

**HAZLE TOWNSHIP
LUZERNE COUNTY, PA**

**SUBDIVISION AND
LAND DEVELOPMENT
ORDINANCE**

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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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ARTICLE 1
GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known and cited as the "Hazle Township Subdivision and Land Development Ordinance."

SECTION 102 AUTHORITY

Hazle Township is empowered to regulate subdivisions and land developments within its municipal limits as provided by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the Pennsylvania Municipalities Planning Code. The Hazle Township Board of Supervisors shall retain and exercise the authority for the approval or disapproval of all major subdivisions and major land developments, as defined and set forth in this Ordinance. The Hazle Township Board of Supervisors hereby designates the Hazle Township Planning Department as the official agency for the approval or disapproval of all minor subdivisions and minor land developments, as defined and set forth in this Ordinance. The Hazle Township Planning Department shall also act in an official advisory capacity to the Hazle Township Board of Supervisors for the review and recommendation of the approval or disapproval of all major subdivisions and major land developments.

SECTION 103 OBJECTIVES

Through the adoption, administration and enforcement of this Ordinance, Hazle Township proposes to create conditions favorable to protect and promote the health, safety, and general welfare of the Township with regulations aimed at achieving the following objectives:

- 103.1 To guide the future growth and development of the Township in accordance with the Comprehensive Plan.
- 103.2 To provide a standard set of minimum regulations to guide applicants in the design and development of subdivisions and land developments.
- 103.3 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.
- 103.4 To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 103.5 To insure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.

- 103.6 To establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout and use of land and to insure proper legal descriptions and monumentation of proposed subdivisions and land developments.
- 103.7 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 103.8 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Township, with particular regard to 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.
- 103.9 To provide for open spaces through the most efficient design and layout of the land and preserving the density of land as established in the Zoning Ordinance.
- 103.10 To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Township in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- 103.11 To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- 103.12 To require that improvements to the land be made as defined by the Ordinance.
- 103.13 To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- 103.14 To require adherence to this Ordinance and its standards.
- 103.15 To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- 103.16 To make conditional approvals where requirements specified, in writing, by the Township will protect the public interest and health and will not violate State laws and will accomplish the purpose of this Ordinance.

SECTION 104 APPLICATION OF THE ORDINANCE

This Ordinance shall apply to all subdivisions and land developments in the Township proposed after the effective date of this Ordinance.

104.1 No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the Subdivision and Land Development Ordinance regulations adopted herein.

104.2 No lot in a proposed subdivision or land development may be sold, and no zoning or building permit to erect any building upon land in a subdivision or land development may be issued unless and until the following conditions are met:

- A. The plans and application have been granted final approval by the Township Board of Supervisors or the Township Planning Department.
- B. All required improvements as set forth in the grant of approval have been constructed or until the applicant posts a form of financial security, acceptable to the Township Board of Supervisors, which guarantees that all required improvements shall be subsequently constructed within a defined period of time.
- C. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any clearing of vegetation, cutting of trees, or grading before obtaining from Township Supervisors the approval of the preliminary plan of the proposed development; and, no deeds shall be recorded for lots in any development, before obtaining from Township Supervisors the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein. If the preliminary plan is approved with conditions no construction of site infrastructure may commence until all conditions of the preliminary approvals have been met by the applicant.
- D. The proposed subdivision or land development plat shall be in general accordance with the Township Comprehensive Plan.
- E. The final plan, as approved, is filed with the Luzerne County Recorder of Deeds in accord with §513 of the Pennsylvania Municipalities Planning Code. The Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of Township Supervisors and/or Planning Department.

SECTION 105 STATUS OF PENDING SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

From the time an application for approval of a subdivision or land development, whether preliminary or final, is duly filed in accordance with the provisions of this Ordinance and while such application is pending approval or disapproval, an amendment to this Ordinance, the Zoning Ordinance, or any other applicable Township ordinance, shall not 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 all applicable ordinances as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this Ordinance, the Zoning Ordinance and any other applicable ordinance and/or regulations.

SECTION 106 STATUS OF APPROVED SUBDIVISION OR LAND DEVELOPMENT APPLICATIONS; FIVE YEAR PROTECTION FROM ORDINANCE CHANGES

106.1 When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance and §508,(4) of the MPC without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment to the 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. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition that was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

106.2 The aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

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

SECTION 107 PHASED DEVELOPMENT EXCEEDING FIVE YEARS

In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each

section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Township Board of Supervisors in its discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Township Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years, as contained in Section 105, shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

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

SECTION 108 RESUBDIVISION OF LAND

A revision or resubdivision of a plan of record and/or lot of record shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.

SECTION 109 INTERPRETATION

In the interpretation and application, the provisions of the Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare of the Township and its citizens. When provisions, standards and specifications of this Ordinance differ from those of any other ordinance, statute or regulation, the more restrictive or higher standards shall apply.

The provisions of this Ordinance are not intended to abrogate any private easement, covenant or any other restriction of record, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other restriction, the applicable provisions of this Ordinance shall govern.

SECTION 110 MODIFICATION OF REQUIRED STANDARDS

110.1 The Township Board of Supervisors, in its consideration of a major subdivision or major land development, and the Township Planning Department, in its consideration of a minor subdivision or a minor land development, may grant a modification of requirements of one or more provisions if the literal enforcement will exact undue

hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

110.2 Any request for a modification shall be submitted in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the specific sections of this Ordinance in question, and the minimum modification or modifications necessary as an alternative to the requirements. Applicant shall present their request at a public meeting and justify to the Township that they meet all of the requirements for a modification. (See SALDO Package)

110.3 Under a major subdivision or a major land development, all proposals for modification of provisions or requirements of this Ordinance shall require approval by the Township Board of Supervisors, subject by an initial review and recommendation by the Planning Department. A modification request shall only be granted if the alternate proposal by the applicant will allow for equal or better results than the actual ordinance requirement.

110.4 Upon rendering a final decision for any proposed modification, the Township Board of Supervisors or the Township Planning Department, depending upon vested authority for granting approval of a proposed subdivision or land development, shall provide a record of their action within the minutes of their meeting.

If the Township Board of Supervisors or the Township Planning Department deny the request, the applicant shall be notified, in writing not later than fifteen (15) days following the decision, of the reasons for denial. If the Township Board of Supervisors or the Township Planning Department grant the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Supervisors or Planning Department shall keep a written record of all actions on all requests for waivers/modifications and notify the applicant not later than fifteen (15) days following the decision.

SECTION 111 FEES

111.1 MUNICIPAL FEES

The Hazle Township Board of Supervisors shall establish by resolution, a fee schedule for subdivision and land development applications.

111.2 COUNTY FEES

The applicant shall be responsible to submit all required information and fees for review and comment to the Luzerne County Planning Commission and the Luzerne County Engineer's Office, and shall provide documentation from county verifying date of submission and acceptance.

111.3 OTHER FEES

Fees to other outside agencies shall be the responsibility of the applicant.

- A. Luzerne Conservation District
- B. DEP (Sewer Module)
- C. PENNDOT (Highway Occupancy Permit)
- D. Other required outside agencies

Applicant to provide documentation verifying submission to other outside agencies (if applicable)

111.4 SUPPLEMENTAL FEES

Prior to approval of the Preliminary application, the Developer shall also pay to the Township a supplemental fee sufficient to cover the cost of engineering services and fees for other related consulting services incurred by the Township. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee. (See No. 8 in fee schedule, "Supplemental Fees/Escrow Funds").

111.5 FINAL FEES

At the time of filing, the Final Application shall be accompanied by a check payable to the Township, if applicable, in the amount determined by the Township sufficient to cover the cost of:

- A. Reviewing engineering details
- B. Attorney or other professionals
- C. Inspecting the site for conformance
- D. Evaluating cost estimates of required improvements
- E. Inspection of required improvements during installation
- F. Final inspection or reinspection on completion of installation of required improvements

111.6 ADJUSTMENT

Prior to the final approval of any application, the Township will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplement payment as indicated.

111.7 DISPUTES

Disputes between the applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

111.8 FILING DATE AND PAYMENT OF FEES

A completed application and plans for any proposed subdivision or land development shall not be considered as duly filed until all fees are paid and all applications are properly signed and accepted by Hazle Township.

SECTION 112 VIOLATIONS AND PENALTIES

It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.

If the Zoning Officer determines that a violation of the Ordinance or the permit has occurred, the Zoning Officer shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

If after thirty (30) days from the date of the notice of violation the Zoning Officer determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

112.1 PREVENTIVE REMEDIES

In addition to other remedies, the Township may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds to 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.

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

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

2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether the current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Township Sewage Enforcement Officer , the Township shall have the authority to withhold the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

112.2 JURISDICTION

District Justices shall have initial jurisdiction in proceedings brought under Section 112.3 of this Ordinance.

112.3 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefore under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 this Ordinance to have believed that there was no such violation. Under such circumstances, there shall be deemed to have been only one such violation until the fifth day following the date of the termination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

SECTION 113 AMENDMENT PROCEDURE

The regulations set forth in this Ordinance may, from time to time, be amended by the Hazle Township Board of Supervisors. The following requirements shall be observed prior to enacting any amendments to this Ordinance.

- A. A public hearing on the proposed amendment shall be held by the Township Board of Supervisors pursuant to public notice in the manner prescribed in the Municipalities Planning Code.
- B. In the case of an amendment other than that prepared by the Planning Department, the Township Board of Supervisors shall submit such amendment to the Planning Department for its review and recommendation not less than thirty (30) days prior to the public hearing.
- C. The proposed amendment shall be submitted to the Luzerne County Planning Commission for its review and recommendation not less than thirty (30) days prior to the public hearing.
- D. The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.
- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.
- F. Within thirty (30) days following the adoption of an amendment to this Ordinance, the Board of Supervisors shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

SECTION 114 APPEALS TO COURT

Decisions rendered by the Township Board of Supervisors may be appealed to a Court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 115 REPEALER AND CONFLICT

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Township Supervisors shall repeal and replace in total the Township of Hazle Subdivision and Land Development Ordinance of January 16, 2001, as amended; The Water Discharge Ordinance of February 13, 1995, the Floodplain Ordinance of March 1981 and the Stormwater Management Ordinance #2002-9-4-1 of September 4, 2002; provided however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations; and, all provisions of the said repealed ordinances shall remain in full force and effect and are not repealed hereby as the said sections pertain to any such violation. This Ordinance is not intended to, and shall not be construed to, affect or repeal any other ordinance, code or regulation of the Township. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

SECTION 116 SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of Hazle Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 117 EFFECTIVE DATE

This Ordinance is to be enacted, ordained, adopted and approved by the Hazle Township Supervisors, on this 8th day of February, 2010.

ATTESTED:

Secretary

Chairman

Vice Chairman

Secretary /Treasurer

ARTICLE 2
DEFINITIONS

SECTION 200 TENSE, GENDER AND NUMBER

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

SECTION 201 GENERAL TERMS

- A. The words *applicant, developer, person, subdivider* and *owner* include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- B. The word *street* includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road. Road classifications in this section are considered a “street” whether or not the street is intended to be dedicated to the Township or is to remain privately owned.
- C. The word *building* includes structures and shall be construed as if followed by the phrase or part thereof.
- D. The term *occupied* or *used* as applied to any building shall be construed as though followed by the words or intended, arranged, or designed to be occupied or used.
- E. The word *lot* includes plot, parcel, tract, site, or any other similar term.
- F. The word *watercourse* include *channel, creek, ditch, drain, dry run, river, spring, and stream*.
- G. The word *abut* includes *directly across from*.
- H. The words *should* and *may* are permissive.
- I. The words *must, shall, and will* are mandatory and directive.

SECTION 202 TERMS OR WORDS NOT DEFINED

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H.S. Moskowitz and C.G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings of such as the context may imply.

SECTION 203 SPECIFIC TERMS

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ABUT: Next to or adjacent to, and includes the words "directly across from streets, natural features, and right-of-ways."

ACCELERATED EROSION: The removal of the surface of the land through the combined action of man made activities and natural processes at a rate greater than that which would occur from natural processes alone.

ACCESS DRIVE: A private road or roads connecting a development such as a school, hospital, commercial, industrial or housing complex with a public street.

ACCESSORY USE OR STRUCTURE: A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

ACRE: 43,560 square feet.

ACT 247: The Pennsylvania Municipalities Planning Code, as amended.

ADJACENT: A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words "directly across from streets, natural features, and right-of-ways."

ADMINISTRATOR: Is the person designated by the Hazle Township Board of Supervisors who is authorized to accept and receive subdivision and land development plans and applications for and on behalf of the Township.

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

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

APPLICANT: A landowner, developer or equitable owner who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

APPLICATION: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BASE FLOOD ELEVATION: The highest elevation, expressed in feet above mean sea level, of the flood waters of a 100-Year Flood, as projected and delineated upon the most recent official Flood Insurance Rate Map, published by the Federal Insurance Administration.

BEST MANAGEMENT PRACTICE (BMP): Stormwater management plans utilize BMP's to control stormwater runoff so as to protect and maintain the chemical, physical and biological properties of waters of the Commonwealth.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways or any other barrier to the continuity to development.

BOARD OF SUPERVISORS: The Hazle Township Board of Supervisors, Luzerne County, Pennsylvania.

BOUNDARY LINE ADJUSTMENT (RESIDENTIAL LOT

CONSOLIDATION/REVERSE SUBDIVISIONS: Subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Luzerne County Recorder of Deeds, and which will eliminate, move, or adjust not more than two lot lines and does not involve the creation of any new lots and/or lot lines. (See Subdivision, Minor)

BUFFER: A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to affect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetive planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance; however, land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

BUILDING COVERAGE: The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breezeways, but excluding open and uncovered patios and decks).

BUILDING ENVELOPE: An area on a lot that has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

BUILDING HEIGHT: The vertical distance measured from the mean level of proposed finished grade at the perimeter of the exterior walls of the structure to the highest point of the

roof for flat roofs; and to the bottom of the eaves for all sloped roofs. Where any, or all, of a sloped roof is above the maximum building height, there shall be no occupied living or work space within the structure above the maximum building height. The maximum height of bottom of eave to ridge of roof for sloped roofs is 20 feet.

BUILDING PRINCIPAL: A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE: The minimum distance as required in the Zoning Ordinance between any building or structure, to the front, rear, or side property line.

CALIPER: The diameter of a tree's trunk measured twelve (12) inches above the ground.

CAMPGROUND OR RECREATIONAL VEHICLE PARK: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

CAMPSITE: A lot within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY: The paved portion of a street or roadway designated, intended or capable of being used for vehicular travel, in conformance with PennDot standards, intended to make the subject street or roadway eligible for funding under the State Liquid Fuel Tax.

CATCH BASIN: An inlet designated to intercept and redirect surface storm water.

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.

COMMON FACILITIES: Improvements in a development that are not required by the Township, but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings, and structures, and administrative and maintenance buildings and any real estate within a planned community which is owned by the association or leased to the association. The term does not include a unit.

COMPREHENSIVE PLAN: The most recent Comprehensive Plan, and any amendments thereto, as adopted by Hazle Township.

COMMON OPEN SPACE: A specific area of land or water, or a combination of land and water within a development site, designed and intended for the principal use or enjoyment of residents of the development, not including streets, off-street parking areas and areas set aside for public facilities.

CONDOMINIUM: A building, or group of buildings, in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

CONSERVATION AREA, PRIMARY: Those areas of a development tract that are comprised of environmentally sensitive lands on which development is not permitted.

CONSERVATION AREA, SECONDARY: Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

CONSERVATION EASEMENT: A right or interest in land granted primarily for the preservation of the land in its undeveloped state, but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE: That part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forestland that are not accessible to project residents or the public.

CONSTRUCTION PLANS: The maps or drawings accompanying a subdivision or land development plan and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and in accordance with any terms or conditions as set forth by the Board of Supervisors or the Planning Department.

COUNTY: Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

COVENANT: A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land and the restrictions thereunder are binding upon subsequent owners.

CRITICAL AREA: An area with one or more of the following characteristics: (1) slopes in excess of twenty-five (25) percent; (2) flood plain and/or wetlands; (3) land incapable of meeting percolation requirement without reasonable access to a central sewage disposal system; (4) infiltration areas incapable of meeting NPDES stormwater requirements; (5) soils classified as highly erodible, subject to erosion or highly acidic; (6) soils classified as having a high water table.

CROSSWALK OR INTERIOR WALK: A right-of-way or easement for pedestrian travel across or within a block.

CULVERT: A drain, ditch, or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

DEDICATION: The deliberate appropriation by deed of land by its owner to the Township for any general and public use, reserving no rights to original landowner.

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.

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 caused to be made a subdivision of land or a land development.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT IMPROVEMENTS: See improvement.

DEVELOPMENT PLAN: The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase "development plan" shall mean the written and graphic materials referred to in this definition.

DIAMETER AT BREAST HEIGHT (DBH): The diameter of a tree trunk measured at four and one-half (4.5) feet above the ground.

DISTRICT OR ZONING DISTRICT: A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DISTURBANCE: Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DISTURBED AREA: Any area of land on which the vegetation has been cut or removed, or where the soil has been turned, displaced, graded or removed.

DOUBLE FRONTAGE LOT: A lot extending between and having frontage on two streets with vehicular access limited to one street. If the streets are of different classification vehicular access is limited to the street of the lesser classification.

DRAINAGE: (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRAINAGE EASEMENT: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

DRAINAGE FACILITY: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas, or any part of any subdivision, land development, or contiguous land areas.

DRIVEWAY: A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having a frontage on the road. (See also Flag Lot)

DWELLING: A structure or portion thereof that is used exclusively for human habitation.

DWELLING, MULTI-FAMILY: (See also multi-family project.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term multi-family dwelling shall include condominium as well as non-condominium housing units including the following construction types:

- A. **RESIDENTIAL CONVERSION TO APARTMENTS**: Conversion of an existing single family detached dwelling having been used as such for five (5) or more years into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height. Conversions shall be approved by the Zoning Officer and/or Hazle Township Planning Department.
- B. **GARDEN APARTMENT**: Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one half (2 ½) stories in height, not including townhouses.
- C. **TOWNHOUSE**: Multi-family dwelling of three (3) or more dwelling units of no more stories than allowed by the Zoning Ordinance in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. **MEDIUM HIGH-RISE APARTMENT**: Multi-family dwellings of more than two and one-half (2 ½) stories, but not exceeding the height limitations (in feet) of the Zoning Ordinance.
- E. **MOBILE HOME**: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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, and which is subject to U.S. Department of Housing and Urban Development regulations.

DWELLING, SINGLE FAMILY: A detached dwelling unit accommodating one family, but excluding mobile homes as defined in this Ordinance.

DWELLING, TWO-FAMILY: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also multi-family project for two-family dwellings in a multi-family project.)

DWELLING UNIT: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

ENGINEER: A registered professional engineer licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township and/or Planning Department.

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

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 or moved to a new location above the natural surface 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 the higher elevation of the final grade.

FINAL APPROVAL: Last official action of the Board of Supervisors or the Planning Department granting approval of a subdivision or land development. All conditions and requirements have been met, including as applicable, the installation of all required improvements or the posting of an acceptable form of a financial security to guarantee the installation of such and payment of all required fees.

FINANCIAL SECURITY: A form of security, including an irrevocable letter of credit, a cash deposit, an escrow agreement, a bond or other similar collateral or surety agreements, from Federal or Commonwealth chartered lending institutions in an amount and form acceptable to the Hazle Township to be used in accordance with applicable provisions of this

Ordinance to guarantee completion of public and/or required improvements. (See also “Performance Guarantee”)

FLAG LOT: A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public road.

FLOOD: A temporary condition of partial or complete inundation of normally dry land areas occurring from the overflow of inland waters and/or the unusual and rapid accumulation of runoff and surface waters from any source.

FLOOD FRINGE: The portion of a 100-Year Flood Plain outside of the Floodway, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration.

FLOOD HAZARD BOUNDARY MAP: The most recent map, as published by the Federal Insurance Administration, which delineates the boundaries of the Floodway and Flood Fringe of a 100-Year Flood Plain.

FLOOD INSURANCE RATE MAPS: The most recent map, as published by the Federal Insurance Administration, which delineates areas of special flood hazards, base flood elevations and applicable risk premium zones of a 100-Year Flood Plain.

FLOOD PLAIN (100-YEAR FLOOD PLAIN): Areas of land which are subject to inundation by waters of a one hundred (100) year flood. The source of delineating the boundaries of a one hundred (100) year flood plain shall be based upon the most recent maps of the Flood Insurance Administration.

FLOODPROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

FLOODWAY: The portion of a 100-Year Flood Plain, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration, which is designated to carry and discharge water and flow of a 100-Year Flood without increasing the water surface elevation by more than one (1) foot at any given point.

GOVERNING BODY: The Hazle Township Board of Supervisors.

GRADE: The slope of a road, street, utility or other public or private way, specified in percentage (%) terms.

GRADING: Any stripping, gutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

HEIGHT: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip,

and gambrel roofs, measured from the curb level if the building is not more than 10 feet from the front lot line or from the grade in all other cases.

HIGHWAY OCCUPANCY PERMIT: A permit, issued by the Pennsylvania Department of Transportation which authorizes access from a parcel of land onto a street or highway which is under its jurisdiction.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized pursuant to the Planned Communities Act, 68 Pa.C.S. §5101, et seq, in a development in which individual owners share common interests in open space or facilities. Also known as a Property Owners Association.

IMPACT ANALYSIS: A study, where necessitated and which may be required by the Hazle Township Board of Supervisors or the Hazle Township Planning Department, prior to preliminary or conditional approval of a subdivision or land development, to determine the potential impact of a proposed development on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The developer and/or applicant shall be responsible for all costs related to the any and all required reports and/or studies under or within the context of the term "IMPACT ANALYSIS."

IMPERVIOUS SURFACE: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is impervious. See Article 12 of this ordinance regarding coefficients.

IMPROVEMENT: For the purpose of classification as a land development as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use including, but not limited to, buildings, structures, additions to buildings and structures, infrastructure including but not limited to roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, all utilities, on-lot or public water supplies and sewage disposal systems, and any work involved with highway reconstruction or other state, county, or federal permit. All improvements shall comply with requirements of current Hazle Township Stormwater Management Ordinance.

IMPROVEMENT BOND: Financial security which may be accepted by the Township in lieu of a requirement that certain improvements be completed by a developer before a plat is approved; including a letter of irrevocable credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements as approved by the Board of Supervisors upon the advice of their solicitor.

LAND DEVELOPMENT: The improvement on, upon, or of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose including and not limited to 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 purpose of streets, infrastructure or improvements, common areas, leaseholds, condominiums, building groups or other features.
- C. Any expansion of a non-residential building.
- D. The conversion of an existing single-family detached dwelling or single family semidetached dwelling into more than three (3) residential units. Any conversion, which results in not more than three (3) residential units shall be deemed as a land development if the units are intended to be a condominium.
- E. The development of a mobile home park or the expansion of an existing mobile home park.
- F. A new single residential structure containing more than five (5) residential units.
- G. Any increase in impervious area which will result in the generation of stormwater in such volume or location to exceed existing stormwater facility capacity pursuant to the requirements of this ordinance and Act 167.
- H. The development of any accessory building subordinate to an existing principal building.
- I. Exceptions to the definition of land development. The following shall not be considered land development, but shall be subject to all Act 167 Stormwater Management requirements:
 - 1) Any new or expansion of an existing non-residential building, structure, or improvement where the proposed total earth disturbance is less than 5,000 square feet and the proposed impervious area is less than 1,000 sq. ft. (Earth disturbance includes all impervious areas) Note: All improvements shall comply with requirements of current Hazle Township Stormwater Management Ordinance.
 - 2) The development of any accessory farm building of five thousand (5,000) square feet or less on a lot or lots which are subordinate to an existing principal building
 - 3) Residential garage, shed, storage or accessory building of six hundred (600) square feet or less.

LAND DEVELOPMENT: MAJOR: A land development which does not qualify or classify as a minor land development.

