneida Township Subdivision ordinance are hereby adopted this 11th day of MARCH 1986.

[Signature]
SUPERVISOR

[Signature]
SUPERVISOR

[Signature]
SUPERVISOR

[Signature]
SECRETARY