LAND DEVELOPMENT: MINOR:

- A. A development of a parcel of land which contains not more than two (2) detached single family residential structures or non-residential principal structures, whether developed initially or cumulatively, but the total parcel size remains under one (1) acre.
- B. Any new or expansion of an existing non-residential building, structure or improvement, where the proposed total earth disturbance is between 5,000 to 10,000 square feet and the proposed impervious area is between 1,000 to 5,000 square feet. (Earth disturbance includes all impervious areas).
- C. Not more than six (6) single family residential units in compliance with the definition of a minor subdivision.
- D. The total number of existing or proposed principal structures on the project parcel does not exceed two (2) or,
- E. Subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Luzerne County Recorder of Deeds and which will eliminate not more than two (2) lot lines and do not involve the creation of any new lot lines. (See Boundary Line Adjustment)
- F. In the case of a land development which has been approved under the terms of this Ordinance or predecessor ordinance, in the previous five (5) years, any further land development shall be considered a major land development.

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 persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

LAND SURVEYOR: A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements including the description and definition of land boundaries.

LEASED UNIT: A building or a portion of a building or a lot or a portion of a lot which is leased or rented within a subdivision or land development.

LOT: A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

LOT AREA: The total area within the lot lines of a lot, excluding any street right-of-ways.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE: That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line. In the case of a flag lot, the depth measurement shall not include the access corridor but shall be made on the main portion of the lot.

LOT, DOUBLE FRONTAGE: A lot extending between and having frontage on two streets with vehicular access limited to one street. If the streets are of different classification vehicular access is limited to the street of the lesser classification.

LOT, EXISTING OF RECORD: Any lot or parcel of property which was legally in existence and properly on file with the Luzerne County Recorder of Deeds prior to November 26, 1965, the effective date of the original Township Zoning Ordinance.

LOT, FLAG OR PANHANDLE: A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public road.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT: The line separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular zoning district.

LOT, THROUGH: A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. (See also Double Frontage Lot)

LOT WIDTH: The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in this Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front

yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to two-thirds (2/3) of the width that would otherwise be required (except where minimum lot width allowed is less than 100 feet then no reduction is allowed). In the case of flag lots, the width measurement shall not include the access corridor, but shall be made on the main portion of the lot.

MATURE TREE: Any tree of six (6) inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as specified in the Township Landscaping Regulations.

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.

MINIMIZE: To reduce to the smallest amount possible. Minimize does not mean to eliminate, but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, and contained in one unit, or two units designed to be joined into one integral unit, 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 with or without a permanent foundation when connected to required utilities. Mobile homes placed on private property shall be anchored to a permanent, frost-free foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home, which is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK: A site with required improvements and utilities for the long term placement of mobile homes which may include services and facilities for the residents.

MPC: The Pennsylvania Municipalities Planning Code.

MULTI-FAMILY PROJECT: Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall be also considered a multi-family project. Two-family dwellings in a multi-family project shall be considered townhouses.

MULTIPHASE DEVELOPMENT: A development project that is to be constructed in stages, each stage being capable of existing independently of the others.

MUNICIPALITY: Hazle Township, Luzerne County, Pennsylvania.

NATURAL DRAINAGE FLOW: The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

NET AREA: The area of a tract of land with the total amount of land for all public and private street rights-of-way subtracted.

NET DENSITY: Density based upon net area or the lot area.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE OR BUILDING: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NPDES PERMIT: National Pollutant Discharge Elimination System Permit for stormwater discharges associated with construction activities.

OFFICIAL MAP: A Township Map adopted by Ordinance conclusively showing the location of the lines of existing and proposed public streets, watercourses, and public grounds including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire Township.

OFFICIAL SOIL MAP: Soil survey maps of Luzerne County as provided by the Luzerne Conservation District.

OFFICIAL SOILS INTERPRETATION: The written description of soil types and their characteristics and accompanying maps based upon soil survey maps of Luzerne County as provided by the Luzerne Conservation District.

ONE HUNDRED (100) YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years and has a one (1) percent chance of occurring each year.

ONE HUNDRED (100) YEAR FLOOD PLAIN: The areas within the Township that have a one (1) percent chance of being flooded in any given year based upon the most recent data and maps as provided by the Federal Insurance Administration.

OPEN LAND OR OPEN SPACE: That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance and the Township Zoning Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forestland or conservancy lots which are not accessible to project residents or the public.

ORDINANCE: The Hazle Township Subdivision and Land Development Ordinance (SALDO), and any amendments thereto.

PA DEP: The Pennsylvania Department of Environmental Protection.

PA DOT: The Pennsylvania Department of Transportation.

PERFORMANCE GUARANTEE: A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PERSON: An individual, partnership, organization association, trust, or corporation. When used in a provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization association, or corporation.

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

PLAN OR PLAT: A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation includes the following:

- A. **SKETCH PLAN:** An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the Existing Resources and Site Analysis Map. Shall not constitute a formal filing of a plan.
- B. **PRELIMINARY PLAN:** A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and

such other information as required by this Ordinance, such plan having been prepared by a qualified professional (see definition of qualified professional).

- C. **FINAL PLAN:** A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. **RECORD PLAN:** The copy of the final plan which contains the original endorsements of the Township Supervisors and/or Planning Department and which is intended to be recorded with the County Recorder of Deeds.
- E. **AS-BUILT:** An As-built plan is an original contract, layout, or subdivision plan which has been revised to show the actual final locations, dimensions, et cetera, of buildings and/or municipal improvements actually constructed, lot lines and/or street lines.

PLANNING DEPARTMENT: The Planning Department of Hazle Township.

POSITIVE DRAINAGE: Sufficient slope to drain surface water away from buildings and other improvements without ponding.

PRINCIPAL STRUCTURE: The main structure(s), as distinguished from a secondary or accessory use.

PROPERTY OWNERS ASSOCIATION: See Homeowners Association.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the MPC.

PUBLIC IMPROVEMENTS: Any street, roadway, sidewalk, pedestrian right-of-way, drainage facility, recreation area, off-street parking area, lot improvement, or other facility for which Hazle Township may ultimately assume the responsibility of maintenance and operation or which may affect an improvement for which Hazle Township's responsibility is established.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L.338, No. 84), as amended, known as the "Sunshine Act."

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. 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 days and the second publication shall not be less than seven days from the date of the hearing.

QUALIFIED PROFESSIONAL: An individual authorized to prepare plans pursuant to §503(1) of the MPC which states that plats and surveys shall be prepared in accordance with

the act of May 23, 1945 (P.L.913, No. 367), known as the “Engineer, Land Surveyor and Geologist Registration Law,” except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the “Landscape Architects Registration Law,” when it is appropriate to prepare the plat using professional services set forth in the definition of the “practice of landscape architecture” under section 2 of that act.

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transportation of ownership to provide a site for occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents for transient use, whether or not a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

RECREATIONAL VEHICLE: A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic types of recreational vehicles are:

- A. **CAMPER TRAILER:** A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.
- B. **MOTOR HOME:** A vehicular unit built on a self-propelled motor vehicle chassis.
- C. **TRAVEL TRAILER:** A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.
- D. **TRUCK CAMPER:** A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
- E. **SELF-CONTAINED UNIT:** A unit which:
 - a. Can operate without connections to external sewer, water and electrical systems;
 - b. Has a toilet and holding tank for liquid waste; and
 - c. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

RESERVE STRIP: A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION: Any revision, replatting or resubdivision of land which includes changes to a recorded plan.

REVERSE FRONTAGE LOTS: Lots which front on one street and back on another with vehicular access solely from only one street.

REVIEW: The official examination of plans of subdivisions and/or land developments as required by law by appropriate agencies, Commissions, and bodies and designated by the signature of an authorized representative.

RIGHT-OF-WAY: The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

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.

SANITARY SEWER: Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SCREEN: A device, material or construction used to conceal an element of a development from other elements or from adjacent development or public road rights-of-way, which may include walls, fences, topography, berms, natural and planted vegetation or other means approved by the Township.

SEDIMENTATION: The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SEPTIC SYSTEM: An underground system with a septic tank used for the decomposition of domestic wastes, in which bacteria in the wastes decompose the organic matter, and the sludge settles to the bottom. The effluent flows through drains into the ground. Sludge is pumped out at regular intervals.

SEPTIC TANK: A watertight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

SETBACK: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building or structure. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

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 minimum required front line of the building and the street right-of-way line. (See Building Setback Line)

SEWAGE DISPOSAL SYSTEM:

- A. **CENTRALIZED:** A publicly or privately owned and operated utility system or other system designed to collect, centrally treat (with a sewage treatment plan) and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Township.

- B. **COMMUNITY:** A publicly or privately owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment and disposal of the sewage on one or more lots, or at any other site, by on-site subsurface (into the soil) disposal systems and techniques in compliance with regulations of the appropriate state agency and of the Township.
- C. **INDIVIDUAL:** A utility system or other system designed for the collection, treatment and disposal of sewage from a single lot into the soil or into the waters of the Commonwealth or for conveyance to another site for final disposal.

SEWAGE TREATMENT PLANT: A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters.

SEWER CONNECTION, MOBILE HOME: All pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE, MOBILE HOME: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SHOULDER: The improved portion of a street immediately adjoining the travelway.

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.

SITE: An plot or parcel of land or combination of contiguous lots or parcels of land.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, as approved by the Luzerne Conservation District, designed to effectively minimize soil erosion and sedimentation.

SOIL PERCOLATION TEST: A field test conducted to determine the suitability of the soil and site conditions for an on-lot sewage disposal system by measuring the absorption capacity of the soil at a given depth and location.

SPECIMEN TREE: Any tree with a caliper that is twelve (12) inches or more in diameter at breast height.

STORMWATER SOIL INFILTRATION: Infiltration of precipitation as a solution to reduce the volume of runoff from land development.

STORM SEWER: A pipe that collects and transports rainwater, surface water, and other liquid waste exclusive of sewage.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, drive, lane, boulevard, highway, road and alley.

- A. **Arterial**: Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.
- B. **Collector Street**: Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.
- C. **Local Street**: Local streets provide direct access to abutting properties and provide routes to collector streets.
- D. **Cul-De-Sac**: A minor or local street with a single common ingress and egress and with a turnaround located at its end.
- E. **Dead End Street**: A street with a single common ingress and egress.
- F. **Limited Access**: A street designed to carry a high volume of traffic and usually designated as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

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

SUBDIVIDER: See Developer.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two (2) 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 and new street or easement of access or any residential dwelling, shall be exempted. Any proposed subdivision of a lot of record, which resulted from a minor subdivision shall be classified as a major subdivision, when the cumulative number of lots, from the original lot of record and/or any resulting lot, exceed six (6) lots within two (2) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all plans or plats for lots created under a minor subdivision.

- A. **MINOR SUBDIVISION**: Any or subdivision in which:
 - a. No public or private street is to be constructed or is required to be widened;

- b. No other improvement is to be constructed that requires any form of subdivision escrow agreement other than individual on-lot stormwater management systems.
- c. No earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot;
- d. No more than six (6) building lots are created; this does not include residual tract parcels that are subject to non-building sewage waivers; and
- e. No new lots are created as a result of a “boundary line adjustment” as defined in this ordinance.
- f. No minor subdivision has been approved on the parent parcel within the last five (5) years.
- g. Subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Luzerne County Recorder of Deeds, and which will eliminate, move, or adjust not more than two lot lines and does not involve the creation of any new lots and/or lot lines. **(See Boundary Line Adjustment)**

B. MAJOR SUBDIVISION: Any subdivision that is not a minor subdivision.

SUBSTANTIALLY COMPLETED: The point at which, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval, based upon the cost of the posted financial security, 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.

SUPERVISORS: The Township Supervisors of the Township of Hazle, Luzerne County, Pennsylvania.

SURVEYOR: A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

SWALE: See watercourse.

TOWNSHIP: The Township of Hazle, Luzerne County, Pennsylvania.

TOWNSHIP SUPERVISORS: The Township Supervisors of the Township of Hazle, Luzerne County, Pennsylvania.

TRAVELWAY: The portion of the cartway used for normal movement of vehicles.

UNDISTURBED AREA: Any area of land on which the vegetation has not been cut or removed, or where the soil has not been turned, displaced, graded or removed.

VERNAL POND: An isolated, contained basin depression that holds water for at least two (2) months in the spring and summer, critical to several amphibian, reptile and invertebrate species. It also provides important storage for stormwater runoff and spring snowmelt that would otherwise contribute to down stream flooding. A vernal pond is no bigger than three

hundred (300) feet long and one hundred and twenty (120) feet wide and is often much smaller.

WATER CONNECTION, MOBILE HOME: All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATERCOURSE: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow.

WATER RISER PIPE, MOBILE HOME: That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

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

WATER SERVICE PIPE, MOBILE HOME: All pipes, fittings, valves, and appurtenances from the water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, CENTRAL: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Protection regulations.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WATER SUPPLY, ON-SITE: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WATER TABLE: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater 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 wetlands areas listed in the State Water Plan, the United States Forest Service Inventory of Pennsylvania, the National Wetlands Inventory Mapping by the United States Department of the Interior, Fish and Wildlife Service and any wetland area designated by a river basin commission.

WOODLAND: A stand of predominantly native vegetation covering at least one (1) acre, consisting of at least fifty (50) percent cover of mature trees of varying size.

YARD: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

Front Yard: A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Rear Yard: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Side Yard: A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

ZONING OFFICER: An administrative officer authorized to administer the literal terms and provisions of the Zoning Ordinance.

ZONING ORDINANCE: The governing Zoning Ordinance of Hazle Township, and any subsequent amendments.

ZONING PERMIT: A permit requiring approval by the Zoning Officer as a condition prior to the commencement of a use of property, with or without improvements.

NOTE: Additional definitions can be found in Articles 11 and 12.

ARTICLE 3
PROCEDURAL REQUIREMENTS

SECTION 301 REVIEW AND APPROVAL PROCESS

The submission and review process for subdivision and land development applications shall be in accordance with the following:

- A. Major Subdivision shall require the submission and approval of a preliminary plan prior to submitting a final plan. Preliminary approval shall be required prior to submitting a final plan. The Planning Department shall provide its review, comments and recommendation to the Board of Supervisors who retain the vested authority for final approval or disapproval of a major subdivision. The submission of a sketch plan prior to the formal submission of preliminary plan shall be required for subdivisions with a total parcel size greater than five (5) acres and all Planned Residential Developments. The Planning Department shall provide its review, comments and recommendation to the Board of Supervisors on the submission of sketch, preliminary and final plan(s).
- B. Minor Subdivision shall require the submission and approval of only a final plan, in accordance with the provisions as set forth in Article 6 of this Ordinance. The Planning Department shall be vested with authority for approval or disapproval of a minor subdivision.
- C. Major Land Development shall require the submission and approval of a preliminary plan prior to submitting a final plan. Preliminary approval shall be required prior to submitting a final plan. The Planning Department shall provide its review, comments and recommendation to the Board of Supervisors who retain the vested authority for final approval or disapproval of a major land development. The submission of a sketch plan prior to the formal submission of preliminary plan shall be- required for land developments with a total parcel size greater than five (5) acres. The Planning Department shall provide its review, comments and recommendation to the Board of Supervisors on the submission of a sketch, preliminary and final plan(s).
- D. Minor Land Development shall require the submission and approval of only a final plan, in accordance with the provisions as set forth in Article 6 of this Ordinance. The Planning Department shall be vested with authority for approval or disapproval of a minor land development.
- E. Applicant must determine if proposed project is in “Airport Hazard Zone” prior to submitting any plans for review and approval.

The owner of record and/or the applicant, or the agent of either, must attend the Planning Department meeting and/or Board of Supervisors meeting for the purpose of presenting the plans and to respond to questions.

SECTION 302 SKETCH PLAN REVIEW AND SUBMISSION

A sketch plan is required for all proposed major subdivisions and land developments with a total parcel size greater than five (5) acres.

302.1 A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Department to introduce the applicant to the Township's zoning and subdivision regulations and procedures, and to discuss the applicant's submission as described below.

302.2 Applicants shall prepare and furnish an Existing Resources and Site Analysis Plan, in accordance with the requirements contained in Section 405.12, to familiarize the Township with existing conditions on the applicant's tract, and for use as a reference in making a site inspection. This plan may be provided prior to or at the site inspection and shall form the basis for both the sketch plan and preliminary plan.

302.3 After completing the Existing Conditions and Site Analysis Plan, applicants should arrange for a site inspection of the property by the Planning Department and other Township officials. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Department. The purpose of the visit is to familiarize the Township with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts.

302.4 Following the site inspection and prior to the submission of a sketch plan, the applicant should meet with the Planning Department to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the Township ordinances. At the discretion of the Planning Department, this conference may be combined with the site inspection.

302.5 Prior to submitting a preliminary major subdivision application or a land development application, the applicant is required to submit a sketch plan in accordance with Sections 301A and 301C to the Planning Department and the Board of Supervisors. Such plans are for informal discussion only. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development and shall not commence the statutory review period as required by the municipalities planning code (MPC).

302.6 The applicant shall submit an application and a narrative and five (5) copies of a sketch plan to the Administrator, as defined in Article 3 not less than twenty-one (21) days prior to the next regularly scheduled work session meeting of the Township Planning Department.

302.7 The sketch plan shall be drawn to a scale to provide sufficient detail for review, and shall address:

- A. All land which the applicant proposes to subdivide and/or develop.
- B. Name and address of owner, applicant, proposed name of subdivision, date of plan, a signed statement that the applicant is the Owner, or authorized by the Owner to make application for the land proposed to be subdivided or developed;
- C. Name and address of the applicant's engineer, surveyor, planner, architect, or landscape architect, if applicable;
- D. Scale of sketch and graphic scale; (the plan need not be exact scale, nor are precise dimensions required, but it should be clearly titled, "Sketch Plan");
- E. Approximate tract boundaries, total acreage of tract, number of lots, type or water and sewage system proposed;
- F. North arrow, tax map sheet, block, and lot numbers;
- G. Location map, zoning district, applicable site information that is required under terms of the Hazle Township Zoning Ordinance, and Flood Hazard and Wet Soils District, if any;
- H. Streets on and adjacent to the tract;
- I. Topographical and physical features, including existing structures, wooded areas, hedgerows and other significant vegetation, steep slopes, soil types, ponds, streams within one hundred (100') feet of the tract, and existing rights-of-way and easements;
- J. Schematic layout indicating a general concept for land conservation and development;
- K. In the case of land development plans, proposed general layout, including building locations parking lots, and open space.

The Planning Department shall review the sketch plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the Township. The Township Engineer with the approval of the Township Planning Department shall determine the classification of streets, e.g., arterial, collector, or local. The Planning Department shall submit its written comments to the applicant and the Board of Supervisors with thirty (30) days of the date of the next regularly scheduled meeting of the Township Planning Department. The sketch plan may also be submitted by the Planning Department to the Luzerne County Planning Commission for review and comment. Applicant will be responsible for county review fees.

Upon reviewing the recommendation of the Planning Department the Board of Supervisors shall address all comments and advise the applicant within fifteen (15) days of the date of the next regularly scheduled meeting of the Supervisors.

SECTION 303 SUBMISSION OF PRELIMINARY AND FINAL PLANS AND APPLICATIONS

303.1 After review of a sketch plan, if required, by the Planning Department a detailed preliminary subdivision or land development plan and all necessary supplementary data shall be officially submitted to the Township. The detailed preliminary plan shall conform to the sketch plan as previously reviewed by the Planning Department and shall incorporate all modifications required by the Township in its review of the sketch plan. The preliminary plan and supporting materials must be submitted to the Township a minimum of twenty-one (21) days prior to the next Planning Department Work Session meeting to be considered for placement on that meeting's agenda.

The applicant shall provide the following information to the Administrator not less than twenty-one (21) days prior to the next scheduled work session meeting of Township Planning Department:

- A. A completed subdivision or land development application with original signatures and two (2) copies of the same;
- B. A completed applicant checklist and two (2) copies of the same;
- C. Five (5) prefolded copies of the plan (sketch, preliminary or final);
- D. Five (5) prefolded copies of construction plans (if applicable);
- E. Three (3) copies of all plans and documents required for approval by Luzerne Conservation District of matters relating to drainage, stormwater management and abatement of soil erosion (including all fees as per conservation application). Hazle Township will forward to Luzerne Conservation District;
- F. Three (3) copies of all reports to agencies listed in Section 304.3;
- G. All other applicable items listed on the applicant checklist found in the SALDO package;
- H. If requested by the Planning Department the applicant shall provide proof of notification of the filing of the application by certified mail, return receipt requested, to all owners of properties abutting the tract proposed for subdivision or land development. The notification shall include name and address of the applicant/developer, the tax parcel number of the tract, total tract acreage, number of lots proposed and any zoning changes, variances, special exceptions, conditional uses, and waivers of ordinance requirements being requested. Proof of the notice required by this paragraph shall be

provided to the Township within ten (10) days of the submission of the preliminary plan.

303.2 Preliminary or Final Plan Submission Verification

Upon receipt of the Preliminary or Final Plan and supporting data the Administrator shall check the tentative submission for the required number of copies of all documents, together with the required fees established in accord with the terms of this ordinance.

- A. If the tentative submission is complete, the Administrator shall accept the said plans, documentation, and fees, complete the submission verification noting same and provide a copy of the tentative plan submission verification to the Applicant.
- B. If the tentative submission is not complete, the Administrator shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the tentative plan submission verification to the Applicant, and return all documents to the Applicant within fifteen (15) days of receipt of application.
- C. The tentative plan submission verification shall only verify that the correct number of copies of all plans, documentation and fees have been submitted and shall in no way be construed to be an official plan submission receipt.

303.3 Official Date of the Preliminary or Final Plan Submission – The official date of the preliminary or final plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Department following the submission to the Administrator of the required number of copies of all documents and fees for the preliminary or final plan submission, the Planning Department, Township Engineer, and Solicitor shall examine the submission to determine that all documents are complete and in proper form. The items required for a submission to be deemed complete are outlined in this Ordinance and the most current version of the Hazle Township Subdivision and Land Development Application package.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing within fifteen (15) days of the date of the meeting as described in 303.3A. of the deficiencies and the submission shall be null and void and shall be deemed withdrawn by the applicant.
 - 2. If the Planning Department accepts the plans as complete, the meeting date will be the official date of the acceptance of a complete submission and the commencement of the 90-day review period. The Planning Department shall complete an official submission receipt

listing the date of the said meeting as the official date of the preliminary plan submission and forward said receipt to the Applicant.

Within two (2) years after approval of the preliminary plan, a final plan and all necessary supplementary data shall be officially submitted to the Township in accordance with Article 5 of this Ordinance. The final plan shall conform to the preliminary plan as previously reviewed by the Planning Department and the Board and shall incorporate all modifications required by the Township in its review of the preliminary plan. **The final plan and supporting materials must be submitted to the Township a minimum of twenty-one (21) days prior to the next Planning Department Work Session meeting to be considered for placement on that meeting's agenda. The same procedure as outlined in Section 303 will be used for a completeness determination by the Township. Unless the filing deadline in Section 501.1 is waived or extended by the Board, failure to make timely submission of final plans renders void a preliminary plan, and the applicant shall be required to file a new application and fee for preliminary plan approval.**

SECTION 304 DISTRIBUTION OF PLANS

304.1 The Administrator shall provide the Township Planning Department and the Board of Supervisors with a copy of the complete set of plans (sketch, preliminary or final), a copy of the subdivision or land development application, and all other required plans, reports, and documents.

304.2 The Administrator, or his/her designee, shall provide, a copy of the applicable plans, reports, or documents to the following agencies and officials for review, comment and approval, as may be directed by the Planning Department:

- A. The Township Zoning Officer.
- B. The Township Engineer and/or Planning Consultant.
- C. The Township Sewage Enforcement Officer.
- D. The Hazle Township Fire Company.
- E. The Municipal Authority of Hazle Township
- F. Luzerne Conservation District (Applicant to provide submission to Township, Administrator will forward to District).
- G. The Township Solicitor
- H. Any other Engineer or Consultant designated by the Township.

The above parties must submit their written comments to the Township Planning Department within forty-five (45) days from the official submission date of the Plan as defined in section 303.3. Any failure to so submit within said forty-five (45) days

shall be deemed an approval by the entity so failing to submit, with the exception of the Luzerne Conservation District.

304.3 The applicant shall be responsible for the distribution of the required number of copies of the subdivision plans or land development plans, reports, and appropriate applications, along with the payment of required fees to the following outside agencies. The applicant shall provide the Administrator with documentation and/or verification of such submissions.

- A. Luzerne County Planning Commission: Required copies of plans, reports, the Sewage Facilities Planning Module, a referral letter, and sufficient fees, shall be submitted to the Luzerne County Planning Commission for review and comment.
- B. Pennsylvania Department of Environmental Protection: Preliminary plans, a copy of the Sewage Facilities Planning Module, and a referral letter shall be submitted to PA DEP Region 4 for review of matters relating to adequacy of the site to sustain water and/or sewage disposal systems.
- C. Luzerne County Engineers Office: Required copies of plans and reports shall be submitted to the Luzerne County Engineers Office for their engineer view and approval.
- D. Pennsylvania Historical and Museum Commission: Concept Plan, Cultural Resources Notice, Form "A", Form "E", and referral letter, shall be submitted to the Pennsylvania Historical and Museum Commission for their review.
- E. Army Corps of Engineers: Required copies of plans and reports shall be submitted to the Army Corps of Engineers for Wetland Delineation (if applicable).
- F. Upon request by the Township, the applicant shall submit such additional copies of all plans and reports as may be necessary for forwarding by the Township to any other outside agencies or consultants for their review.

Receipt of comments from the above parties to the Township Planning Department must be received within (15) days prior to the next scheduled planning meeting. Applicant shall be responsible to address all comments in writing, as required to obtain each approval.

304.4 The applicant shall be responsible to insure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site and shall provide the Administrator with written documentation and/or verification of the same.

304.5 The Administrator, or his/her designee, shall publish a public notice in a newspaper of general circulation in the Township or in any other media allowed by law, once each week for two successive weeks. 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 Planning Department hearing or within the time required by current law. Such notice shall state:

- A. The time, location, and date of the scheduled Township Planning Department meeting.
- B. The location of the subdivision/land development.
- C. The proposed land use of the subdivision/land development.
- D. The total acreage of the subdivision/land development and the number and average size of the individual lots, if applicable.
- E. That a copy of the plan may be inspected in the Hazle Township Municipal Building.

Not less than ten (10) days prior to the scheduled Township Planning Department meeting, the Township Planning Department may require the Applicant to give notice of a major Subdivision /major Land Development by first class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subdivision. The notice shall include the information required by Section 304.5 to be included in the published public notice. It shall be the responsibility of the applicant to provide the Township with the names and mailing addresses of the true and correct owners of record based upon the records contained in the Luzerne County Tax Assessor's Office and a copy of the corresponding Tax Assessment Map of the true and correct owners of record whose properties fall within the required distance of three hundred (300') feet.

304.6 The Administrator, or his/her designee, shall notify the developer by certified mail, of the scheduled Township meeting and the need for said developer to be represented at said meeting in order to formally present his plans to the Planning Department and/or Board of Supervisors and to answer any questions raised by the members or supervisors.

SECTION 305 REVIEW OF THE PRELIMINARY/FINAL PLAN

305.1 Township Planning Department

- A. The Township Planning Department shall review the Preliminary/Final Plan and any recommendations made by the County, State and Federal agencies and the Township Engineer.
- B. After such review, the Planning Department shall send written notice of its recommendations and its reasons to the Board, and is encouraged to cite specific sections of the statutes or ordinances relied upon.

- C. The Planning Department may refrain from making their recommendation to the Board until the municipality has received the written report of the Luzerne County Planning Commission, the Luzerne County Engineers Office, the PA DEP, the Luzerne Conservation District, the Township Engineer, the PA Department of Transportation, the PA Historical and Museum Commission, results of the PNDI search or report from any other agency or municipality that may be involved in the review of the project.
- D. Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the period for decision, the Board shall render a decision on all preliminary and/or final plans and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Department next following the date the complete application, in accord with Section 303.3 and 308 is filed.

305.2 Board of Supervisors

- A. When the recommendations on a Preliminary/Final Plan have been officially submitted to the Board of Supervisors by the Planning Department, such recommendations shall be placed on the Board's agenda for review and action. If a plan is tabled by the Planning Department the applicant can request in writing that the plan be placed on the supervisors agenda for review and action.
- B. During or before the final plan review process, the Board should complete review of the proposed Sewage Facilities Planning Module in accordance with PA DEP regulations and procedures. When approved or adopted by the Board, the Planning Module shall be forwarded to PA DEP for review and approval. Planning modules will not be forwarded by the municipality to PA DEP until all items of the module checklist have been completed or adequately addressed.
- C. In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the Township Engineer, the Planning Department, the Luzerne County Planning Commission, Luzerne Conservation District, DEP, and all other reviewing agencies, and comments from public hearings. The Board may specify conditions, changes, modifications or additions thereto which it deems necessary or appropriate, and may make its decision to grant preliminary approval subject to such conditions, changes, modifications, or additions. Whenever the approval of a preliminary plan is subject to conditions, the written action of the Board of Supervisors shall one (1), specify each condition of approval; and two (2), request the applicant's written agreement to the conditions within ten (10) days of hand delivery or mailing of the Board's written decision.
- D. Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the period for decision, the Board shall render a decision on all preliminary and/or final plans and communicate it to the applicant not later

than ninety (90) days following the date of the regular meeting of the Planning Department next following the date the complete application, in accord with Section 303.3 and 308 is filed.

305.3 The decision of the Board shall also be communicated to the governing body of any adjacent municipality, if the plan includes land in that municipality and/or directly abuts its boundaries.

305.4 A revised preliminary plan must be submitted if any revisions are made to the plan. Revisions include but are not limited to the following:

- A. Number, size, alignment of layout of lots;
- B. Width, location, or alignment of streets;
- C. Traffic flow patterns or parking arrangements;
- D. Drainage or utility systems;
- E. Proposed sewer and/or water facilities;
- F. General type, number, size, or area of landscaping, buffering details, or locations of berms;
- G. Use;
- H. Passive and Active open space.

305.6 If the Board has not had sufficient time to make a decision based on the information presented by the applicant or the applicant has not had sufficient time to make revisions requested and agreed to by the Board, the applicant has the right to request or present a written and executed agreement for a 90-day extension of the period for decision.

SECTION 306 PUBLIC HEARING

The Board of Supervisors and/or the Planning Department, at its discretion, may hold a public hearing as per the MPC prior to rendering a decision on any plan (preliminary or final).

SECTION 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

Prior to approving the final plan of a major subdivision or a major land development, in which the approval was conditioned upon specific improvements, the Board of Supervisors shall require the following of the applicant:

A. the installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

or

B. provision of a form of financial security, acceptable by the Board of Supervisors, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

The applicant may also seek final approval of a major subdivision or a major land development that provides for the completion of a portion of the required improvements, while the balance of required improvements are guaranteed by form of a financial security deemed acceptable by the Township Board of Supervisors.

SECTION 308 PROCEDURAL METHODS IN RENDERING DECISIONS

308.1 The Board of Supervisors or the Planning Department shall approve or reject a submitted plan (sketch, preliminary or final) not later than 90 days following the date of the regular meeting of the Board of Supervisors or the Planning Department (whichever first reviews the application) next following the date the application is properly submitted and accepted as a complete submission as required by this ordinance or after a final order of court remanding an application. Provided that, should the said next regular meeting of the Planning Department or the Board of Supervisors occur more than 30 days following the date on which the plan was accepted or the final order of court, the said 90 day period shall be measured from the 30th day following the date the application was accepted.

308.2 The Board of Supervisors shall communicate its decision to the applicant in writing on a major subdivision or major land development, either by delivery in person or by mail, to applicant's last known address not later than fifteen (15) days following the decision.

The Planning Department shall communicate its decision to the applicant in writing on a minor subdivision or minor land development, either by delivery in person or by mail, to applicant's last known address not later than fifteen (15) days following the decision.

308.3 When an application and plan (preliminary or final) for a major subdivision or a major land development is not approved as submitted, the Board of Supervisors' decision shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

When an application and plan for a minor subdivision or a minor land development is not approved as submitted, the Planning Department's decision shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

308.4 In granting approval to a plan, preliminary or final, for a major subdivision or a major land development which is subject to specific conditions, the Board of Supervisors shall include in its notification that the applicant may notify the Board of Supervisors of his/her refusal to accept all said conditions in writing. In such cases, the Board of Supervisors' conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event the applicant fails to notify the Board of Supervisors of his/her refusal to accept all said conditions within thirty (30) days, all conditions shall stand granted and deemed accepted by the applicant.

In granting approval to a plan, for a minor subdivision or a minor land development which is subject to specific conditions, the Planning Department shall include in its notification that the applicant, may notify the Planning Department of his/her refusal to accept all said conditions in writing. In such cases, the Planning Department's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event the applicant fails to notify the Planning Department of his/her refusal to accept all said conditions within thirty (30) days, all conditions shall stand granted and deemed accepted by the applicant.

308.5 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Board of Supervisors or the Planning Department to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

309.1 Until a submission is approved or rejected by the Board of Supervisors or by the Planning Department, for either a major subdivision/major land development under the jurisdiction of the Board of Supervisors or a minor subdivision/minor land development under the jurisdiction of the Planning Department, the applicant may withdraw the submission. The Applicant shall notify the Supervisors or Planning Department in writing, by certified mail, of their wish to withdraw their submission. Fees will be applied and adjusted in accordance with fee schedule found in the SALDO package.

309.2 During the course of the Planning Department review of the preliminary or final plan and prior to any action by the Supervisors or Planning Department within the required review period, the preliminary or final plan may be revised by the applicant.

If the applicant submits a revised plan it shall be deemed a new application and shall not be accepted unless it is accompanied by the applicant's written and executed agreement of a 90-day extension of the period required by the MPC for decision and shall stipulate that a new ninety (90) day time period shall commence from the date of the Planning Department's meeting next following the filing of the revised

Preliminary Plan. No new administrative processing fee shall be required for any revision submitted within two years of the first preliminary plan application.

The required number of copies of the revised plan shall be submitted, which copies shall note the dates of any and all revisions and a summary of the nature thereof. Further, the applicant shall pay any and all additional review fees incurred by the Township resulting from said revisions.

309.3 Any revised plan shall be resubmitted to the Luzerne County Planning Commission or to any other party and/or outside agency noted within Section 304.3 of this Ordinance if the Board of Supervisors or the Planning Department renders a determination that the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the applicable required fees and shall comply with Section 308 of this Ordinance.

SECTION 310 RECORDING OF FINAL PLAN

No final plan of a major subdivision or land development shall be approved by the Township Board of Supervisors or Planning Department until the developer has constructed and completed all required improvements as defined in these Regulations and that are shown on the plan to be recorded or on the supporting documents submitted with the application for final plan approval. In lieu of the completion of any of these required improvements, the developer shall submit to the Township a Subdivision Improvements Agreement, a Performance Security Agreement with financial security, an Improvements Maintenance Agreement, and an Indemnification Agreement, in a form acceptable to the Township. The developer shall fully execute these Agreements before submitting them to the Township. No final plan shall be finally approved and recorded until all agreements are fully executed by all parties and financial security has been provided to the Township. The Agreements shall be approved by the Township Solicitor and Planning Department.

310.1 The applicant shall record the final plan(s) as approved by the Board of Supervisors and/or Planning Department in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days of such final approval unless an extension has been granted in writing by the Board of Supervisors or the Planning Department, or the plans shall be void. The final plan(s) for recording shall include all plans recommended by the Township Planning Department.

“The plan(s) to be recorded shall include an index referencing each plan sheet in the plan set bearing the date and last revision date of each plan sheet”.

310.2 A final plan for either a major subdivision or major land development shall not be submitted for recording within the Recorder of Deeds Office unless it bears the signatures of the Board of Supervisors Chairman and Township Secretary and bears appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission.

A final plan for either a minor subdivision or minor land development shall not be submitted for recording within the Recorder of Deeds Office unless it bears the signatures of the Planning Department Chairman and Planning Department Secretary and bears appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission.

310.3 Within fourteen (14) days from the date on which the final plan is recorded, the applicant shall furnish to the Administrator a copy of the recorded plan(s) and/or a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office. Applicant shall provide Township with one copy of recorded plan(s) with verification on plan(s).

310.4 All outstanding fees owed to the Township must be paid by the applicant prior to Supervisors or Planning Department signing plans to be recorded.

SECTION 311 PHASING MAJOR SUBDIVISION PLANS

Final Plans may be submitted in sections in accord with §508(4)(v),(vi) and (vii) of ACT 247, as amended each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

Prior to granting final approval of a major subdivision plan or a major land development plan, the Board of Supervisors 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. The Board of Supervisors may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Board of Supervisors shall be granted concurrently with final approval of the plan.

SECTION 312 COMMENCEMENT OF DEVELOPMENT AND PERMITS

- A. Infrastructure may be constructed once preliminary approval has been granted and all outside agency permits that relate to construction are obtained. If a plan is granted preliminary approval with conditions by the board, infrastructure may not be constructed until all conditions of the approval have been met by the applicant. No on-lot building construction activities (including earthmoving activities, but not including soil or percolation testing or surveying activities) shall begin until the Township Zoning Officer has received a copy of the Recorder of Deeds' receipt for recording of the final plan, or a building or driveway permit has been issued.
- B. No application for a building permit under the Township Zoning Ordinance shall be submitted, and no building permit under the Township Zoning Ordinance shall be issued for any building in any subdivision or land development, and no work shall be done on any building in any subdivision or land development until it has been

approved as provided for and until the terms of Section 408 have been satisfied, except for applications for one building on one lot. Further, where final subdivision and land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permits shall be issued for construction on any such lot until this condition has been complied with.

- C. No water system or sewer system, including extensions to existing or proposed Township systems or new systems using sewage treatment plants, shall be constructed before the issuance of appropriate permits are issued by the Pennsylvania Department of Environmental Protection or from federal or local agencies, as required.
- D. Before the issuance of building permits, all roads, stormwater management devices, both temporary and permanent, and all other public improvements, shall be installed and established to the satisfaction of the Township Engineer or such improvements shall have been properly bonded.

SECTION 313 SALE AND LEASING OF LOTS OR SPACE, ERECTING BUILDINGS

No lot in a subdivision and/or Land Development may be sold, no space or lot in a subdivision and/or Land Development may be leased, nor permit to erect, alter or repair any building upon land in a subdivision and/or Land Development may be issued and no building may be erected in a subdivision and/or Land Development, unless and until a final subdivision plan has been approved and where required, recorded, and unless and until improvements required by the Township Board of Supervisors in connection therewith have either been constructed or guaranteed as hereinabove provided. Where in consideration of special conditions, a literal enforcement of this provision would result in unnecessary hardship, the Township Board of Supervisors may, upon written request, make such reasonable exception thereto as will not be contrary to the public interest and may permit the sale of a lot, leasing of space, issuance of a permit, or erection of a building, subject to conditions necessary to assure installation of adequate streets and other public improvements.

SECTION 314 TIME LIMITATION OF PLAN

The continuing validity of any approval of plans in accordance with this article shall be subject to those limitations established by Section 508 (4) of Act 247, as amended.

SECTION 315 DISCLOSURE

It shall be the responsibility of any person, persons, corporation or any entity conveying or reconveying building lots within a subdivision and/or Land Development to provide a prospective buyer with a copy of restrictions and covenants running with the land. Prior to the execution of an agreement of sale and/or a building contract/construction agreement, there shall be documentation that the prospective purchaser of such building lot has received a copy of restrictions and covenants.

**ARTICLE 4
PRELIMINARY PLAN
MAJOR SUBDIVISION/MAJOR LAND DEVELOPMENT**

SECTION 400 APPLICATION OF PRELIMINARY PLAN REQUIREMENTS

The standards, requirements, and provisions contained within this Article shall only be applied to a major subdivision or a major land development. The standards, requirements, and provisions for a minor subdivision or a minor land development are contained in Article 6 of this Ordinance.

SECTION 401 INITIAL REVIEW

The Planning Department and/or its designated agent shall review the Preliminary Plan to determine its completeness with regard to the standards, provisions, and requirements of this Ordinance. Any submission which is found to be incomplete shall be deemed to be invalid, and will be returned to the applicant in its entirety. The Planning Department shall notify the applicant in writing by certified mail, as to the nature and type of additional information required, and the Department shall provide a copy of such notification to the Board of Supervisors. First review by the Planning Department as per Section 303 and Section 308.1, will not occur until a complete submission has been received by the Planning Department.

SECTION 402 REVIEW BY LUZERNE COUNTY PLANNING COMMISSION

The Board of Supervisors shall not approve a Preliminary Plan until a report is received from the Luzerne County Planning Commission or until the expiration of thirty (30) days from the date it was forwarded to and received by the Luzerne County Planning Commission.

SECTION 403 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN

403.1 TOWNSHIP PLANNING DEPARTMENT

- A. The Township Planning Department shall review the preliminary plan and any recommendations made by the County, State and Federal agencies and the Township Engineer.
- B. After such review, the Planning Department shall send written notice of its recommendations and its reasons to the Board, and is encouraged to cite specific sections of the statutes or ordinances relied upon.
- C. The Planning Department may refrain from making their recommendation to the Board until the municipality has received the written report of the Luzerne County Planning Commission, the Luzerne County Engineers Office, the PA DEP, the Luzerne Conservation District, the Township Engineer, the PA Department of Transportation, the PA Historical and Museum Commission, results of the PNDI search or report from any other agency or municipality that may be involved in the review of the project have been received.

403.2 BOARD OF SUPERVISORS

When the recommendations on a preliminary plan have been officially submitted to the Board of Supervisors by the Planning Department such recommendations shall be placed on the Board's agenda for review and action.

The Board of Supervisors shall consider all official reports, comments and recommendations as provided in Sections 304.2 and 304.3 of this Ordinance. The Board of Supervisors shall render a decision in conformance with Section 308 of this Ordinance. The following constitutes the type of action the Board of Supervisors may take:

- A. In reviewing a plan, the Board of Supervisors 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 this Ordinance relied upon.
- B. In reviewing a plan, the Board of Supervisors may conditionally approve the Preliminary Plan, in which case it shall specify all additional information and/or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be addressed in writing as well as on all drawings and documents submitted prior to further consideration of the Preliminary Plan or the submission of the Final Plan. In granting preliminary approval, the Board of Supervisors shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Board of Supervisors of his refusal to accept all said conditions in writing. In such cases, the Board of Supervisors' conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Board of Supervisors of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.
- C. In reviewing a plan, the Board of Supervisors may approve the Preliminary Plan. Such approval shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and dimensions of streets, lots, and other planned features. The approval binds the applicant to proceed with the installation of the required improvements and/or to arrange for a form of financial security to cover installation of improvements and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, property or the recording of the Preliminary Plan. The Board of Supervisors shall render a decision in conformance with Section 308 of this Ordinance.
- D. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him by certified mail at his last known address not later than fifteen (15) days following the decision. The form and content of the decision shall comply with applicable requirements of Act 247.

- E. The decision of the Board shall also be communicated to the governing body of any adjacent municipality, if the plan includes land in that municipality and/or directly abuts its boundaries.
- F. If the Board has not had sufficient time to make a decision based on the information presented by the applicant or the applicant has not had sufficient time to make revisions requested and agreed to by the Board, the applicant has the right to request or present a written and executed agreement for a 90-day extension of the period for decision.

SECTION 404 PRELIMINARY PLAN - DRAFTING STANDARDS

404.1 The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale no smaller than 1"=60' unless otherwise approved by the Planning Department upon recommendation of the Township Engineer and include the following:

- A. Plan/profile sheets shall be drawn on 24"x 36" sheets at one of the following scales: horizontal scale (feet) 1"=10', 1"=20', 1"=30', 1"=40', 1"=50', 1"=60', vertical scale (feet) 1"=1', 1"=2', 1"=4', 1"=5', 1"=10'

404.2 The original drawing, and all submitted prints thereof shall be made on sheet(s) of one of the following sets of dimensions:

- A. Twenty-four (24) inches by thirty-six (36) inches;
- B. Thirty (30) inches by forty-two (42) inches.

404.3 All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.

404.4 If the subdivision or land development layout requires more than one (1) sheet or if the subdivision or land development involves more than one (1) section or phase, a title sheet or index sheet shall be provided. The title sheet or index sheet shall include the road and lot layout plan at a minimum scale of one-inch equals two hundred (200') feet. The plan shall illustrate the boundaries of the areas covered on the different sheets, sections or phases. If the plans are for a section or phase of a subdivision or land development, the relevant section or phase shall be differentiated in pattern from the remaining sections. The plan shall also indicate roads within two hundred (200) feet of the site and shall include an index of the plans.

404.5 Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

404.6 Each sheet shall be numbered and shall show its relationship to the total number of sheets.

404.7 Signature blocks for Hazle Township Planning Department, Board of Supervisors, Township Engineer and Luzerne County Planning Commission shall be provided on the right-hand side of the Plan or plans to be recorded. (See SALDO Package)

404.8 Site data including:

- A. Total acreage of tract
- B. Number of lots and/or units proposed
- C. Linear feet of new streets
- D. Type of water supply system
- E. Type of sewage disposal system
- F. Zoning district
- G. A statement of the intended use of all nonresidential lots and parcels
- H. Deed book, volume, and page
- I. Tax map sheet, block, and lot numbers from County records
- J. All site information that is required under terms of the Hazle Township Zoning Ordinance including, but not limited to, number of parking spaces, site coverage, number of employees, illumination, means of parking areas confinement, and driveway separation measurements when applicable.

404.9 Township limited review statement (See SALDO Package)

SECTION 405 PRELIMINARY PLAN-EXISTING CONDITIONS AND OTHER DATA

The Preliminary Plan shall be titled “Preliminary Plan” and include the following information:

405.1 The name and address of record owner, with the latest source of title by deed book and page number, tax map(s) and block(s) numbers, and certification of ownership which carries a Notarial Seal.

405.2 Name and address of applicant if different from owner.

405.3 Name of proposed subdivision or land development, labeled as the “Preliminary Plan”.

405.4 Name and address of registered engineer, or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance.

405.5 North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.

405.6 Total tract boundaries of the property being subdivided, showing bearings and distances, with bearings not less than the nearest ten (10) seconds and distances to the

nearest one hundredth (.01) of a foot. The total size of the property shall be listed in both acreage and square feet.

405.7 The names of all current adjoining landowners, including block and lot numbers from the Luzerne County Assessor's Office and deed book volume and page identification.

405.8 All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

405.9 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility right-of-ways, culverts, storm drains, bridges, railroad right-of-ways and other significant man-made features within the proposed subdivision or land development.

405.10 All existing building or structures within the boundaries of the proposed subdivision or land development.

405.11 The Zoning District or Districts, delineated upon the Plan, along with a summary table of requirements for each district.

405.12 An Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing site conditions. The Township shall review the Plan to assess its accuracy, thoroughness, and the manner in which the information generated has been applied to the design of the subdivision or land development. The following information shall be included on this Plan:

- A. Geologic formations, based on available published information or more detailed data obtained by the applicant.
- B. Topography, the contour line intervals of which shall not be less detailed than five (5) feet for hilly sites, and two (2) feet for gently rolling or relatively flat sides. The determination of appropriate contour intervals shall be made by the Planning Department. Slopes between 15 and 20 percent and exceeding 20 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, streams, and natural drainage swales, as well as the Flood Hazard and Wet Soils District, as defined in the Zoning Ordinance. Additional areas of wetlands as evident from testing, visual inspection, or from the presence of wetland vegetation, shall be indicated.
- D. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the published soil survey for Luzerne County, Pennsylvania.

- E. Ground water nitrate testing and sampling results to determine nitrate background base, recharge capacity, quantity of supportable on lot safe ground water sources, and quantity of supportable on lot sewer systems (if applicable).
- F. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, old field, hedgerow, woodland and wetland, trees with caliper in excess of eighteen inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- G. Ridge lines and delineation of watersheds on the property shall be identified.
- H. Locations of all historically significant sites or structures on the tract and on any abutting tract in accordance with the Zoning Ordinance.
- I. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- J. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Luzerne County shall be shown on the plan.
- K. The location and dimensions of all existing streets, roads, buildings, utilities, and other man-made improvements.

405.13 Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed open space or an equivalent designation such as dedication of a neighborhood park site.

405.14 With regard to wetlands, all plans must specifically address the subject as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, along with the methodology utilized in making such a determination, which shall be certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, the following requirements shall apply:

- A. A delineation of all wetland boundaries and total acreage of said wetland boundaries shall be required within all areas to be graded, disturbed and/or altered in any manner from its natural state. Said delineation shall be provided by a person with appropriate training and experience in the identification of wetlands.

- B. If no immediate development is proposed upon the property at the time the applicant seeks subdivision and/or land development approval, the approval of such plan may be granted conditioned upon the inclusion of a restriction on the subdivision and/or land development plan for the land being conveyed out that prohibits any development and/or land grading, disturbance, and/or alteration prior to compliance with the provisions set forth above in Item (a).

405.15 A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the municipality.

405.16 A three inch by five inch block for the signatures of the Chairman, Vice-Chairman, and Secretary of the Board of Supervisors and the date of approval of the preliminary plan and Final Plan is to be provided on the sheet or sheets which are to be recorded. (See SALDO Package)

405.17 Two separate three inch by five inch blocks for the signatures of the authorized persons of the Luzerne County Planning Commission and the Township Planning Department for the respective dates of review by each upon the sheet or sheets which are to be recorded. (See SALDO Package)

405.18 An accurate field boundary survey of the subdivided or developed parcel of a property in accordance with the professional standards of the Pennsylvania Society of Surveyors for all parcels created or developed under a subdivision or a land development.

405.19 Written certification by the responsible land surveyor, which attests to the accuracy of the survey and compliance with the applicable provisions of this Ordinance.

405.20 The form of any required endorsement of any notary, Township, County or other governmental bodies, or otherwise to whom the Plan has been submitted for review and/or approval, shall also be included in the plan so that these endorsements may be executed at the appropriate time after the review or approval of each agency has occurred. (See SALDO Package)

SECTION 406 PRELIMINARY PLANS - PROPOSED DEVELOPMENT

The Preliminary Plans shall be titled "Preliminary Plan" and include the following information:

406.1 Lot layout and related features which shall indicate and provide:

- A. the total number of lots and/or units proposed for the site, with identification numbers;
- B. the dimensions and area of all lots, expressed in both square feet and acres;

- C. the building setbacks for all lots along each street, or in the case of a land development, the proposed placement of each building along each street, and the proposed use of each building;
- D. any proposed open space, parks, playgrounds, or recreational facilities, with any governing conditions thereof;
- E. copies of proposed deed restrictions, easements, and protective covenants referenced on the plan;
- F. proposed contour lines at vertical intervals of two (2) feet, unless one (1) foot vertical intervals are required by the Township for extremely level tracts of land and/or five (5) foot vertical for land not under consideration for improvements;
- G. location, width and purpose of proposed easements and utility rights-of-way, described by bearing and distances;
- H. in the case of wetlands, total acreage of any such area proposed to be disturbed.
- I. sufficient data to determine readily the location, bearing and length of every lot and boundary line and to produce such lines upon the ground, including all dimensions, angles, and bearings of the lines.
- J. permanent concrete control monuments and markers, as required by Section 1002.
- K. The location of all percolation tests and test pits approved by Township Sewage Enforcement Officer and PA DEP, if applicable, shall be indicated within lots or within undivided open space (with appropriate easements).
- L. The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.
- M. All lot lines shall be completely dimensioned 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.
- N. Parking space calculation showing the amount of spaces required based on the Zoning Ordinance requirements and the amount of spaces provided.

406.2 Street and right-of-way layout which shall indicate and/or provide:

- A. The location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site;

- B. The location, right-of-way, and cartway of all proposed streets, with a statement of any condition governing their use and the right-of-way and cartway of any existing streets (public or private) to which the proposed street will intersect;
- C. Suggested street names, in accordance with Section 805.2l of this Ordinance, the location of street signs in accordance with Section 805.2m of this Ordinance and the location of traffic control signs in accordance with Section 805.2n of this Ordinance;
- D. The beginning and end point of proposed street construction;
- E. Location, width, and purpose of proposed easement and utility rights-of-way;
- F. If applicable, the location of sidewalks shall be located outside of public right-of-way;
- G. Typical cross section for all right-of-ways required;
- H. Street lights in accordance with Section 805.2o;
- I. Plan/Profile sheets for all proposed streets within the tract shall show at least the following information, properly labeled;
 - 1. Existing natural profile along the centerline of each street;
 - 2. Proposed finished grade along the centerline of each street;
 - 3. The length of all vertical curves and vertical sight distance provided;
 - 4. Existing and proposed underground sanitary sewer lines, manholes, water lines, electric, telephone, cable and gas lines;
 - 5. Existing and proposed stormwater management facilities and drainage improvements;
 - 6. Proposed top of curb elevations at fifty (50) foot intervals, changes in grade, PC's and PT's of all horizontal curves, and vertical curves at twenty (20) foot or twenty-five (25) foot intervals and PIVC.
 - 7. The Plan/Profile sheets shall be legibly drawn at a horizontal scale (ft.) from 1"=10' to 1"=60' and a vertical scale (ft.) from 1"=1' to 1"=10'.
 - 8. The proposed speed limit of the proposed roadway.

406.3 A subdivision and/or land development, when being serviced by sanitary sewers, shall be connected to public sewers. The developer shall provide a letter of

commitment from the Municipal Authority of Hazle Township providing notice that said Authority can serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service. If applicable, written approval from any adjoining municipality regarding the conveyance of sewage into its system to access intended conveyance of sewage to facilities of the Greater Hazleton Joint Sewer Authority, the treating facility, shall also be required. The following information shall be provided upon the plan and/or in a report:

- A. the layout, size and material of sanitary sewers within the site;
- B. location of manholes with invert elevation of flow line and grade at the top of each manhole;
- C. location of laterals;
- D. A copy of any pressure sewer system design calculations, if applicable.

406.3a A subdivision and/or land development, to be serviced by on-lot sewage disposal, shall provide the following information:

- A. location of soil percolation test sites and soil test probes (soil profile excavations);
- B. location and extent of various soil types within the site with DEP definitions for each;
- C. proposed or typical location of building and/or structure with proposed location of wells, if applicable;
- D. copy of the applicable report and findings of the Township's Sewage Enforcement Officer.

406.4 A subdivision and/or land development, where off-site or central water service or water supply is to be provided, the final design, including location and size of water service facilities within the subdivision, shall be shown, proposed well locations, storage tanks, reservoirs, pumps, mains, backfill and bedding specifications, valves, fire hydrants, reducers, aquafier testing, water treatment methods and chemical handling methods. The plan shall contain a statement that the placement of fire hydrants and the components of the system have been reviewed by the Hazle Township Fire Chief and that both are compatible with Section 810.3, and the fire fighting methods and equipment utilized by the regional fire companies.

If to be served by an existing water company or authority, a letter from the same indicating said company or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

A subdivision and/or land development, when individual lots are serviced by individual wells shall indicate the proposed location of the subject wells upon the plans.

406.5 Storm drainage shall indicate and/or provide:

- A. the location, size and material of any storm drainage facilities, including but not limited to, proposed swales, drainage easements and other management facilities.
- B. drainage areas for each drainage facility or swale.
- C. the applicant shall also submit a storm drainage plan, report, and storm drainage calculations in compliance with Article 12 of this Ordinance.

406.6 If obtainable and requested by the approval authority, a letter from the applicable public utility company which provides electrical service and/or gas service to the Township, indicating said company can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

A utility plan shall be provided upon a separate sheet, showing the location, dimension and distances of all existing and proposed utilities servicing a subdivision or land development. Said utility plan shall include a legend with a key to identify each type of utility, existing and proposed. It shall be the responsibility of the contractor to verify location of utilities shown upon the plan prior to construction and/or excavation. The utility plan shall also include drop locations for proposed street lighting in coordination with public utility company which provides electrical service. Any field changes required due to utility conflicts must be reflected on an as built drawing provided to the appropriate approval authority. All subdivisions and land developments plans shall include the following statement which must be signed by the applicant/developer and notarized.

I, _____, applicant and developer of _____ Subdivision/Land Development, do hereby acknowledge and agree to be responsible for all costs for any street lights which may be activated prior to the acceptance of the subject streets as dedicated streets by the Board of Supervisors.

All plans shall contain the PA ONE CALL notice in compliance with PA. Act 287:

CALL BEFORE YOU DIG!

**BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA
CALL 1-800-242-1776
PA ACT 287 OF 1974 REQUIRES THREE
WORKING DAYS NOTICE TO UTILITIES
BEFORE YOU EXCAVATE, DRILL OR BLAST
PENNSYLVANIA ONE CALL SYSTEM INC.**

SECTION 407 ADDITIONAL MATERIALS SUBMITTED WITH PRELIMINARY PLAN

The following material and information shall be submitted with the Preliminary Plan:

- 407.1 Proof of ownership including a copy of the existing deed. Equitable owners shall provide a copy of an executed agreement for review by the Township solicitor.
- 407.2 Preliminary Plan Application, Preliminary Plan Checklist, and required fees.
- 407.3 Transmittal correspondence for Luzerne County Planning Commission review.
- 407.4 A copy of the application for a Highway Occupancy Permit, if applicable, as required by the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department, or a Township Driveway Permit where applicable.
- 407.5 Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts.
- A. Typical street cross-section drawings for all proposed streets and sidewalks shall be provided.
 - B. Engineering design of proposed bridges or culverts shall be prepared in conformance with the latest Pennsylvania Department of Transportation design manuals. Any bridges must be approved by all agencies with jurisdiction thereof, such as the Pennsylvania Department of Environmental Protection, Department of Transportation and/or Luzerne County. Also, if any existing bridges are to be utilized a Structural Certification of the bridge demonstrating its safety and maximum permissible load must be submitted to the Township and must be completed by a certified Structural Engineer.
 - C. Engineering design of a proposed central sewage system and/or central water supply and distribution system shall be accompanied by all permit applications for all respective utilities.
 - D. If required, a plan, details and specifications of street lights to be installed, together with the necessary contract for street light installation for approval by the Township.
- 407.6 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized shall be included upon the Plan.
- 407.7 A Sewage Planning Module and all accompanying data as required by the Pennsylvania Department of Environmental Protection, or an approved exemption of the Sewage Planning Module Requirements from the Pennsylvania Department of Environmental Protection.

Should the Township be required to adopt a Resolution for a Revision to the Official Sewage Facilities Plan of the Municipality and submit to the PA DEP a complete Sewage Facilities Planning Module for their review and approval in accordance with the Rules and Regulations of the Department of Environmental Protection issued pursuant to Section 9 of the Act known as the PA Sewage Facilities Act; Section 1290-A of the Act of April 9, 1929, P.L. 177, as amended (17 P.L. Sections 510-20), known as the Administrative Code of 1929; and Section 5 and 402 of the Act of June 22, 1937, P.L. 1987, as amended (35 P.S. Section 691.5 and 691.402) known as the Clean Streams Law, then, in that event, said Developer shall enter into a written recordable agreement whereby the said Developer agrees to implement the sewage disposal system called for in the Planning Module. The costs of the preparation of said agreement shall be paid by the Developer, as well as any recording costs.

- 407.8 A copy of the Soil Erosion and Sedimentation Control Plan, application and related information as required by the Luzerne Conservation District.
- 407.9 A map illustrating an analysis of types of soils present on the tract based upon the Luzerne County Soil Survey prepared by the USDA Soil Conservation Service.
- 407.10 A map illustrating substantially significant natural features within the proposed tract.
- 407.11 Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data, calculations and facilities for stormwater drainage.
- 407.12 In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, may be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, based upon a jurisdictional determination of said agencies, where needed and provided said governmental entity shall make such verification, if so directed by the Township.
- 407.13 Estimated costs by item for required improvements in accordance with Section 703 of this Ordinance.
- 407.14 A Traffic Impact Study will be required to be submitted to and approved by the Township in conformance with the standards outlined in Section 817 if the project meets the requirements for a study as outlined in Section 817.1.
- 407.15 Any other information deemed necessary by the Planning Department and/or Board of Supervisors, including but not limited to any Impact Analysis, as defined in Article 2 of this Ordinance.
- 407.16 An executed written agreement under which the applicant agrees to fully pay for any and all consulting fees resulting from the review of plans, applications and supporting information, data and/or reports or studies reasonably required by the Board of Supervisors and which directly relates to the planned use of the property involved. In providing for such an agreement, the Board of Supervisors, at its discretion, may require the applicant to establish an escrow account in the amount of

an estimated fee in a manner arranged for the Township's withdrawal of funds for the payment of consulting fees incurred by the Township. (See SALDO Package)

407.17 A complete application for the following permits must be either submitted to or approved by the applicable review agency prior to preliminary approval. Provide copies to Township of all Applications submitted.

- A. A complete Sewage Facilities Planning Module must be submitted to PA DEP based on the requirements for that specific project outlined on the PA DEP checklist.
- B. The National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activities must be approved by the Luzerne Conservation District and/or PA DEP.
- C. All Waterways Encroachment and Obstruction permits must be approved by PA DEP or the US Army Corps of Engineers.
- D. PA Highway Occupancy Permits must be approved by PennDOT.
- E. County Highway Occupancy Permits must be approved by Luzerne County.
- F. PA Public Water Supply Permits must be approved by PA DEP.
- G. PA DEP Water Quality Management permit for sewer extensions and pump stations.

407.18 At this time, any applicant submitting plans for a subdivision or land development shall also furnish one (1) double-side, high density 3 1/2" diskette(s) or CD containing a copy of plans (and referenced to Township datum as appropriate), for use in municipal GIS for the Subdivision or Land Development. Include all reports on diskette(s) or CD.

The file(s) shall be in a format readable by AutoCAD Release 12 to newest version, such as a .DWG or .DXF file, (PDF Format), or other format as approved by the Township Engineer prior to submission. Archived file(s) shall be accompanied by the appropriate software necessary to unarchive the file(s), and instructions for the use of such software.

In the event that information meeting the above specification is not provided by the applicant, he shall bear the direct costs incurred by the Township in producing this information. Such costs may include, but shall not be limited to, engineering, drafting and administrative costs in digitizing or otherwise converting paper plans into machine-readable format.

SECTION 408 STATUS AFTER PRELIMINARY APPROVAL

408.1 CONSTRUCTION OPTION

At applicant's risk under provisions of the Municipalities Planning Code, an owner of a property may proceed with construction providing the following conditions are met.

- A. Requirements to proceed with construction prior to final plan approval:
1. All outside agency permits that relate to construction are obtained, included, but not limited to, the following, if applicable:
 - a. Sewage Facilities Planning Module
 - b. National Pollutant Discharge Elimination System (NPDES) Permit
 - c. All waterway encroachment and obstruction permits
 - d. PA Highway Occupancy Permits
 - e. Luzerne County Highway Occupancy Permits
 - f. PA Public Water Supply Permits
 - g. PA DEP Water Quality Management permit for sewer extensions and pump stations
 2. Construction Sequence approved by Township
 3. Subdivision/Land Improvements Agreement
 4. Performance Security Agreement
 5. Improvements Maintenance Agreement
 6. Indemnification Agreement – Certificate of Insurance
 7. Escrow for Construction Inspection
 8. Approved itemized Cost Estimate
 9. Township may require utility crossings and construction in public roads to follow a schedule determined by Township
 10. Any other Required Agreement.
- B. Time Limit for Final Construction
- C. Maintenance period will not begin until all improvements have been inspected and accepted by the Township Engineer and a maintenance agreement and security have been provided to the Township.
1. Maintenance period cannot begin prior to:

- a. As-built Drawings, signed and sealed by a Professional Engineer and/or Professional Land Surveyor, have been provided and approved by Township.
- b. All other requirements of this ordinance have been complied with.
- c. Applicant will be required to file Final Plans in accordance with Article 5 of this ordinance upon completion of improvements.
- d. Recording of Final Plan in accordance with Section 104.2(e) of this ordinance.

408.2 PERFORMANCE SECURITY OPTION (REQUIRES FINAL PLAN APPROVAL)

In lieu of the completion of any of these required improvements, the developer shall submit to the Township a Subdivision/Land Development Improvements Agreement, a Performance Security Agreement with financial security, an Improvements Maintenance Agreement, and an Indemnification Agreement, in a form acceptable to the Township. The developer shall fully execute these Agreements before submitting them to the Township. No final plan shall be finally approved and recorded until all agreements are fully executed by all parties and financial security has been provided to the Township. The Agreements shall be in accordance with the following: (Suggested Agreement wording is provided in the application package.)

- A. Subdivision/Land Development Improvements Agreement: The Subdivision/Land Development Improvements Agreement, or a contract approved by the Board of Supervisors, shall bind the developer to construct the required improvements as defined in Article 8 of these Regulations and that are shown on the plan to be recorded or on the supporting documents submitted with the application for final plan approval.
- B. Performance Security Agreement: The Performance Security Agreement shall provide that the developer submit to the Township financial security in a form acceptable to the Township Solicitor and to the Board of Supervisors and in an amount sufficient to cover the costs of all improvements which remain to be completed.
 1. This financial security may include, among other, a lending institution Letter of Credit, or escrow account in a lending institution.
 2. The Security Agreement shall provide for, and secure to the public, the completion of all required improvements within one (1) year of the date fixed in the final subdivision plan for completion of such improvements.
 3. The amount of the security shall be verified by the Township Engineer and shall include reasonable contingencies, engineering and legal costs.
 4. The Township shall release the performance security pursuant to Section 709.

- C. **Improvements Maintenance Agreement:** The Improvements Maintenance Agreement shall provide that the developer agree to maintain the required improvements for a period of eighteen (18) months, excepting shade trees for which a two (2) year maintenance period is mandated and that the developer provide suitable security to guarantee that the improvements will be maintained during this period.
1. The time period for maintenance shall commence as identified in the Improvements Maintenance Agreement.
 2. Security shall be in an amount equal to fifteen percent (15%) of the total amount of the actual cost of the required improvements, as defined in the Performance Security Agreement. The form of security shall be subject to the approval of the Township Solicitor and Township Board of Supervisors.
 3. The Township shall release the maintenance security pursuant to Section 709.
- D. **Indemnification Agreement:** The Indemnification Agreement shall indemnify the Township and hold the Township harmless from any and all liability including but not limited to any and all aspects of storm water management design and implementation thereof.
- E. **Phasing of Development:** In the case where development is projected over a period of years, the final plan may be prepared and submitted for an initial stage of development or for subsequent stages of development provided that such stages of development had been approved by the Township Board of Supervisors as part of the preliminary plan. Final plan approval of each stage or section is subject to all provisions of Section 706. The Township may require guarantees for specific improvements in future stages or sections if the Township finds their completion essential for the protection of any finally approved stage of the development.
- F. **Outside Agency Approvals:** No final plan shall be finally approved and recorded until evidence of approval, or preliminary approval, or waiver by proper Federal, State, or County authorities as may have been required to subdivide or develop the land as proposed in the Final Plan have been submitted to the Township.
- G. **Certification:** Certification of the engineer, land surveyor, landscape architect or land planner who prepared the plan that the plans are in conformity with zoning, building, sanitation, subdivision and other applicable Township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception, variance or waiver has been authorized.
- H. **Recording of Final Plan:** Final plan shall be recorded in accordance with Section 104.2(e) of this ordinance.

**ARTICLE 5
FINAL PLAN
MAJOR SUBDIVISION/ MAJOR LAND DEVELOPMENT**

SECTION 500 APPLICATION OF FINAL PLAN REQUIREMENTS

The standards, requirements, and provisions contained within this Article shall only be applied to a major subdivision or a major land development. The standards, requirements, and provisions for a minor subdivision or a minor land development are contained in Article 6 of this Ordinance.

SECTION 501 SUBMISSION AND REVIEW PROCEDURE

All Final Plans for major subdivisions shall be submitted and processed in accord with this article.

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with Article 4 of this Ordinance or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant. A Narrative Report of all changes and the basis for each change shall be submitted with the final plan.
- B. All improvements such as, but not limited to, roads and drainage facilities which are shown on the Preliminary Plan have been completed or guaranteed in accord with Article 4 of this Ordinance.

501.1 Within two (2) years after approval of the preliminary plan, a final plan and all necessary supplementary data shall be officially submitted to the Township. The final plan shall conform to the preliminary plan as previously reviewed by the Planning Department and the Board and shall incorporate all modifications required by the Township in its review of the preliminary plan. The final plan and supporting materials must be submitted to the Township a minimum of twenty-one (21) days prior to the next Planning Department Work Session meeting to be considered for placement on that meeting's agenda.

501.2 Unless the filing deadline in Section 501.1 is waived or extended by the Board, failure to make timely submission of final plans renders void a preliminary plan, and the applicant shall be required to file a new application and fee for preliminary plan approval.

501.3 The Board of Supervisors may permit submission of the final plan in phases, each covering a reasonable portion of the entire proposed development as shown on the approved preliminary plan; provided that the first final plan phase shall be submitted within one (1) year after approval of the preliminary plan. Each subsequent phase

shall be submitted within one (1) year of approval of the previous phase, provided all phases have been submitted within three (3) years of original approval.

501.4 The applicant will have five years, counted from the date of the preliminary approval, to substantially complete (90%) the installation of improvements as depicted on the final plat without losing subdivision or land development approval. Extensions may be requested and granted by the Board in its discretion. In the case of a preliminary plat calling for the installation of improvements beyond the five year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board in its discretion.

501.5 The Administrator, or his/her designee, shall provide one (1) copy of plan and materials to governing body of any adjacent municipality or municipalities if tract to be subdivided or developed abuts or lies partially in the Township.

SECTION 502 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN

502.1 Township Planning Department

- A. The Planning Department will review the final plan and the recommendations of the Township Engineer and any other reviewing agencies.
- B. After such review, the Planning Department shall send written notice of its recommendation and its reasons to the Board and the applicant. If the plan includes land in any adjacent municipality and/or directly abuts its boundaries, then such notice and recommendation will also be transmitted to the governing body of the adjacent municipality.
- C. No recommendations shall be made by the Planning Department until the municipality has received the written report of the County Planning Commission, the Township Engineer, the Pennsylvania Department of Environmental Protection (PADEP), the Department of Transportation (PennDOT), if applicable, and the approval of the Luzerne Conservation District.

502.2 Board of Supervisors

- A. No approval of the final plan shall be granted by the Supervisors until notification of PA DEP's approval of the Sewage Facilities Planning Module has been received by the Board. Should such notification not be received within the time limitations for final plan approval in accord with the Act, the time limitations shall be extended for not more than ninety (90) days at the written request of the applicant. If the applicant refuses to provide such written requests, the final plan shall be disapproved.

- B. Upon the receipt of the Planning Department's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to Section 303.
- C. When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicants as provided in Section 305.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by Article 3 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reason for denial.
- D. When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in Section 308.2.
- E. Notwithstanding the foregoing procedure, the Board should render a decision on all final plans and communicate it to the applicant, in writing, as required by the Municipalities Planning Code.
- F. If at any time the applicant submits a revised final plan, it shall be deemed a new application and shall not be accepted unless it is accompanied by the applicant's written and executed agreement of a ninety (90) day extension of the period required by the Act for decision. No new processing fee shall be required for any revision submitted within one year of the first preliminary plan application other than those requested by outside agencies.
- G. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Township Planning Department.
- H. The time period for review of the Final Plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

The continuing validity of any approval of plans in accordance with this article shall be subject to those limitations established by Section 508 (4) of Act 247, as amended.

SECTION 503 FINAL PLAN DRAFTING STANDARDS

The Final Plan of a proposed subdivision or land development meet all drafting standards as required in Section 404 of this Ordinance.

SECTION 504 FINAL PLAN REQUIREMENTS

The Final Plan shall conform in all details to the approved Preliminary Plans and shall include all additional information and any changes required by the Board of Supervisors in granting approval of the Preliminary Plan. It shall not be necessary to resubmit all supporting data, required under the Preliminary Plan, provided there have been no changes. In the event of any changes, the procedures and requirements outlined in Section 308 of this Ordinance shall apply. The following additional information shall be included on the Final Plan:

- 504.1 Drawings and/or plans shall be titled "Final Plan" and shall clearly indicate date of Preliminary Approval.
- 504.2 An accurate field boundary survey of the subdivided or developed parcel of a property in accordance with the professional standards of the Pennsylvania Society of Surveyors for all parcels created or developed under a subdivision or a land development.
- 504.3 The location and material of all permanent monuments and lot markers, as required by Section 1002 of this Ordinance.
- 504.4 Written certification by the responsible land surveyor, which attests to the accuracy of the survey and compliance with the applicable provisions of this Ordinance. (See SALDO Package)
- 504.5 All signature blocks and certifications required in Section 405 of this Ordinance.
- 504.6 The latest source of title to the property as shown by deed, page number and book of the Luzerne County Recorder of Deeds Office.
- 504.7 The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use, shall be described on the plan by bearing and distance.
- 504.8 All lot lines shall be completely dimensioned 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.

504.9 The Zoning District or Districts, delineated upon the Plan, along with a Summary Table of Requirements for each district.

504.10 If applicable, the number of the approved Highway Occupancy Permit (State or County) and date of issuance or the notation that deed restrictions prohibit development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured. If applicable, the approval and or issuance of a Township Driveway Permit shall be secured for any proposed access onto a street or road under the jurisdiction of Hazle Township.

504.11 A space shall be provided on the Final Plan for acknowledgment of receipt and recording of the plan by the Luzerne County Recorder of Deeds Office.

SECTION 505 ADDITIONAL MATERIAL SUBMITTED WITH FINAL PLAN

The following material and information shall be submitted with the Final Plan:

505.1 Certification of ownership, certification of Plan's compliance with all applicable terms and conditions required by this Ordinance and/or the Board of Supervisors and any offer of dedication, if applicable, signed by the owner of the property and notarized.

505.2 Final application and required fee, as established by resolution of the Board of Supervisors.

505.3 If applicable, a copy of the Highway Occupancy Permit, as required by the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department, or the deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.

505.4 Copies of final deed restrictions, those existing and those to be included upon recording, if any.

505.5 All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.

505.6 If applicable, written certification from the Pennsylvania Department of Environmental Protection (DEP) approving any required Sewage Planning Module and any supporting data, or written notification from DEP regarding the approval of an exemption therefrom, provide DEP requires such approval.

505.7 A. Written certification from the Luzerne Conservation District approving the Soils Erosion and Sedimentation Control Plan.

B. Written certification of NPDES Permit.

- C. Written certification of PA DEP public water supply permits and water quality management permits, if applicable.

505.8 As deemed necessary by the Township Engineer, final construction plans and/or drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant's engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings.

505.9 If any streets are not offered for dedication to public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review by the Township's Solicitor and approval by the Board of Supervisors, establishing the conditions under which the streets may be later offered for dedication. Said conditions shall include, although not limited to, that the subject streets shall conform to the Township's design specifications at such time the offer of dedication is made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Township Engineer, to provide the needed improvements required for conformance to the Township's design specifications at the time of such dedication. Said agreement shall be noted on record plan.

505.10 An agreement for any streets not offered for dedication, stating who shall be responsible for the improvements and maintenance of such streets. If a homeowners association is deemed to be responsible, such association must be legally organized prior to approval of the Final Plan.

505.11 A financial security, in accordance with Section 704 of this Ordinance, subject to the approval by the Board of Supervisors, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.

505.12 A financial security for the maintenance of improvements, in accordance with Section 710 of this Ordinance.

505.13 If applicable, written certification from the Municipal Authority of Hazle Township granting approval for the acceptance of the conveyance of sewage for treatment and disposal from the proposed subdivision and/or land development.

505.14 Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development.

505.15 All required permits and/or approvals from either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection for site development activities which affects delineated wetlands.

505.16 An agreement for payment of all reasonably required engineering and/or consulting fees and costs incurred by the Township for the review of the application, plan and supporting information, data and/or reports or studies, including but not limited to, any required impact analysis and site inspections to insure compliance with the terms of approval and required improvements. (See SALDO Package)

505.17 Upon the completion of all improvements and prior to any offer of dedication of improvements to the Township, the Applicant shall provide to the Township “As-Built” plans certified by the Applicant’s engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

A. Submission Requirements: Simultaneous with the conveyance of the respective submission improvements, the Subdivider shall be required to provide one (1) mylar reproducible plan and three (3) white background prints of the “As-Built” final plan.

1. Prior to submitting these plans, one print of the record plan(s) shall be submitted to the Township Engineer for review and approval.
2. The location of improvements and other data on the “As-Built” final plan shall be in conformity with the requirements of Section 408.1C.1.a. et. seq. of these regulations. All construction changes shall be noted by drawing a line through the design data and showing the record data adjacent thereto. The following specific information shall also be noted.
 - a. Water Distribution System: Stationing of each gate valve, bend, tee, cross, plug, and lateral. Each curb stop and valve box shall be stationed and defined with a reference tie when necessary. The location of the water main with respect to the Street centerline or utility easement line shall be shown and dimensioned and location of all fire hydrants and valves.
 - b. Sanitary Sewerage System: Depth, length, and station of each lateral. In the case of skewed laterals an additional reference tie shall be provided. Stationing shall be based on the commonly accepted practice of using Station 0+00 for the nearest downstream manhole.
 - c. Storm Sewage System: Invert elevations, sewer lengths, slopes, pipe diameters, and types.
 - d. Roads: “As-Built” curb and/or pavement grades for intersections. Any significant deviations in the centerline profile shall be noted on the plan.

505.18 A financial security, for the submission of required “As-Built” drawings in accordance with Article 7 of this Ordinance shall be provided if Applicant records plans as per Section 408.2 of this Ordinance.

505.19 At this time, any applicant submitting plans for a subdivision or land development shall also furnish one (1) double-side, high density 3 ½” diskette(s) or CD containing a copy of plans (and referenced to Township datum as appropriate), for use in municipal GIS for the Subdivision or Land Development. Include all reports on diskette(s) or CD.

The file(s) shall be in a format readable by AutoCAD Release 12 to newest version, such as a .DWG or .DXF file, (PDF Format), or other format as approved by the Township Engineer prior to submission. Archived file(s) shall be accompanied by the appropriate software necessary to unarchive the file(s), and instructions for the use of such software.

In the event that information meeting the above specification is not provided by the applicant, he shall bear the direct costs incurred by the Township in producing this information. Such costs may include, but shall not be limited to, engineering, drafting and administrative costs in digitizing or otherwise converting paper plans into machine-readable format.

505.20 Any other information deemed necessary by the Board of Supervisors.

SECTION 506 RECORDING OF PLAN

No final plan of a major subdivision or land development shall be approved by the Township Board of Supervisors until the developer has constructed and completed all required improvements as defined in these Regulations and that are shown on the plan to be recorded or on the supporting documents submitted with the application for final plan approval. In lieu of the completion of any of these required improvements, the developer shall submit to the Township a Subdivision/Land Development Improvements Agreement, a Performance Security Agreement with financial security, an Improvements Maintenance Agreement, and an Indemnification Agreement, in a form acceptable to the Township. The developer shall fully execute these Agreements before submitting them to the Township. No final plan shall be finally approved and recorded until all agreements are fully executed by all parties and financial security has been provided to the Township. The Agreements shall be approved by the Township Solicitor and Planning Department.

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

The Applicant shall file the final record plan with the Luzerne County Recorder of Deeds in accordance with Section 104.2(e) of this Ordinance. If the Applicant fails to record the final record plan in the Recorder’s office within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a re-submission of the plan shall be made to the Board of Supervisors.

ARTICLE 6
MINOR SUBDIVISION/LAND DEVELOPMENT
AND BOUNDARY LINE ADJUSTMENT

SECTION 600 APPLICATION OF FINAL PLAN REQUIREMENTS

The standards, requirements, and provisions contained within this Article shall only be applied to a minor subdivision, minor land development, or a boundary line adjustment.

SECTION 601 ONLY FINAL PLAN REQUIRED

The classification of a proposed subdivision as a "Minor Subdivision" or "Boundary Line Adjustment" shall only require the submission, review and approval of only a Final Plan. A land development classified as a "Minor Land Development" shall only require the submission, review and approval of a Final Plan. The classification shall be based upon the definitions of terms "Minor Subdivision", "Minor Land Development", and "Boundary Line Adjustment" as provided for under Article 2 of this Ordinance.

SECTION 602 SUBMISSION PROCEDURE/GENERAL REQUIREMENTS

The submission procedure for a Minor Subdivision, or Minor Land Development, or "Boundary Line Adjustment" shall be in accordance with Section 303 of this Ordinance.

602.1 GENERAL REQUIREMENTS

No more than one (1) minor subdivision/land development may be approved on the original tract in the same ownership over a period of five (5) years.

- A. A survey of the parcel of property containing the proposed minor subdivision/land development shall be required by a Registered Surveyor to assure compliance with applicable requirements. The Township shall also have the right to apply any of the standards and requirements contained in this Ordinance.

602.2 Minor Land Development

The intent of this article is to reduce the information requirements for the review and approval of small scale land development projects. Multi-family dwellings, mobile home parks, campgrounds, and recreational vehicle parks shall not qualify as minor land developments.

A land development, as defined by Article 2 of this Ordinance, may be considered a "minor land development" for the purposes of this Ordinance provided said development falls under the definition of Minor Land Development.

602.3 Boundary Line Adjustment – (Residential Lot Consolidation/Reverse Subdivisions)

“Boundary Line Adjustment” – Subdivisions which involve the combination of residential lots of record which are shown on a recorded map on file at the office of the Luzerne County Recorder of Deeds (the applicant shall certify by affidavit to the Planning Department that the subject map is, in fact, on record) and which do not involve the creation of any new lot lines and which will eliminate, move or adjust not more than two (2) lot lines shall be submitted to the Township for review and approval by the Planning Department. A new map and deed and affidavit for such lot adjustment shall be required in accordance with Section 605 and shall be recorded with the Luzerne County Recorder of Deeds upon the signature of the applicant and the Planning Department. The “Owner’s Affidavit” shall be in such form as required by the Planning Department upon the recommendation of the Township Solicitor and shall include a reference to the lot numbers of the subject lots and the Plat Book and page number where the map is recorded.

All documents to be recorded to effect any “boundary line adjustment” shall be in such form as approved by the Planning Department with the recommendation of the Township Solicitor and Engineer. The fee for “boundary line adjustment” subdivisions shall be established by Resolution of the Board of Supervisors. No more than one (1) boundary line adjustment may be approved on the original tract in the same ownership over a period of five (5) years.

602.4 Minor Subdivision

Subdivisions which meet the requirements of Article 2 and involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed.

602.5 Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots, such that the parent parcel when subdivided remains fifty (50) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Planning Department, provided not more than six (6) lots shall be platted from the parent parcel in any one (1) year period, and the Applicant can demonstrate to the satisfaction of the Township that adequate existing boundary monumentation has been recovered to establish new lots and an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

SECTION 603 DISTRIBUTION OF PLAN

The distribution of a Minor Subdivision Plan, Minor Land Development Plan or Boundary Line Adjustment shall be in accordance with Section 304 of this Ordinance.

SECTION 604 DRAFTING STANDARDS FOR MINOR PLANS

604.1 The Final Plan for a proposed Minor Subdivision or Minor Land Development shall be clearly and legibly drawn to a scale no smaller than 1" = sixty (60') feet unless otherwise approved by the Planning Department upon recommendation of the Township Engineer.

604.2 The original drawing, and all submitted prints thereof shall be made on a sheet of one of the following sets of dimensions.

A. twenty-four (24) inches by thirty-six (36) inches

B. thirty (30) inches by forty-two (42) inches

604.3 All dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes, seconds.

604.4 Final plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

604.5 Each sheet shall be numbered and shall show its relationship to the total number of sheets.

604.6 Signature blocks for Hazle Township Planning Department, Township Engineer, and Luzerne County Planning Commission shall be provided on the right-hand side of the plan (See SALDO Package)

604.7 The form of any required endorsement of any notary, Township, County or other governmental bodies, or otherwise to whom the Plan has been submitted for review and/or approval, shall also be included in the plan so that these endorsements may be executed at the appropriate time after the review or approval of each agency has occurred.

SECTION 605 REQUIREMENTS FOR MINOR PLANS AND BOUNDARY LINE ADJUSTMENT

The Final Plan shall be noted as "Minor Subdivision Final Plan," "Minor Land Development - Final Plan", (Boundary Line Adjustments shall meet the requirements of Section 602.3) and contain the following information:

605.1 Requirements for Boundary Line Adjustments.

- A. Name and address of record owner, including certification of ownership which carries a Notarial Seal.
- B. Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan with an accurate field boundary survey of the subdivided or developed parcel of a property in accordance with the professional standards of the Pennsylvania Society of Surveyors for all parcels created or developed under a subdivision or a land development.
- C. North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- D. Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.
- E. The total number of proposed lots, within a subdivision, with identification numbers for each or for a land development, the location of buildings upon the lot with identification numbers for each.
- F. The dimensions and area of all lots, expressed in both square feet and acres.
- G. The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- H. The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- I. The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- J. The distance of all existing structures to lot lines, front, rear and side, which will result upon approval of the plan.
- K. The names of all current adjoining property owners.
- L. All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.

- M. All existing utilities, right-of-ways, and other significant man-made features located within and adjacent to the boundaries of the proposed subdivision or land development.
- N. If the lots or development are serviced by individual on-lot sewage disposal:
 - a. The actual location of the well and septic with a measurement as to the distance between them.
- O. All easements, existing and/or proposed, including their location, dimensions and purpose.

605.2 Requirements for all other Minor Plans (in addition to the requirements of 605.1)

- A. The name and address of the applicant, if different from Owner.
- B. Name of proposed subdivision or land development.
- C. Wetlands, flood plains, and/or flood prone areas, and other substantially significant natural features within the proposed subdivision or land development.
- D. With regard to wetlands, all plans must specifically address the subject as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, along with the methodology utilized in making such a determination, which shall be certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, the following requirements shall apply:
 - 1) A delineation of all wetland boundaries and total acreage of said wetland boundaries shall be required within all areas proposed to be developed and/or the areas of land proposed to be graded, disturbed and/or altered in any manner from its natural state. Said delineation shall be provided by a person with appropriate training and experience in the identification of wetlands.
 - 2) If no immediate development is proposed upon the property at the time the applicant seeks subdivision and/or land development approval, the approval of such plan may be granted conditioned upon the inclusion of a restriction on the subdivision and/or land development plan for the land being conveyed out that prohibits any development and/or land grading, disturbance, and/or alteration on the land being conveyed out prior to compliance with the provisions set forth above in Item 1).
- E. For tracts of land where improvements are proposed or required, existing contour lines shall be provided at sufficient contour intervals to prepare the final design for grading. Generally two foot intervals shall be required unless

the property is extremely level, in which case one (1) foot intervals may be required based upon the opinion of the Township Engineer. All proposed improvements shall be shown on the plan view and where applicable a profile view and/or construction details shall be provided.

For larger tracts of land, where no improvements are proposed or required, U.S.G.S. topographical contours may be utilized in order to illustrate general drainage patterns of the area.

- F. If the lots or development are to be serviced by individual on-lot sewage disposal:
 - 1) The location of the proposed or actual location of the well and septic with a measurement as to the distance between them.
 - 2) A statement as to whether the soil percolation test was acceptable to the Township Sewage Enforcement Officer with a statement from the Sewage Enforcement Officer as to the results.

SECTION 606 INFORMATION TO BE SUBMITTED WITH PLAN

606.1 The following information, as applicable, shall be submitted with the Final Plan of a Boundary Line Adjustment.

- A. Proof of ownership including a copy of the existing deed.
- B. Application for Minor Subdivision Plan, Boundary Line Adjustment, checklist, and the required fees.
- C. Comments, if any by the Luzerne County Planning Commission. The applicant shall be responsible for the submission of plans to the Luzerne County Planning Commission, and any related fees for its review.
- D. Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- E. Any other information as required by the Planning Department.
- F. The cost of all reasonable engineering and/or consulting fees under existing fee resolutions, adopted by the Township, and costs incurred by the Township for the review of the application, plan and supporting information. (See SALDO Package)

606.2 The following information, as applicable, in addition to the requirements of 606.1, shall be submitted with the Final Plan of a Minor Subdivision or Minor Land Development.

- A. If applicable, an approved Highway Occupancy Permit, as required by the Pennsylvania Department of Transportation and/or the Luzerne County Bridge Department or a restriction on the subdivision plan for the land development for the land being conveyed out that prohibits development or improvements to the site or parcels to be created thereunder for the land being conveyed out until the appropriate Highway Occupancy Permit is secured. If applicable, the approval and/or issuance of a Township Driveway Permit shall be secured for any proposed access onto a street or road under the jurisdiction of Hazle Township.
- B. If applicable, a letter of commitment from the Municipal Authority of Hazle Township that said Authority can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.
- C. If applicable and requested by the Planning Department, written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.
- D. If applicable, the Sewage Enforcement Officer's report and findings regarding percolation testing of the site for suitability of the site for any proposed on-lot sewage system as required by DEP.
- E. Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- F. In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, may be verified by either the U.S. Army Corps. of Engineers, or the Pennsylvania Department of Environmental Protection, based upon a jurisdictional determination of said agencies, where needed and provided said governmental entity shall make such verification, if so directed by the Township.
- G. If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne Conservation District.
- H. If required by DEP, an appropriate Planning Module for Land Development, approved by DEP.

Should the Township be required to adopt a Resolution for a Revision to the Official Sewage Facilities Plan of the Municipality and submit to the PA DEP a complete Sewage Facilities Planning Module for their review and approval in accordance with the Rules and Regulations of the Department of Environmental Protection issued pursuant to Section 9 of the Act known as the PA Sewage Facilities Act; Section 1290-A of the Act of April 9, 1929,

P.L. 177, as amended (17 P.L. Sections 510-20), known as the Administrative Code of 1929; and Section 5 and 402 of the Act of June 22, 1937, P.L. 1987, as amended (35 P.S. Section 691.5 and 691.402) known as the Clean Streams Law, then, in that event, said Developer shall enter into a written recordable agreement whereby the said Developer agrees to implement the sewage disposal system called for in the Planning Module. The costs of the preparation of said agreement shall be paid by the Developer, as well as any recording costs.

- I. Any other information as required by the Planning Department.
- J. The cost of all reasonable engineering and/or consulting fees under existing fee resolutions, adopted by the Township, and costs incurred by the Township for the review of the application, plan and supporting information, data and/or reports or studies, including but not limited to, any required impact analysis and site inspections to insure compliance with the terms of approval and required improvements. (See SALDO Package)

SECTION 607 RECORDING OF PLAN AND/OR DOCUMENTS

The applicant shall file the final record plan with the Luzerne County Recorder of Deeds in accordance with Section 104.2(e) of this Ordinance. If the Applicant fails to record the final record plan and/or documents in the Recorder's office within the required ninety (90) day period, the action of the Planning Department shall be deemed null and void and a re-submission of the plan and required fees shall be made to the Planning Department.

ARTICLE 7
ASSURANCES FOR COMPLETION OF IMPROVEMENTS

SECTION 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS

Where Hazle Township accepts dedication of all or some of the required improvements, no project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements are been installed in accord with this Ordinance as part of final approval and issuance of building permits for individual lots for residential developments. Financial security shall be required for proposed private roadways, private water and sewer treatment and conveyance systems, and (on a case by case basis) soil erosion measures/stormwater management facilities that are intended to be privately owned.

701.1 No final plan shall be signed by the Supervisors or Planning Department for recording in the office of the Luzerne County Recorder of Deeds until:

- A. All improvements required by this Ordinance, regardless of whether they would be dedicated to the Township, are installed to the specifications contained in Article 8 of this Ordinance and other Township requirements and such improvements are inspected by the Township Engineer and are certified as complete and in compliance with this Ordinance by the Applicant's Engineer; or,
- B. A performance security agreement in accord with Section 408.2 of this ordinance and the Pennsylvania Municipalities Planning Code has been accepted by the Supervisors.
- C. All other agreements and contracts required in this ordinance have been accepted by the Supervisors.
- D. All outstanding fees are paid in full.

701.2 Any approval granted by the Supervisors for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

701.3 The Board of Supervisors shall retain sole discretion in all matters and decisions related to the acceptance and/or approval of the posting of any financial security.

701.4 An applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law."

701.5 Financial security for major Subdivision and Land Development and Erosion and Sedimentation requirements shall be in accordance with Section 807.1B. this ordinance.

SECTION 702 TYPES AND TERMS OF FINANCIAL GUARANTEE

702.1 A financial guarantee which shall be deemed as acceptable financial security for the purposes of this Ordinance shall include:

- A. Surety Performance Bond – A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Supervisors. The bond shall be payable to Hazle Township.
- B. Escrow Account – A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Supervisors.
- C. Irrevocable Letter of Credit – A letter of credit provided by a Developer from financial institution or other reputable institution subject to the approval of the Supervisors.
- D. Other Forms – Other forms of collateral including, but not limited to, real estate mortgages as the Supervisors may require or accept as part of the security.
- E. Such financial security shall be with a lending institution which is chartered by the Federal Government or the Commonwealth of Pennsylvania or with a bonding company which is legally authorized to conduct such business within the Commonwealth of Pennsylvania.

702.2 Additional Requirements – The following requirements shall apply to the financial guarantees set forth in 701.1.

- A. The funds of any guarantee shall be held in trust until released by the Supervisors and may not be used or pledged by the Developer as security in any matter during that period.
- B. In case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
- C. The creditor shall guarantee funds in the amount required by this Ordinance.
- D. The guarantee shall not be withdrawn, or reduced in amount, until released by the Supervisors.

- E. Construction guarantees shall be submitted in a form and with such surety as approved by the Supervisors to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

SECTION 703 REVIEW BY SOLICITOR

When an applicant proposes to provide a financial security, said financial security shall be submitted to the Board of Supervisors and their Solicitor for review not less than twenty-one (21) days prior to the public meeting of the Board of Supervisors at which the acceptance and/or approval of proposed financial security will be considered by the Board of Supervisors.

SECTION 704 AMOUNT OF FINANCIAL SECURITY

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial security shall be based upon a written estimated cost of completion of required improvements, submitted by the developer or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Board of Supervisors, upon the recommendation of the Township Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the Township and the developer or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually accepted by the Township and the developer or applicant. The estimate certified by the third party engineer, being presumed fair and reasonable, shall be deemed the final estimate. In the event that the third party engineer is chosen, the cost of his services shall be paid equally by the Township and the developer or applicant.

Supervisors 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 calendar day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Supervisors may require the Developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the Developer in accord with this §704.

SECTION 705 REQUIRED TIME PERIOD FOR COMPLETION

705.1 The financial security shall provide for, and secure to the public the completion of the required improvements within one (1) year of the date fixed on the Final Plan for the completion of such improvements. (Extensions may be requested pursuant to Municipalities Planning Code, as amended.)

705.2 If the applicant in posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten (10%) percent for each one year period beyond the anniversary date from posting of the financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or before the expiration of the preceding one year period.

SECTION 706 PHASING OF DEVELOPMENT

In cases where Final Plan approval is proposed in sections or stages, the Supervisors shall require the construction or guarantee of any and all development improvements required for the service or as it finds essential for the protection of any section or stage of the development proposed for final approval.

SECTION 707 START OF WORK NOTICE

The applicant and/or developer shall provide the Township and the Township Engineer with not less than a seventy-two (72) hour notice prior to the commencement of any work at the site.

SECTION 708 PERIODIC INSPECTIONS DURING CONSTRUCTION AND MAINTENANCE INSPECTION

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

The construction of any improvements shown on an approved Preliminary Plan or in conjunction with the Final Plan application and guarantee proposal, shall be accomplished only in accord with the approved final construction plans detailing the design and installation of all improvements and documenting compliance with this Ordinance.

The Developer shall, at least fifteen (15) calendar days prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements, including the timing of the development of any proposed sections. The schedule may be revised from time to time upon mutual agreement of the Applicant Engineer and the Township Engineer.

All improvements and utilities will be inspected by the Township Engineer or Township Personnel to insure satisfactory completion and maintenance.

- A. The cost of all legal services for the negotiations, preparation, modification or review of any legal agreements relating to a subdivision whether finally approved or not and all engineering costs of engineering inspections and necessary checking of line and grade, will be paid to the Township by the subdivider to reimburse the Township for the service of the Township Engineer, Township Personnel and Solicitor.

- B. In no case shall any paving work be done without permission from the Township Engineer. At least three (3) working days' notice shall be given to the Township prior to any such construction, so that a representative of the Township may be present at the time the work is to be done.
- C. The Township shall be notified seventy-two (72) hours prior to the start of each of the following phases, so that their representative may inspect the work.
1. Grading of rights-of-way
 2. Setting forms of crosswalks and sidewalks
 3. Preparation of road subgrade
 4. Setting curb and gutter forms
 5. Road paving – after each coat in the case of priming and sealing
 6. Installation of drainage pipe and other drainage structures and before backfilling.
 7. Installation of sanitary sewer laterals, submains, mains and appurtenances before backfilling and treatment plants before activating
 8. Installation of subsurface absorption areas according to standards established by the Township Engineer and by the Department of Environmental Protection, PA Code Title 25 Chapters 71 and 73.
 9. Installation of underground conduits for electric, street lights, telephone and television cable lines and before backfilling.
 10. Installation of water and sewer submains, laterals and appurtenances before backfilling and wells and pumping storage facilities before activating.
- D. Final Inspection: When all the improvements and utilities, as listed in the Subdivision Improvement Agreement have been installed, a final inspection shall be made by the Township Engineer or Township Personnel to determine whether the work is satisfactory and in substantial compliance with the approved final plan drawings and the specifications. The general condition of the site shall also be considered.
- E. Maintenance Inspection: A maintenance inspection shall be made by the Township Engineer and/or Township Personnel to assure all of the improvements and utilities constructed. that have been already dedicated to the Township have not settled, cracked, eroded, etc., since time of the dedication (prior to the release of the Maintenance Bond).
1. The maintenance inspection shall take place no sooner than fourteen (14) months or no longer than seventeen (17) months after the day the Township

Engineer and the Township give the final approval on all required improvements.

2. Within ten (10) days of maintenance inspection, the Township Engineer shall report, in writing, his findings to the Township Board of Supervisors and to the subdivider/developer granting approval or disapproval, each with reasons for action.
3. The subdivider/developer shall be notified by certified letter, return receipt requested, of all required improvements which fail to pass the maintenance inspection of the Township Engineer. All such improvements shall be repaired by the Township (weather permitting) within sixty (60) days of such notification by the Township Engineer. The Township shall be compensated by the funds available from the maintenance security.
 - a. All such repairs shall be performed and inspected in accordance with Section 708A, B, C, and D.

SECTION 709 RELEASE OF PORTIONS OF PERFORMANCE SECURITY

709.1 As the work of installing the required improvements proceeds, the party posting financial security may request the Board of Supervisors 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.

If the form of the Performance Security and Security Agreement permits portions of the Performances Security to be released as portions of the required improvements are installed and are approved by the Township Engineer, the maintenance period shall be delayed until all of the required improvements identified in the Subdivision Improvements Agreement have been approved as complete by the Township Engineer and/or Township Personnel.

709.2 Any such request shall be in writing by certified mail, return receipt requested, addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify in writing to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plan.

709.3 Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer as fair in representing the value of the completed improvements. Failure of the Board of Supervisors to act within the said forty-five day period shall be deemed an approval of the release of the funds requested.

709.4 The Board of Supervisors may, if circumstances warrant, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

709.5 Township shall release the performance security received providing developer has supplied maintenance security under the terms of this ordinance and has paid for all costs which are developer's obligation under this ordinance.

SECTION 710 FINANCIAL SECURITY AND RELEASE FOR MAINTENANCE OF IMPROVEMENTS

710.1 Before final approval is granted, the Developer shall provide to the Township an Improvements Maintenance Guarantee in an amount determined by the Supervisors, but not more than fifteen (15) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

710.2 Such Improvements Maintenance Guarantee shall be in such form as prescribed in this ordinance and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Supervisors may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other sureties are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Supervisors at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

710.3 After expiration of the eighteen (18) months from the date of the final approval of the subject improvements, and if all improvements are certified by the Township Engineer to be in good condition, the Supervisors shall release the said maintenance guarantee and surety.

SECTION 711 FINANCIAL SECURITY FOR IMPROVEMENTS UNDER JURISDICTION OF A 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 distinct from the Township, 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. A copy of any such executed financial security shall be provided to the Board of Supervisors not less than twenty-one (21) days prior to its next regularly scheduled meeting at which the final plan shall be considered.

SECTION 712 ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED

712.1 If financial security has been provided in lieu of the completion of improvements required as a condition for final approval as set forth in this Article, the Township

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.

712.2 If a 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.

and

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 deemed necessary for the reasonable use of or occupancy of the building or buildings.

SECTION 713 COMPLETION OF REQUIRED IMPROVEMENTS

713.1 When the applicant has completed all of the necessary and required improvements listed in the subdivision improvement agreement and shown on plan to be recorded, or on the supporting documents, the applicant shall notify the Board of Supervisors in writing, by certified mail, return receipt requested, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.

713.2 The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing with the Board of Supervisors, and shall promptly mail a copy of the same to the developer. The report by the Township Engineer shall be made and mailed within thirty (30) days from the aforesaid authorization from the Board of Supervisors.

713.3 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 be rejected, said report shall contain a statement of the reasons for such rejection.

713.4 The Board of Supervisors shall notify the developer, in writing, within fifteen (15) days of receipt of the Township's Engineer's report, by certified or registered mail of the action of the Board of Supervisors with relation thereto.

713.5 If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.

SECTION 714 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 713 shall be followed.

SECTION 715 APPLICANT'S RIGHT TO CONTEST ACTION

Nothing herein, however shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or Township Engineer.

SECTION 716 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

716.1 In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Township can enforce any corporate bond or other security by appropriate legal and equitable remedies.

716.2 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 Township may, at its option, install part of such improvements in all or part of the subdivision or land development, may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

716.3 All of the proceeds, whether resulting from the security or from any legal or equitable action or from both brought against the applicant shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 717 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 111 of this Ordinance, the developer and/or applicant shall be responsible for direct payment of all reasonable engineering fees which the Township may incur as related to this Ordinance pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended. The developer shall be required to directly pay in full all reasonable engineering fees and/or consulting fees which the Township may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this Ordinance. An approved plan shall not be signed by the Board of Supervisors nor shall any permits related to the development of the site be issued until all such fees are paid in full.

SECTION 718 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

718.1 An applicant may contest the amount of engineering fees and/or consulting fees pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

The governing body shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no longer than 45 days after the date of transmittal of the bill to the applicant, notify the municipality and the municipality's professional consultant that such fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 45 days shall be a waiver of the applicant's right to arbitration of that bill under Section 510(g) of the Pennsylvania Municipalities Planning Code, as amended.

718.2 In the event that the municipality's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in Section 510(g) of the MPC, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

718.3 Subsequent to a decision on an application, the governing body shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

SECTION 719 DEDICATION OF REQUIRED IMPROVEMENTS

Prior to execution of the Maintenance Security by the Township, all improvements, easements and rights-of-way as shown on the final plan, and which will be offered for dedication shall be submitted to the Township for review by the delivery to the Township of a special warranty deed conveying the same to the Township in fee simple, plus developer's attorney's certificate that the land conveyed is good and marketable and free of all liens and encumbrances, or in such other manner recommended by the Township Solicitor and approved by the Township Board of Supervisors.

Where a plan includes a proposed dedication of roads easements, rights-of-way or other improvements, neither the plan approval nor the Developer's completion of the roads or improvements shall obligate the Supervisors to accept dedication of the roads or improvements. Acceptance of a proposed dedication shall be a matter of discretion for the

Supervisors. If determined by the Supervisors to be in the interest of the public health, safety and general welfare, the Supervisors may accept roads and associated drainage facilities, but shall generally not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Supervisors deems it necessary to fulfill the purposes of this Ordinance or the Township Official Wastewater Facilities Plan. In accepting any improvements the Supervisors may attach such reasonable conditions necessary to fulfill the purposes of this Ordinance, including but not limited to, executing a maintenance improvements agreement.

SECTION 720 FAILURE TO COMPLY

Failure to comply with the requirements of inspection will be grounds for revocation of the final approval until the developer has corrected the defects, and constitutes a violation of this Ordinance, thereby subjecting the subdivider/developer to the penalties set forth in Section 112. Failure to obtain final inspection approval shall also be a basis for the revocation of the approval of the final plan of the subdivision/land development by the Township Board of Supervisors, and shall be a basis for enforcing the remedies under Section 112, and for seeking recovery under the Performance and/or Maintenance Security.

ARTICLE 8
DESIGN STANDARDS

SECTION 801 APPLICATION OF STANDARDS

The following principals, standards and requirements will be applied in evaluating plans for proposed subdivisions 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, and the Board of Supervisors may require more restrictive standards. Where there are no applicable Township Design Standards, compliance with the standards of the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection or such other agency, as applicable, will be required. Whenever municipal or other applicable regulations impose more restrictive standards the more restrictive provisions shall control. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.

SECTION 802 GENERAL SITE STANDARDS

- A. Land shall be suited to the purposes for which it is to be subdivided or developed.
- B. Any proposed development shall not create hazards to the safety, health, or welfare of the Township and its residents.
- C. As practical, proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so as not to create a hazard to the safety, health, or welfare of the Township and its residents.
- D. Proposed subdivisions or 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 Board of Supervisors and/or the Pennsylvania Historical Museum Commission, and provide public access to such places where appropriate.
- E. The design of proposed subdivisions and land developments shall conform with all applicable rules and regulations of the Pennsylvania Department of Environmental Protection and Department of Transportation and with all applicable rules and regulations of other State, Federal and County agencies.
- F. Proposed land use shall conform to the Zoning Ordinance of the Township.
- G. The standards of this Ordinance may be increased, or the modification of the design of a proposed subdivision or land development may be required, on the recommendation of the Township Engineer, when such is deemed necessary as a result of topographic and other natural or man-made physical features within or immediately adjoining the particular site under consideration to assure public safety,

health, and welfare; the provision of public services; and the maintenance of public facilities.

- H. A twenty-five (25) foot undisturbed buffer shall be provided around all wetland areas. This buffer shall be described in the deeds for the lots by bearing and distance.

SECTION 803 BLOCKS

803.1 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 Township land use and zoning requirements, to the topography of the land being subdivided, and to the requirements of safe and convenient vehicular and pedestrian circulation. Layout shall be determined with due regard to thoughtful and innovative design to create an attractive community.

803.2 Length: There shall be no minimum or maximum requirements for length of blocks, except that the length(s) proposed shall not result in inappropriate traffic patterns, unnecessary disturbance to topography or other natural constraints, or any other conditions deemed unsatisfactory and/or unsafe by the Board. In design of blocks longer than 1,000 feet, special consideration should be given to access for fire protection, whether by an easement for emergency access or by other acceptable means.

803.3 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, in which case the Board of Supervisors may approve a single tier of lots.

803.4 Crosswalks: Crosswalks or interior pedestrian walks may 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 of a material approved by the Township Engineer for a width of not less than four (4) feet, shall be located in easements not less than twenty (20) feet in width, and shall, insofar as possible, be located in the center of any such block.

803.5 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.

SECTION 804 LOTS

804.1 Layout: The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.

- 804.2 Lot Lines Intersecting Streets: Where practicable in residential blocks, lot lines intersecting street lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- 804.3 Municipal Boundaries: Lot lines shall follow municipal boundaries rather than cross them, whenever possible, in order to avoid jurisdictional problems.
- 804.4 Depth of Residential Lots: Where practicable in light of surface features, the depth of residential lots shall be no greater than four (4) times their width, unless the lots are contained in a PRD which has been submitted to and approved by the Township or as otherwise excused by the Township. (with regard to flag lots, only the “flag” area and not the “pole” portion shall be required to meet this standard).
- 804.5 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.
- 804.6 Frontage on Streets: Lots shall, in general, front on a street which has already been dedicated to the Township, on a street which the subdivider or developer proposes to dedicate to the Township in connection with approval of the final plan or upon a private street having access to an existing public street.
- 804.7 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.
- 804.8 Residential Reverse Frontage Lots: All residential reverse frontage lots shall have a rear yard with a minimum depth of fifty (50) feet, measured in the shortest distance from the rear of the proposed dwelling unit to the ultimate right-of-way, of the street and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least fifteen (15) feet in width, across which there shall be no right of access.

In lieu of the fifty (50) foot building setback the normal rear setback can be used providing a planting easement meeting the following criteria is implemented:

- A. The easement shall be at least twenty (20) feet in width.
- B. Contain a minimum three (3) foot high earthen and grassed and mulched berm.
- C. Contain evergreen and deciduous trees at a minimum spacing of twenty (20") feet on center in a staggered arrangement.
- D. Prohibit access to the adjoining roadway.
- E. Located outside of the general utility easement.

- F. The lot or lots shall be encumbered by a covenant running with the land stating that the property owner is responsible for the maintenance of the planting easement and that the Township may enforce such maintenance responsibility.

804.9 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 Board of Supervisors.

804.10 Lot Dimensions: Lot areas, dimensions and setback lines shall conform with the Zoning Ordinance of the Township in effect at the time of submission of the Preliminary Plan.

804.11 Corner Lots: Corner lots shall be designed with sufficient width to permit equal front yard setbacks from both streets.

804.12 Cul-de-Sac Lots: No more than four (4) driveway access points shall be located on the radius of a cul-de-sac turnaround.

SECTION 805 STREETS

805.1 Street Classification: Three functional classifications are hereby established for the streets and roads of the Township:

- 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. (See Table 1 805.13)
- 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 and arterials. Generally, these streets should accommodate speeds of 35 miles per hour. (See Table 1 805.13)
- C. Local: This classification is intended to include streets that provide local access to residences and other uses along its sides. Generally, these streets should accommodate speeds of 25 miles per hour or less. These streets also include cul-de-sac, marginal access, and perimeter streets. Travel volumes are low and travel distances are short. (See Table 1 805.13)

805.2 General Standards: All streets proposed to be constructed within the Township 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 Township, including recorded subdivision plans,

and shall be classified according to their function by the Township Engineer in accordance with Section 302 of this Ordinance.

- B. Proposed streets shall further conform to such County and State road and highway plans and traffic impact studies as have been prepared, adopted and filed as prescribed by law.
- 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 where 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. Local 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. Street systems shall be designed so as to minimize street intersections and pedestrian vehicle conflict points.
- 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 Board of Supervisors, 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 and right-of-way 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. A sketch layout as required in Section 302 shall be included for the balance of the tract.

- J. Where a subdivision abuts or contains a railroad or an existing or proposed arterial road or expressway, the Board of Supervisors 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 Board of Supervisors and upon such conditions as they may impose. If such street is proposed to serve a major traffic generator (such as a 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.
- L. Proposed street names shall be included upon preliminary and final plans submitted to the Township. A proposed street name shall not include the name of any existing street in the Township, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Township shall be vested with the Hazle Township Board of Supervisors. Final approval of street names for streets to remain under private ownership shall also be vested with the Hazle Township Board of Supervisors.
- M. Street signs, which provide the legal name of each street shall be erected, at the expense of the developer to specifications provided by the Township, at the intersection of each street within a subdivision or land development prior to final approval. The size, color and construction materials of said signs shall be subject to approval by the Township.
- N. Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists shall be installed at appropriate locations by the applicant as determined by PennDOT, Luzerne County or the Board of Supervisors. Said traffic control signs shall be erected at locations approved by the Board of Supervisors upon streets, proposed for public dedication and for streets to remain under private ownership, within a subdivision or land development and shall be shown on the record plan.
- O. Street lights shall be installed at the intersection of all streets, at the middle point of the terminus of a cul-de-sac and at other locations deemed necessary based upon field conditions or required by the Board of Supervisors. All street lighting shall be shielded in accordance with the provisions contained in Section 1014 of this Ordinance.
- P. Thoughtful and imaginative design of streets and their relationship to the arrangement and shape of the lots is required. An important element is the blending with topography to produce curvilinear design and moderate grades. The rectilinear design of streets and lots, involving long straight sections of

streets, shall be avoided whenever possible, except in “neo-traditional” designs for new village-style developments.

- Q. Reverse curves shall be encouraged for streets with a design speed of 25 mph or less, provided that the radii of the connecting reverse curves is not less than 250 feet. This will ensure that such curves will be gradual and safe, while introducing a measure of gracefulness into the development plan (which is often lost when curves are connected by straight “tangents”). See also Section 805.13.
- R. Where, in the opinion of the Board, it is desirable to provide for public street access to an adjoining property, provision of a minimum fifty (50) foot right-of-way to be opened at the option of the Board of Supervisors, shall be made. Responsibility for street construction and dedication shall be on the developer of the adjacent property and may be required by the Board. The length of such connecting rights-of-way shall be minimized by locating proposed streets as close to the subdivision perimeter as practicable.
- S. New minor public streets shall be so designed as to discourage through traffic, through the introduction of intersections with stop signs and/or a generally circuitous or indirect street pattern, but the developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
- T. Where a development abuts and intends to use an unimproved road, the developer may be required to bear the cost of improving the road to Township specifications.
- U. Wherever a development abuts or contains a major artery or public street, the Board of Supervisors may require restrictions of access to the major street by provision of reverse frontage lots.
- V. The developer shall identify and describe on the plan the entire right-of-way as required by this ordinance, or as much thereof as lies within his property, along all existing public streets that traverse or abut his property.
- W. All new developments should have at least two access points. If two access points are not feasible based on the natural constraints of the property the applicant must provide a secondary emergency ingress and egress. This access must be designed to accommodate the emergency vehicles of the Fire Department and other Responders.

805.3 Private Streets: Private Streets (streets not to be offered for dedication) may be permitted by the Board of Supervisors under the following circumstances:

- A. All subdivided land shall have immediate access to a public street, except as provided for below.

- B. A single family residential subdivision may be approved on a private street or road if no more than one (1) lot already fronts on such street or road and if, after subdivision, no more than four (4) lots will front on such private street or road, and
1. The plan must specifically note that there shall be no further subdivision unless such street is subsequently dedicated to public use and accepted by the Township.
 2. Such private street or road as permitted above shall meet all design standards for local streets except that the standards for pavement thickness and cartway width need not be met, provided that an improved all-weather cartway with a minimum width of fifteen (15) feet is provided. An all-weather turn-a-round with an improved cartway radius of forty (40) feet must be provided at the closed end.
 3. When private streets are required to be constructed, subdivisions shall be reviewed as major subdivisions.
 4. There is a recorded agreement between the applicant and the Township specifying that said road will not be offered for dedication and will not be accepted by the Township unless constructed to Township standards existing at the time of offer of dedication.
 5. Lots fronting on private streets shall meet the requirements of the Hazle Township Zoning Ordinance with regard to lot width and setbacks.
 6. All lots on private streets shall have the required frontage on the private street.
 7. A private street maintenance agreement, acceptable to the Township Solicitor, shall be incorporated in the deeds for all lots so served. A note with regard to the private street not being dedicated shall be placed on the title plan to be recorded.

805.4 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. All dead-end streets shall meet current Pennsylvania Department of Transportation Liquid Fuels reimbursement standards.

805.5 Cul-de-Sac Streets

- A. Cul-de-sac streets, whether permanent or temporary, are discouraged except when no other means of access can be reasonably provided. Cul-de-sac streets shall be provided at the closed end with a turnaround complying with the street design standards of these regulations and must allow reasonable access for fire and other emergency vehicles (See Table 1.). All cul-de-sac streets

shall also meet the current Pennsylvania Department of Transportation Liquid Fuels reimbursement standards.

- 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 and accepted for dedication by the Township, 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 Board of Supervisors 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 Board of Supervisors may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, future extension of the street 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)
- D. Centerline grade on cul-de-sac streets shall not exceed 10% and the grade on the diameter of the turnaround shall not exceed 5%.
- E. The minimum length of a cul-de-sac street, both temporary or permanent, shall not be less than 250 feet measured from center of cul-de-sac to nearest right-of-way line of intersecting street or in accordance with current Pennsylvania Department of Transportation Liquid Fuel reimbursement standards.
- F. The maximum length of a permanent residential cul-de-sac street shall not exceed eight hundred (800) feet in length.
- G. The maximum length of a temporary residential cul-de-sac street, with the final design of said street providing the completion of a through street, may be constructed up to a length not to exceed 1,000 feet and serving not more than 25 single family residential lots, subject to the developer posting a sufficient financial guarantee, acceptable to the Township, to insure the future completion of said street as a through street within a specified period of time.
- H. There shall be a distance of at least twelve (12') feet between the edges of driveways entering onto the cul-de-sac in the area between the edge of paving and the right-of-way line.

805.6 Fire Fighting and Fire Hydrants

- A Fire hydrants with water supply for fire protection shall be provided in all subdivisions and land development connected to a public water supply

system. No portion of any structure shall be located more than five hundred (500) feet from a fire hydrant (measured along the edge of right-of-way from the hydrant to the structure), and each part of each structure shall be located within the service area of at least one fire hydrant. For purposes of the preceding sentence, the service area of a fire hydrant shall mean the area (considering all three dimensions) which can be serviced from the fire hydrant by the primary fire company or department providing protection to the structure, considering topography, location of structures, fire company equipment, and all other relevant factors. In addition to the foregoing requirements, no portion of a structure shall be located further from a fire hydrant than required under the then-current standards of the national codes issued by the National Fire Protection Association and by the Building Officials and Code Administrators International, Inc. All plans must be reviewed and meet the approval of the Hazle Township Fire Chief.

- B. The location of all fire hydrants shall be shown on the preliminary plans and shall meet the requirements of Section 810 of this ordinance.

805.7 Reserve Strips: The creation of reserve strips, including those controlling access to streets from adjacent property, shall be forbidden.

805.8 Access Drives: Access drives shall have the following characteristics:

- A. The number of access drives for a tract shall not exceed one (1) per one hundred fifty (150) feet of street frontage and shall meet the requirements of Section 805.11b. unless restricted by lot frontage or adequate sight distance.
- 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, the centerline of any access drive shall not be less than one hundred and fifty (150) feet to the intersection of any two street right-of-way lines or the centerline of another access drive, unless restricted by lot frontage or adequate sight distance.
- D. Access drives, including those designed as cul-de-sacs, shall as a minimum conform to the street design standards for local streets. (See Table 1.)

805.9 Fire Fighting Access Easements: In areas where 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 Hazle Township Fire Chief and as deemed necessary by the Board of Supervisors.

805.10 Driveways

Private driveways shall be provided for all residences and shall provide safe access to Township and State roads, eliminate problems of stormwater runoff and assure sufficient area for and access to off-street parking.

- A. Driveways, where provided, shall be located not less than fifty (50) feet from any intersection whether on the same or opposite side of the adjoining street and provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications. Distance shall be measured between the centerline of the driveway, and the nearest intersecting street right-of-way line. No part of a driveway shall be located closer than ten (10) feet from a side property line. No shrubbery shall be installed within ten (10") feet of a property line where the shrubbery would affect the sight distance available for persons exiting a driveway.
- B. No driveway shall be constructed opposite the paved cartway on the turn-around portion of a cul-de-sac street within the area bounded by the pavement edge lines as extended across the turn-around.
- C. Driveways shall be so located as to provide reasonable sight distances at intersections with streets.
- D. The number of driveways shall not exceed one (1) per lot or, on lots with street frontages in excess of one hundred (100) feet, one (1) per one hundred (100) feet of street frontage. Such driveway may be of loop design.
- E. 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) or outside shoulder edge as applicable. For residential lots the entrance of the driveway shall have a minimum angle of 60 degrees, and for all other lots, 90 degrees. The maximum driveway width at the edge of the cartway shall be thirty (30) feet.
- F. The entrance to the cartway from the driveway shall not exceed a slope of five (5) percent within twenty-five (25) feet of the cartway or shoulder, as applicable. The shoulder slope shall be maintained for the full width of the shoulder.
- G. Adequate drainage facilities shall be provided where driveways meet the street cartway. Driveway pipes are only to be installed where the Township Engineer determines them necessary. In cases where pipes are required, they shall be a minimum of fifteen (15) inches in diameter or twin twelve (12) inch and shall be placed in line and on grade with the swale both upstream and downstream of the driveway. The minimum cover as recommended by the manufacturer shall be placed above the pipe with one (1) foot of cover to be used as a minimum; either a flair end section or headwall is required at both ends of the culvert. In areas where pipes are not required, the shoulder and swale shall be constructed to accommodate the size and grade of the swale through the driveway. In no case shall the low point of the shoulder be other than the proper elevation, as referenced to the crown of the cartway, as well as the proper distance from the edge of the cartway. Driveways that cannot meet

the minimum cover requirements will be required to install an approved precast trench drain with endwalls.

- H. Subdivisions should be designed to minimize, where possible, numbers of driveways entering State or County highways when such access may be reasonably provided by other roadways. This shall be accomplished either by providing for a street parallel to the State or County highway and separated from it by a grass area, or by laying out lots such that the rear lot lines abut the State or County highway right-of-way and that provision for driveways be made from the front of the lot onto a street of the subdivision. Where driveways are proposed to require access to State or County roads, the subdivision or land development plan shall be submitted to the Pennsylvania Department of Transportation or to the Luzerne County Road and Bridge Department for review. Only if a highway occupancy permit has been issued by the appropriate agency will such driveways be permitted.
- I. Streets offered for dedication will not be accepted unless all driveways entering such streets meet the standards outlined above.
- J. At the discretion of the Board, shared driveways may be permitted for use by a maximum of two (2) adjacent lots, each of which shall have the required street frontage for the applicable zoning district or as required for interior lots. An ownership and maintenance agreement for the driveway, approved by the Township Solicitor, shall be required and made a part of the deed. Shared driveways shall be located within a right-of-way a minimum of twenty-five feet wide and shall not be less than fifteen (15) feet wide and paved in accordance with Section 805.10m.2.unless an alternative construction is approved by the Township Engineer. A profile of the proposed shared driveway centerline must be shown on the plans.
- K. No building permit will be issued for a new dwelling without the owner first obtaining a driveway permit.
- L. Plans. A plan shall be submitted with each application for a driveway permit which shall include at least the following:
 - 1. Site plan of the driveway within twenty-five (25) feet of the public right-of-way and twenty-five (25) feet to each side of the centerline of the driveway.
 - 2. Profile of the driveway with existing and proposed grading within the area of the site plan and the existing or proposed public street.
- M. Driveways shall be paved within the right-of-way of the public street.
 - 1. Grade: The driveway within the legal right-of-way of any Township or State road shall not exceed a grade of five (5) percent unless approved

by the Township Engineer. The remaining driveway beyond the right-of-way shall not exceed a grade of fifteen (15) percent.

2. Material: The driveway within the legal right-of-way shall be constructed with a base course of No. 2A aggregate (or approved equal) compacted to four (4) inches and shall be surfaced with a minimum of one and one half (1 ½) inches of Superpave 9.5 mm wearing surface or approved equal. The remaining driveway shall be constructed of a minimum of 4" of compacted No. 3 stone or paved.
3. Width: No driveway shall be less than twelve (12) feet wide within the limits of the legal right-of-way. Shared driveways shall not be less than fifteen (15) feet wide.
4. Drainage: The swale line, shall be maintained as required in accordance with Sections 805.10g and 805.13.

805.11 Intersections

Subdividers are encouraged to use "T" 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 (80) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles or radial to a curve for at least fifty (50) feet from the edge of the cartway of the intersecting street. Not more than two (2) streets shall intersect at any one point.
- B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection 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, or collector streets their alignment shall be continuous. Intersection with arterial streets shall be at least eight hundred (800) feet apart, collector streets four hundred (400) feet apart, measured from centerline to centerline, along the centerline of the major street.
- C. Minimum curb radius (or cartway radius if there is no curb) at the intersection of two (2) local streets shall be at least twenty-five (25) feet; at an intersection involving a collector street, at least forty (40) feet; at an intersection with a state or county road, a minimum of forty (40) feet or as determined by state or county regulations; and as required by largest expected vehicle travel path and in all other instances or as determined by the Township Engineer. Street right-of-way lines shall be parallel to (concentric with) edge of paving or curbline arc at intersections.

- D. Intersection grades and approaches shall be designed based on the following recommendations:
1. Intersections with controls i.e. stop light or stop signs, on all streets shall be designed to provide a maximum slope of two (2) percent along the centerline of the higher classification street for the entire width of the right-of-way of the intersecting street. Approaching grades to this segment along the through street cannot exceed four (4%) percent for a minimum distance of thirty-five (35') from the intersecting street right-of-way lines. Maximum grade on approach of lower classification street shall not exceed four (4%) percent for a distance of forty (40') feet, measured from the nearest right-of-way line of the intersecting street.
 2. Intersections with stop sign control on the lower classification street shall be designed to provide a maximum slope of four (4%) percent along the centerline of the higher classification street for a distance of sixty-five (65') feet in both directions from the intersection of the centerlines. Maximum grade on approach of lower classification street shall not exceed four (4%) percent for 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 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 minimum cross-slopes on all streets, including higher classification street at intersections, shall be two percent (2%) as measured from the center-line of the street.
- G. Clear sight triangles shall be provided at all street intersections. Within such triangles no vision-obstructing object for the motorist shall be permitted. Such triangles shall be established as follows:
1. A distance of seventy-five (75) feet from the point of intersection of the centerlines of two streets where both are local streets.
 2. A distance of one hundred (100) feet from the point of intersection of the center-lines of two streets where one is a collector street, and
 3. A distance of one hundred fifty (150) feet from the point of intersection of the center-lines of two streets where one is an arterial street.
- H. Whenever a portion of the line of such triangle occurs behind the building setback line, such portion shall be shown on the Final Plan of the

Subdivision/Land Development, and shall be considered the building setback line.

- I. Minimum clear sight distances at all intersections shall be in accordance with PennDOT standards.

805.12 Highway Occupancy Permit

- A. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be 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 plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit. (See SALDO Package).

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 Township 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.

- B. No plan which will require access to a highway under the jurisdiction of the Luzerne County Road and Bridge Department shall be approved unless the plan contains a notice that a highway occupancy permit is required before access to a County highway is permitted. The property owner shall be responsible for meeting the requirements of Luzerne County.

805.13 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, fire fighting, 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).

**TABLE 1
DESIGN STANDARDS FOR STREETS**

The Township Engineer with the approval of the Township Planning Department and/or Board of Supervisors shall determine the classification of streets, e.g., arterial, collector or local in accordance with Section 302 of this ordinance.

Minimum Width of Right-of-Way (in feet)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street	50	60
Collector Street	60	60
Arterial Street	70	70

Additional right-of-way width or grading easement shall be required in cut or fill areas in order to include embankment slopes. Such additional width may be provided by embankment easements extending three (3) feet beyond the top or toe of the embankment. The embankment easement may be included in any standard front lot utility easement whenever possible.

Minimum Width of Cartway (in feet)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street (Major Subdivision)	20 to 30	34
Collector Street	36	36
Arterial Street	40	40

One (1) parking lane eight (8) feet wide is required when curbs are also required. Appropriate transition sections will be provided if necessary to comply with PennDot and/or Luzerne County Road & Bridge Department highway occupancy permitting requirements beginning fifty (50) feet from the State or County right-of-way line.

Widths for local streets (Major Subdivisions) If no curbing is required, a twenty (20) foot wide cartway with shoulders four (4) feet in width are required. If curbing is provided or required, a thirty (30) foot cartway is required.

Maximum Grade (percent)**

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street	10 ¹	8 ²
Collector Street	10	8
Arterial Street	As per current AASHTO Standards	

¹ 12 percent may be allowed for short tangent sections if approved by the Board of Supervisors.

² 10 percent may be allowed for short tangent sections if approved by the Board of Supervisors.

**TABLE 1 CONTINUED
DESIGN STANDARDS FOR STREETS**

Minimum Grade (percent)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street	1	1
Collector Street	1	1
Arterial Street	As per current AASHTO Standards	

Minimum Radius of Curves (in feet) Measured from Street Centerline

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street	185	215
Collector Street	585	585
Arterial Street	As per current AASHTO Standards	

The 185 foot and 215 foot radii at center line is based upon a 25 MPH design speed. Should the design speed be greater, the center line radii shall be increased in conformance with the requirements outlined in PennDOT Design Manual # 2.

Horizontal curves are required whenever street centerlines are deflected more than five (5) degrees within five hundred (500) feet. Straight portions of the street must be tangent to the beginning or end of horizontal curves.

Minimum Length of Vertical Curves

All Streets: Vertical curves shall be used at changes of grade exceeding one percent. (1%) Vertical curves shall be designed to provide for the minimum sight at design speed using height of eye equals 3.5 feet and height of object equals 6 inches.

Minimum Sight Distance (in feet)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street	240	240
Collector Street	325	275
Arterial Street	As per current AASHTO Standards	

Note: Above minimum sight (stopping) distance are based upon a 25 MPH speed limit for Local Streets and a 35 MPH speed limit for Collector Streets. For other speeds and minimum Passing distances, utilize PennDOT Design Manual # 2 to calculate the required distances.

**TABLE 1 CONTINUED
DESIGN STANDARDS FOR STREETS**

Minimum Length of Tangents Between Reverse Curves (in feet)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Local Street	100	200
Collector Street	100	200
Arterial Street	As per current AASHTO Standards	

Note: On local streets, such tangents shall be introduced only when the horizontal curves are less than two hundred fifty (250) feet.

Minimum Turnaround (in feet)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
<u>Cul-De-Sac</u>		
Right-of-Way Diameter	100	150
Pavement Diameter	80	120

Design Speed (miles per hour)

(Design speed to be 10 mph over proposed posted speed)

<u>Street Classification</u>	<u>Residential</u>	<u>Nonresidential</u>
Cul-de-sac/dead end	20	20
Local Street	25	25
Collector street	25 to 30	25 to 30
Arterial Street	As per current AASHTO Standards	

Minimum Pavement Thickness***

All materials entering into the construction of streets and/or roads as hereinbefore defined and all methods of construction and installation shall be in strict accordance with the requirements of specifications of the Pennsylvania Department of Transportation, Publication 408, latest edition.

1. **Subbase Course.** The sub-base course shall be constructed of stone aggregate thoroughly compacted to a depth of not less than **eight (8) inches (4”No. OGS over 4” No. 2A)**. The materials and construction methods shall be in strict accordance with the requirements of Section 350 – “Subbase” of PennDOT Specifications.
2. **Superpave Base Course.** Base course shall consist of not less then **four and one half (4.5) inches**, after compaction, of hot-mixed, hot-laid Superpave 25.0 mm HMA base course.

**TABLE 1 CONTINUED
DESIGN STANDARDS FOR STREETS**

The materials and construction methods shall be strict accordance with the requirements of Section 309 – “Superpave Asphalt Mixture Design, Standard Construction, HMA Base Course” of PennDOT Specifications. The base course shall be rolled with a vibratory roller.

3. **Superpave Wearing Course.** Surface course shall consist of constructing a wearing course of hot-mixed, hot-laid Superpave 9.5 mm wearing course on the above prepared base course to a course to a depth of not less than **one and a half (1.5) inches**, after compaction. The materials and construction methods shall be in strict accordance with the requirements of Section 409 – “Superpave Mixture Design, Standard and RPS Construction of Plant-Mixed HMA Courses” of PennDOT Specifications. The bituminous surface course shall be rolled with a vibratory roller. The Township may require that the final wearing course be withheld until the streets are ready to be offered for dedication to the Township.
 - a. Grading shall be completed to the full width of the right-of-way except where trees or other features are to be protected.
 - b. Storm drainage pipes, inlets, underdrains, and headwalls shall be placed prior to the final grading of the cartway. All trench bedding and backfilling within a proposed Township Right-of-Way or private road Right-of-Way to be in accordance with the latest PennDOT RC Standards for bedding and backfilling under a roadway. All drainage pipes shall have a minimum of 12 inches of cover over the top of the pipe, however, 18 inches is recommended as a minimum.
 - c. The sub-base shall extend the full width of cartway and shoulder. The BCBC shall extend six (6) inches beyond the cartway wearing course on each side.
 - d. The minimum roadway cross-slope shall be 2%; the minimum shoulder cross slope shall be 4%. Roadway cross-slope shall be increased to 3% in areas where center line road grade is less than 1.5%.
 - e. Shoulders shall be a minimum fourteen (14) inches compacted depth of 2A modified stone.
 - f. No road embankment shall exceed a slope of 2:1, but 3:1 is recommended.
 - g. All depths indicated shall be compacted, in-place depths.
 - h. Guide rails shall be provided where warranted in accordance with the current Pennsylvania Department of Transportation Design Manual. Where guide rails are required, shoulder width shall be increased by two (2) additional feet.

**TABLE 1 CONTINUED
DESIGN STANDARDS FOR STREETS**

- i. Fill material used for the roadway bed, or roadway subgrade shall be constructed with acceptable material as determined by the Township Engineer. Material shall be placed in 8-inch loose lifts and compacted to at least 98% of the material's dry weight density as determined by the Modified Proctor Test, ASTM D-1557, Method C or D. Compaction equipment of sufficient size, as determined by the Township Engineer, shall be used.

- j. Line painting, if required, on all streets constructed in major subdivisions or land developments shall be Four (4) inch double lines and shall be painted in the center of the travelway (curb to curb width less parking lane = travelway), in conformance with Section 962.2 and section 962.3 of the Pennsylvania Department of Transportation 1994 Specifications 408, or latest edition. Apply at application rates specified. Stop at intersections, main entrances, etc., 12 inch wide stop bars shall be painted in conformance with the aforementioned Sections of Pennsylvania Department of Transportation 1994 Specifications 408, or latest edition.

- k. If no curbing is required or proposed, all roadside swales shall be a minimum of one (1) foot deep with side slopes no steeper in slope than three (3) horizontal to one (1) vertical and shall be designed to be consistent with Chapter 102 of the Pennsylvania Department of Environmental Protection, and/or Luzerne Conservation District Regulations.

Footnotes:

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All improvements for arterial streets shall be determined by the Board of Supervisors on a case by case basis and must meet current AASHTO Standards.

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A maximum grade of 12% on local streets and 10% on collector streets may be allowed by the Board of Supervisors for distances of 150 feet or less on straight sections if another access street having a maximum grade of 9% is available to serve the subdivision.

Compliance with paving requirements shall in no way be construed as imposing an obligation on the Township to accept dedication of any streets. Offers to dedicate streets will be considered only after all required improvements have been completed as certified by the Township engineer.

SECTION 806 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:

806.1 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 is recommended.

806.2 Grading and Drainage Plan: Grading and drainage plans shall be designed to be consistent with Chapter 102 of the Pennsylvania Department of Environmental Protection.

806.3 Excavations/Fills: No final grading shall be permitted with a cut or fill face steeper in slope than two (2) horizontal to one (1) vertical except under the following conditions:

- A. A concrete, stone, masonry, or similar suitable wall construction in accordance with sound engineering standards designed to support the face of the excavation is constructed. Construction plans sealed by PA Professional Engineer shall be submitted to and approved by the Township Engineer.
- B. Cuts or fills resulting with vertical heights greater than four (4) feet shall be required to be fenced at the top. Such fence shall be no less than three (3) feet in height and shall be approved by the Township Engineer.
- C. Maximum height for any vertical wall shall be limited to a height of eight (8) feet. All cuts over minimum eight (8) feet shall provide a four (4) foot stepped back retaining wall design.

806.4 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 four (4) feet or more in height shall be required to be fenced at the top of the wall and slopes four (4) feet or more in height and steeper than one (1) horizontal to one (1) vertical may be required to be fenced at the top of the slope. Such fence, when required, shall be no less than three (3) feet in height and shall be approved by the Township Engineer.

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

806.6 Additional Requirements

- A. Grading will not be done in such a way as to divert water onto the property of other landowners without the written consent of the landowners.
- B. No equipment shall alter or damage the bed and banks of any stream unless approved by the Department of Environmental Protection.
- C. Equipment shall cross streams only at approved crossings utilizing culverts or bridges.

- D. Topsoil shall be removed from the areas of construction and stored separately; it should be utilized on the site where practical.
- E. Swales located within yard areas shall have a minimum slope of 2%.

SECTION 807 EROSION AND SEDIMENTATION CONTROL

The minimization of erosion and control of sedimentation in connection with land development and major subdivisions are in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are deemed necessary for the Township.

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 within a proposed subdivision or land development tract until such time that a plan for sedimentation control and minimizing erosion has been reviewed and found satisfactory by the Luzerne Conservation District and reviewed and approved by the Township, in compliance with current PA DEP Chapter 102 requirements.

Measures used to control erosion and reduce sedimentation shall meet the standards and specification of the Luzerne Conservation District as set forth in the County Erosion and Sediment Control Handbook. The Luzerne Conservation District will review plans, issue permits and inspect construction sites and transmit reports to the Township. Approvals and compliance are required to receiving grading and building permits.

807.1 General Standards:

- A. Erosion and Sedimentation Control Plan Required: A Soil Erosion and Sedimentation Plan shall be required for any land disturbance where required by Chapter 102 of the Pennsylvania Department of Environmental Protection and/or Luzerne Conservation District regulations. The Erosion and Sedimentation Control Plan shall be maintained on site in accordance with Chapter 102.
- B. Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless: (i) there has been an Erosion and Sedimentation Control Plan approved by the Luzerne Conservation District, DEP, and the Township 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 Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements within five (5) years of preliminary plan approval or one (1) year of final plan approval or (ii) there has been a determination by the Luzerne Conservation District and Township that a plan for minimizing erosion and sedimentation is not necessary.

The developer or lot owner shall provide financial security as a construction guarantee in a form to be approved by the Township Solicitor, in an amount equal to One Hundred Ten Percent (110%) of the full cost to install the facilities required by the approved plan. The financial security shall be released only after receipt by the Township of certifications and "As-Built" drawings as required.

- C. Minimum Requirements of Luzerne 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 Luzerne Conservation District. The Municipality or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Luzerne Conservation District.

807.2 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.
- 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 required by Chapter 102 of the Pennsylvania Department of Environmental Protection, and/or Luzerne Conservation District Regulations. Permanent seeding on individual lots must be completed within thirty (30) days of issuance of an occupancy permit (weather permitting).
- 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. The rate of surface water runoff shall meet the requirements necessary to obtain a general or individual

NPDES permit for discharges associated with construction activities and current Township regulations.

- 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.

807.3 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 conditions as one of the first items of work done on a subdivision or development. The cartway shall be constructed in accordance with Section 805 and as approved by the Township 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 improvements across or above these areas.
- C. Compaction of Fill: Fill shall be placed and compacted so as to minimize sliding or erosion of the soil. Material for fill, other than that for a roadway base or subgrade, shall be acceptable material, placed in 12-inch loose lifts and compacted to 95% of the material's dry weight density as determined by Modified Proctor Test, ASTM D-1557, Method C or D.
- D. Fill Near Watercourses: Fill placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding. Fills shall not encroach on natural water courses or constructed channels.
- 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. Where necessary, approval and/or permits must be secured from the proper state or federal agencies.

807.4 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 and until they are accepted for dedication by the Township or other public authority shall be the responsibility of the land developer or subdivider or owner thereof.
- 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.

Maintenance of drainage facilities or watercourses originating on and located completely on private property is the responsibility of the owner to the point of open discharge of the facility at the property line or at a communal watercourse within the property.

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 stream or watercourse without having obtained prior approval from the Board of Supervisors or Pennsylvania Department of Environmental Protection, whichever has jurisdiction.

- D. Installation of Improvements: The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

807.5 Compliance with Regulations and Procedures

- A. Compliance a Condition of Preliminary Plan Approval: The Township, in its consideration of all Preliminary Plans of subdivision and land development, shall condition its approval upon the final approval and permitting of erosion and sedimentation control measures by the Luzerne Conservation District.
- B. Compliance with Requirements of County Conservation District: The installation and design of the required erosion and sedimentation control measures shall be in accordance with standards and specifications of the Luzerne Conservation District.
- C. Compliance with Requirements of Pennsylvania Department of Environmental Protection: Wetland and Stream channel disturbance during construction shall conform to criteria established by the Pennsylvania Department of Environmental Protection.

SECTION 808 STORM WATER MANAGEMENT AND DRAINAGE CONTROL

All subdivisions and land developments shall comply with the requirements of Article 12 of this ordinance.

The Plan shall meet the intent of §13 of the Pennsylvania Storm Water Management Act and other applicable regulations to assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of storm water is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all PA DOT, PA DEP, and other agency requirements and Article 12 of this Ordinance.

SECTION 809 FLOOD PLAIN AREA REGULATIONS

(See Article 11 of this Ordinance and the Hazle Township Zoning Ordinance)

SECTION 810 WATER SYSTEMS

810.1 General Requirements

If deemed feasible by the Board of Supervisors, subdivisions and land developments shall connect to a central water system if any exist in the project area and the Developer shall provide the water supply systems, meeting the requirements of the water system owner, to the Township for review.

All water systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work and all systems shall be designed in accord with all applicable federal, state, and local standards. Unless otherwise specified by this ordinance all water system design is to conform to the latest addition of the PA DEP Public Water Supply Design Manual and PA Code, Title 25, Chapter 109.

- A. Necessary action shall be taken by the developer to establish a water supply system capable of providing domestic water use and fire protection. In industrial or commercial developments adequate water supply systems shall be provided for the intended use. Water mains shall be a minimum of eight (8) inch or of a size appropriate to serve the anticipated use.
- 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. Such plans and information shall be forwarded to the fire company for comments regarding water pressure and location. When permitted by the Pennsylvania Municipalities Planning Code as amended, satisfactory evidence of escrow amounts to guarantee completion of these improvements held by public utilities or authorities must be presented to the Board of Supervisors.
- 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 Board of Supervisors that the subdivision or development is to be supplied by a certified public utility or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

- D. 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 the placing of the subbase material of a street shown on the subdivision or land development plan.
- E. Design calculations and testing results for all proposed water facilities shown on the plan must be submitted to the Township for review and approval.
- F. Evidence must be submitted to the township prior to final approval that the water supplier is either a certified public utility, a bona fide cooperative association of lot owners, or a municipal corporation, authority or utility.
- G. All water distribution systems to be designed in accordance with the requirements of the latest edition of the PA DEP Public Water Supply Manual. At a minimum the following standards must be adhered to:
 - 1. The pipe system shall be designed to maintain a minimum pressure of 20 psig at ground level at all points in the distribution system under all conditions of flow. The normal working pressure in the distribution system should be approximately 60 psig.
 - 2. The minimum size of a water main shall be eight (8") inch diameter and meet the specifications of the water system owner unless a reduction in size is approved by the Township Engineer and/or water system owner.
- H. Fire protection and hydrants to be provided in accordance with Section 805.6 of this ordinance.
- I. An approved blow-off or flushing hydrant must be provided at dead ends, and shall be sized to provide flows which will give a velocity of at least 2.5 fps in the main being flushed.
- J. Shut-Off Valves must be placed at not more than 500 foot intervals in commercial districts and at not more than one block or 800 foot intervals in other areas of the distribution system.
- K. Air relief valves shall be used at high points in water mains in situations where flooding of the manhole or chamber is not anticipated.
- L. Six inches of No. 2A material or approved equal must be used as bedding material and twelve inches of No. 2A material must be used over the pipe and compacted in

eight (8) inches lifts. If a water main is to be under a paved roadway No. 2A material must be used to the top of the trench.

- M. Water mains and sewer mains must be separated horizontally by at least 10 feet unless it is not practical. If the separation distance cannot be maintained the water main must be laid in a separate trench on one side of the sewer with the bottom of the water main at least 18 inches above the top of the sewer.
- N. All water main crossings of storm drains or sewers must have a separation distance of eighteen (18) inches from the bottom of the water main to the top of the other pipe.
- O. All underwater crossings of stream beds shall be located such that there will be a minimum of three (3) feet of cover between the top of the pipe or encasement and the lowest point of the stream bed. All PA DEP permits must be obtained for the crossing.
- P. Pressure testing of all central water supply system lines is required. All such testing shall be conducted in accord with the procedures specified by the Township and/or the water system owner.

810.2 Community Water Systems and On-Lot Wells

Where it is not feasible to connect a proposed subdivision or land development, to a centralized water system, on-lot systems shall be permitted subject to their construction in accordance with applicable criteria as set forth by the Pennsylvania Department of Environmental Protection and/or any other governmental agency with jurisdiction over such systems.

- A. Community water systems and on-lot wells shall be designed and constructed according to applicable construction standards of the Pennsylvania Department of Environmental Protection, Bureau of Water Quality Management, "Public Water Supply Manual", latest edition. Water samples shall be submitted to the Pennsylvania Department of Environmental Protection for its approval. The results of water tests and proof that the Department of Environmental Protection construction standards have been followed shall be submitted to the Board of Supervisors.
- B. Whenever a subdivider proposes to sell unimproved lots within a subdivision and when individual on-lot water supply systems are proposed for use within the subdivision, the subdivider shall require (by deed restriction or otherwise) as a condition of the sale of each lot within the subdivision, that such facilities shall be installed by the purchaser of each lot at the time that a principal building is constructed.

810.3 Fire Hydrants: When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be required. The location and number of fire hydrants shall be determined on a case by case basis. No structure within a proposed subdivision or land development shall be located more than five-

hundred (500) feet from a fire hydrant. All fire hydrants shall be connected to a water main not less than eight (8) inches in diameter. The developer shall be billed and held responsible for all costs incurred for the required fire hydrants until the deed and as-built drawings for dedicated streets are submitted to and accepted by Hazle Township.

SECTION 811 SANITARY SEWAGE CONVEYANCE AND DISPOSAL

811.1 General Requirements: All subdivisions and land developments shall be served with an adequate sewage disposal and conveyance system which meets or exceeds the applicable minimum design standards as set forth by the Pennsylvania Department of Environmental Protection. All proposed subdivisions and/or land developments shall require the preparation and submission of an appropriate Sewage Planning Module to DEP in accordance with Pennsylvania Code Title 25. The preliminary plans shall contain and include the following information.

- A. All suppliers of non-municipally owned, sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission; and, the Developer shall develop a Sewage Management Program which provides for operation, maintenance, and continuity of services in a manner which is acceptable to the Supervisors. PA Code Title 25 Chapter 71.72 must be adhered to when developing a Sewage Management Program.
- B. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the PA DEP and/or the Pennsylvania Public Utilities Commission (PA PUC) for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by PA DEP and/or the PA PUC authorizing such services shall be forwarded upon receipt to the Township as a part of the public record. Sewer extensions having the potential to serve over two hundred fifty (250) equivalent dwelling units or receiving flows of 65,500 gpd, as well as all pump stations and force mains (laterals serving one structure excluded) will require a PA DEP Water Quality Management Permit.
- C. In the case of utilization of a publicly owned or other existing central sewage disposal system the Developer shall submit, at the preliminary stage, a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage, an executed agreement with the service supplier shall be submitted to the township.
- D. All required certificates of Convenience, approvals and permits shall be obtained by the Developer and/or the utility owner as a condition of

preliminary approval and shall be submitted with the Final Plan application.

811.2 All sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and, all systems shall be designed in accord with all applicable federal, state, and local standards.

- A. Pressure testing of all collection/conveyance of any central sewage disposal system lines shall be required. All such testing shall be conducted in accord with the procedures specified by the Township and/or Municipal Authority of Hazle Township.
- B. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan and the PA DEP required sewage planning modules shall be submitted by the Developer.

811.3 All Subdivisions and Land Developments that will require their sewage to be treated at a Municipal Wastewater Treatment Plant must comply with the sewer capacity reservation requirements of that facility prior to Final Approval.

811.4 Mandatory Connection to Public Sewer System: If a public sanitary sewer is placed in a public street or alley or in a public sanitary sewer easement area abutting upon a lot and within 1,000 feet of the proposed structure on the lot, the owner of the lot shall be required to connect the proposed structure to said sewer for the purpose of disposing waste unless said sewer is otherwise not accessible to the proposed structure, and it shall be unlawful for any such owner or occupant to maintain upon any such lot for any structure required to so connect an on-lot sewage disposal system.

811.5 On-Lot Disposal System Requirements:

- A. Standards – All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township’s Act 537 Plan, and all other applicable standards.
- B. Whenever a subdivider and/or developer proposes to sell unimproved lots within a subdivision and when individual on-lot sewage disposal systems are proposed for use within the subdivision, the subdivider and/or developer shall require (by deed restriction or otherwise) as a condition of the sale of each lot within the subdivision, that such facilities shall be installed by the purchaser of each lot at the time that a principal building is constructed in accordance with the governing regulations of this Ordinance and with all requirements of the Pennsylvania Department of Environmental Protection as specified in Chapter 71, Administration of Sewerage Facilities Program, and Chapter 73, Standards for Sewerage Disposal Facilities of the Rules and Regulations of the Department, or any subsequent amendments to any of the above referenced regulations.

C. Site Suitability

1. All residential lots in developments proposing the use of on-site sewage disposal shall contain one area suitable for such a disposal system with such areas indicated on the Preliminary Plan and Final Plan.
2. Prior to any action on the Preliminary Plan by the Planning Department, the Applicant must document that all lots in subdivisions proposing on-site sewage disposal contain a suitable area as tested by the Township SEO in accord with PA DEP requirements and this Ordinance; or, that all lots are already served by an adequate, existing sewage disposal system.
3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.
4. Minimum lot size for on-lot systems shall meet the requirements of the Hazle Township Zoning Ordinance.

811.6 Design Criteria for Sanitary Sewers: All public and other community sewer systems shall be designed according to the Pennsylvania Department of Environmental Protection (DEP), Bureau of Water Quality Management "Sewerage Manual," Minimum slope on lateral lines is to be two (2) percent. Lateral lines are to be a minimum six (6) inch diameter.

811.7 Central Sewage Disposal System: In addition to the following standards, the Township's Act 537 plan shall govern all central sewage disposal facilities, as defined by that document.

- A. Public Sewage Disposal – All proposed developments shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the Municipal Authority of Hazle Township, the PA DEP, and the PA PUC.
- B. Project System – If the Township's municipal sewage system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the PA DEP and any other applicable regulations and has received PA DEP Sewage Facility Planning approval and PA DEP Water Quality Management Permit approval for construction.

1. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
2. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances; and shall meet the requirements of the Municipal Authority of Hazle Township to ensure compatibility if such system is at some point connected to the Township's system.
3. All central sewage disposal systems shall be designed, permitted, and constructed to provide adequate capacity for the ultimate flow of the subject development with consideration for service to adjacent or nearby properties.
4. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

811.8 Community System Maintenance: In order to extend the useful life of community sewage disposal systems and minimize disposal system problems, the Developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required, but not less than once every three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a PA DEP licensed facility. Failure of the POA to comply with this Article 811.8 shall be considered a violation of this Ordinance.

811.9 A twenty (20) foot wide easement must be provided for all proposed sewage conveyance lines to be dedicated to the Municipal Authority of Hazle Township for all lines to be located outside of a Township Right-of-Way.

811.10 A note must be located on the preliminary plan stating that as-built drawings will be provided to the Municipal Authority of Hazle Township within six (6) months after the completion of construction and testing.

SECTION 812 UTILITY EASEMENTS AND INSTALLATION

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

812.1 Location and Width: With the exception of on-lot sewer laterals, utilities shall be located either within the public right-of-way or in easements centered on or adjacent

to front, rear, or side lot lines. No structures or trees shall be placed over or within such easements. Such easements shall be minimum of twenty (20) feet in width.

812.2 Underground Installation: In developments of five (5) or more lots or residential developments of five (5) or more dwelling units electric, telephone, and all other utility facilities shall be installed underground. 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/land development stating that it has entered into an agreement with the developer to provide for such a system. All underground utilities including laterals, service connections, etc. or provisions for the same shall be installed prior to the placing of the subbase material in areas where the utilities underlie the cartway. Underground marking tape shall be installed as per Section 812.4.

812.3 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 preliminary 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.

Any company intending to install any main line for the transmission of petroleum, petroleum products, electricity or natural gas shall be required to construct such line on an easement at least fifty (50) feet wide, and the line shall be located at the center of such easement. The installation shall comply with all applicable standards of the Pennsylvania Utilities Commission.

A minimum distance of twenty-five (25) feet, measured from the edge of the easement, shall be required between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses a subdivision.

812.4 Underground Marking Tape: Underground marking tape shall be a minimum of six (6) inches wide, .35 mil thick with a solid foil core encased in a protective plastic jacket that is resistant to alkalis, acids and other destructive substances commonly found in soils. The underground marking tape shall be detectable by an inductive-method type of locator and located twelve (12) inches to eighteen (18) inches maximum below finish grade.

The underground marking tape shall meet ASTM D-1712 (modified for 48 hours) for color stability. The color shall be in accordance with the requirements of Act 38 – 1991 (i.e. Safety Green for sanitary sewer, Safety Red for electric, Safety Orange for telephone). The underground marking tape shall have a warning message (i.e. Caution Sewer Line Buried Below; Caution Electric Line Buried Below; Caution Telephone Line Buried Below) imprinted on one side, repeated for the entire length

of the tap in permanent ink that cannot be removed by handling or underground burial.

The underground marking tape shall be Terra Tape Sentry Line 620, as manufactured by Reef Industries, Inc., or approved equal.

SECTION 813 CURBS AND SIDEWALKS

813.1 Curbs

- A. Unless a specific waiver is granted by the Supervisors curbs shall be required, along all streets and parking lots located within a major subdivision or major land development, both residential and nonresidential, along local streets. Collector and Arterial streets which do not require curbs shall have shoulders being twelve 12 feet in width. Curbs or other drainage controls, when required, shall be installed to properly control surface drainage and protect the streets from erosion.
- B. Requirements for Physically Handicapped Persons: Where sidewalks are provided, all curbs shall be designed and constructed with barrier-free ramps in accordance with the requirements of the Americans with Disabilities Act (ADA) at intersections. Said ramps shall not outlet onto a catch basin, be located where the sidewalk grade exceeds 10% or where a hazard will be created.
- C. Curb Type: Curbs shall be poured or installed in-place Portland cement concrete or natural granite from an approved source. Provision shall be made for driveway access for each lot.
- D. Construction Material: All curbs shall be constructed of Portland cement concrete with expansion joints at a maximum spacing of fifteen (15) feet and shall conform with PennDOT 1994 Specifications 408, or latest edition, where applicable. Minimum concrete strength shall be 3,750 PSI at 28 days. Concrete testing, including break and slump testing, is the obligation of the developer to assure compliance with this section. Testing lab must be approved by the Township engineer. Curbs shall be eight (8) inches wide at their base with a one (1) inch batter. Top width shall be seven (7) inches and minimum depth of eighteen (18) inches.

Expansion joints shall be constructed with 3/4-inch premolded expansion joint material. Expansion joints shall be required at all obstructions. All concrete shall be cured in accordance with PennDOT 1994 Specifications 408, or latest edition.

813.2 Sidewalks

- A. Required: The Township shall require installation of sidewalks in any subdivision or land development. Where the evidence indicates that sidewalks are not necessary for the public safety, a waiver may be requested.
- B. Width and construction: Sidewalks shall be outside the right-of-way of the street and shall extend in width from the right-of-way line away from the curb. Sidewalks must be at least five (5') feet wide. In the vicinity of shopping centers, schools, recreation areas, and other such facilities, sidewalks must be at least five (5') feet wide and located outside the street right-of-way. Sidewalks shall be constructed to Pennsylvania Department of Transportation standards.

813.3 Driveway access: The developer shall provide sufficient curb depressions at the time of original curb construction to permit driveway access to each lot. Where sidewalks are also required the developer shall install a concrete transition apron between curb and sidewalk at each such depression concurrently with curb and sidewalk construction. Each property within a subdivision or land development shall contain a deed restriction which requires that all driveways onto a property shall be installed in full compliance with the required transition apron.

SECTION 814 NATURAL FEATURE PRESERVATION

All subdivisions and land developments shall avoid or minimize adverse impacts on the Township's natural, cultural and historic resources, as defined below.

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.

814.1 Tree Preservation: Whenever practical, trees six (6) inches or more in diameter as measured four and one-half (4 1/2) feet above grade 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 driveway access areas. In areas where trees are retained, the original grade level shall be maintained, if practical, so as not to disturb the trees.

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

The natural terrain of the proposed subdivision tract shall be retained wherever possible with cut and fill operations being kept to a minimum. Areas with slopes greater than fifteen (15) percent shall generally not be planned for developed use. If

such land is planned for development, the natural slope of the building site or sites shall be fifteen (15) percent or less. The building site shall be at least fifty (50) by eighty (80) feet.

814.3 Watercourse Protection: Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a stream preservation and drainage easement conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

814.4 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.

814.5 Landscaping: For all multifamily, residential, office, commercial, and industrial subdivisions and land developments, a landscaping plan shall be provided and shall incorporate efficient plantings, for the required open space, planting strips, screenings, shade trees, and natural barriers wherever suitable, appropriate, or required by other sections of this Ordinance and/or the Zoning Ordinance.

814.6 Buffer Planting Requirements: Buffer area requirements as may be specified in the Zoning Ordinance of Hazle Township.

814.7 Street Trees: Where both curbing and sidewalks are required, 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 (1½) 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 Board of Supervisors upon recommendation of the Township Engineer. The following is a list of acceptable trees.

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

814.8 Groundwater Resources

This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of the Township's surface waters.

- A. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings, and other impervious surfaces.
- B. All Major Subdivisions and Land Developments in which the total land disturbance is greater than one acre the developer is required to infiltrate the net increase in Stormwater Runoff due to site development for the 2-year/24 hour frequency storm if the on-site soils are suitable for infiltration.

814.9 Stream Valleys, Wetlands, Swales, Springs and Other Lowland Areas

Because of their extreme limitations, stream valleys, swales, wetlands, springs, and other lowland areas warrant designation as open space lands. They may also require adjoining buffer lands to be included in the open space lands, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis.

- A. A twenty-five (25) foot undisturbed buffer shall be required around the perimeter of all delineated wetlands unless disturbance is associated with a state or federal wetland encroachment permit.
- B. Disturbance to streams, wetlands, areas with seasonally high water tables, and areas of surface water concentrations shall be minimized. No disturbance to a wetland is permitted without proof the applicable permit from the state or federal government has been submitted to the Township.

814.10 Woodlands

Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as open space or development lands. Projects that are required to obtain an NPDES permit for stormwater discharges associated with construction activities receive volume credits for protecting existing woodland. Evaluation criteria shall include:

- A. Configuration and size.
- B. Present conditions, i.e., stocking, health and species composition.
- C. Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
- D. Ecological functions, i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
- E. Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

814.11 Slope Areas

Moderately sloping lands (15 to 20 percent and steeply sloping lands over 20 percent) are prone to severe erosion if disturbed, Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

- A. Areas of steep slope exceeding twenty (20) percent shall be preserved as required below.
- B. All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
- C. No site disturbance shall be allowed on slopes exceeding twenty (20) percent unless the design engineer can demonstrate that the proposed slopes can be stabilized; however, grading in these areas should be avoided completely if at all possible.
- D. Grading or earthmoving on all sloping lands of fifteen (15) percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Township Engineer no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed fifteen (15) feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

814.12 Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance, exist throughout the Township. Some of these have been carefully documented, e.g., by the Pennsylvania Natural Diversity Inventory, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Township or by resource inventories of individual subdivision tracts by incorporating them into proposed open space areas or avoiding their disturbance in areas proposed for development.

814.13 Historical Structures and Sites

All subdivisions and land development shall comply with the Historical Preservation Standards of the Township Zoning Ordinance and the requirements of the Pennsylvania Historical and Museum Commission.

- A. Plans requiring subdivision and land development approval shall be designed to preserve existing historical resources of all classes. The preservation of an existing historic resource shall include the preservation of the landscape immediately associated with and significant to that resource, to preserve its historic context.

- B. Where, in the opinion of the Board, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Board by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.

SECTION 815 OPEN SPACE AND RECREATION AREAS

The purpose of this section is to:

- A. Provide a variety and balance of facilities which can meet the varied recreational needs of residents, businesses and industry;
- B. Preserve open space and protect the environmental, scenic, historical and cultural features of Hazle Township;
- C. Develop a system of facilities which can deliver recreation services and open space effectively and efficiently;
- D. Provide equitable and convenient accessibility to recreation facilities and open space areas;
- E. Support community development and stability by providing recreation sites and open space.

Final determination of the requirements of this section is at the sole discretion of the Board of Supervisors upon the recommendation of the Planning Department and Township Engineer.

The open space and recreation needs of subdivisions and land developments of parcels greater than five (5) acres or subdivisions which are intended to provide housing for twenty (20) or more families shall be met as follows:

In reviewing subdivision plans, the Township Planning Department and Township Supervisors shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall take such actions as they deem necessary in the public interest to insure all residents will be provided with equal and accessible recreational facilities and open space areas in the Township.

The applicant shall submit a plan prepared by a qualified professional showing the required information and documentation listed below:

- A. Site with meets and bounds;
- B. Grade lines on finished project;
- C. Type of recreational facilities planned and physical location;

- D. Manufacturers pull sheets on all recreation facilities planned;
- E. Accessibility routes to location;
- F. Open space areas.

The plan will be submitted to the Township Planning Department who shall copy it to the Recreation Authority. The Recreation Authority will review the plan and advise the Planning Department if it fulfills their goals for recreation. The acceptance or denial of the plan will be the jurisdiction of the Board of Supervisors upon the recommendations of the Recreation Authority and the Planning Department.

815.1 Land Dedication for Residential Subdivisions

Subdividers and Township Planning Department shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds, and play fields; shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed, and shall be suitably prepared for this end use at the expense of the subdivider. As required in Article 3, Section 302, subdividers shall review with the Township Planning Department the minimum standards for various community facilities applicable to the tract being subdivided.

- A. School Sites. The Township Planning Department and/or the Township Board of Supervisors with the advice of the School District serving the Township, may require the Subdivider of residential subdivisions to reserve land to be conveyed to the School District for school sites.
- B. Fire, Police, Library and other Public Buildings. The Township Planning Department and/or the Township Board of Supervisors may require any subdivider or land developer to reserve land conveyed or dedicated to the Township to provide facilities for fire and police protection, library, indoor recreation or other municipal services.
- C. Streets rights-of-way reservation. At the request of the Township Engineer, the Township Planning Department and/or the Township Board of Supervisors, any Subdivider may be required to reserve a right of way to the Township for future street widening, if either:
 - 1. vehicular traffic generated by the subdivision will cause congestion or safety hazards on existing streets; or if
 - 2. such street widening is in accordance with local and/or regional comprehensive plans.

D. Open Space, Play Lots, Neighborhood and Community Parks.

1. In proposed subdivisions and land developments which are intended to provide housing for twenty (20) or more families, the Township Supervisors may require the developer to 1) dedicate land for recreation use, and 2) to expend money for recreation improvements, said fee to be established by resolution of the Board of Supervisors. (See SALDO Package for Fee Schedule).
2. The developer would have the option to either provide recreation area land and expend a sum of money as established above, or pay a recreation fee, said fee as established by a resolution of the Board of Supervisors, in lieu of the recreation area land dedication in any one (1) of the following instances: 1) where a proposed subdivision or land development is intended to provide housing for less than twenty (20) families; or, 2) where, in the opinion of the Recreation Board, existing recreation areas adequately fulfill the recreational need of the residents of the proposed subdivision. This cash must be used for the purchase or development of parks and open space within the Township. (See SALDO Package for Fee Schedule)
3. The developer shall use the guidelines found in the Section 815.5 to determine the amount of recreation area and open space land to be set aside in proposed subdivisions and land developments. The Township Supervisors may modify this guideline, but only after receiving and reviewing a written request by the developer to deviate from the guidelines and after receiving a recommendation from the Township Planning Department.

815.2 Cash in Lieu of Recreation Area/Open Space for Residential Projects

Where cash in lieu of recreation area/open space dedication is approved by the supervisors, the amount of such fee shall be as set forth in the fee schedule found in SALDO Package.

815.3 Land Dedication for Nonresidential Land Development

In proposed nonresidential land developments, developers may be required to dedicate land to the Township for parks, recreation and open space and/or pay a fee to provide facilities in lieu thereof.

- A. Applicability. This requirement shall be effective with respect to any nonresidential land development greater than five (5) acres for which a preliminary plan or combined preliminary/final plan is submitted after the publication notice that common open space revisions are pending or after the enactment of the revision, except that this Section shall not apply to submittals the Board of Supervisors determines only invoke clearly minor adjustments or corrections to a preliminary plan that was duly submitted and actively under considerations or approved prior to the enactment of the revision.

- B. Land Dedication. Each land development regulated under this Section may be required to dedicate land to the Township for parks, recreation and open space. The location and topography of the land to be set aside and dedicated shall be determined by the Board of Supervisors. The land to be dedicated must be deemed suitable for the intended purpose by the Board of Supervisors prior to the approval of the final plan.
- C. Calculation of Land Area – The amount of land area dedicated, if required shall be determined by using the formula in Section 815.5.
- D. Fees in Lieu of Land Dedication. Fees, as provided herein, may be accepted in lieu of the dedication of recreation area/common open space if both the developer and the Board of Supervisors agree.
- E. Calculations of Fees – Fees are calculated based on an initial fee of twelve hundred (\$1,200.00) Dollars for each land development greater than five (5) acres, plus the accumulated total of fees as set forth in the SALDO Package.

815.4 Payment and Application of Fees

The required deed of dedication or fee in lieu thereof shall be paid at the time of preliminary application.

- A. The land or fee required under this section shall be used for the purpose of providing park or recreational facilities within Hazle Township that will be accessible to the development making such dedication or payment, as well as members of the general public.
- B. A portion of any fees collected for each development may also be used for the acquisition and development of centrally located park or recreation area(s) providing programs and facilities for the entire Township.
- C. Whenever fees are permitted or required, the developer or subdivider shall place a note on the preliminary and final record plans stating that such fees are required to be paid as part of the subdivision or land development approval.

Reference in the SALDO Package for Fees Schedule for Residential and Nonresidential Uses

815.5 Recreational Facility Characteristics and Design Standards

- A. Recreational facilities shall be:
 - 1. Acceptable to the Township Recreation Authority and in accordance with Township long term goals and objectives.

2. Be suitable for active recreational use and shall not interfere with adjacent dwelling units, parking, driveway, and roads. Land to be used for active recreation should not be in the floodplain, on slopes exceeding six percent (6%), in wetlands, or comprised of surface water.
 3. Interconnected with recreational facilities on abutting parcels wherever possible, including provision for pedestrian trails, for general public use to create linked pathway systems within the Township.
 4. Coordinated with applicable open space and recreation plans of any federal, state, county, regional, adjacent municipal or private organization to compliment various programs increasing the utility of the open space and recreation network.
 5. Provided with sufficient perimeter parking when necessary, and with safe and convenient access by adjoining street frontage or other right-of-way easements capable of accommodating pedestrian, bicycle, maintenance and vehicle traffic and containing appropriate access movements.
 6. Undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon the recommendation of the Township engineer or Planning Department.
 7. Free of all structures, except those related to outdoor recreational uses.
 8. Suitability landscaped either by retaining existing vegetation and wooded areas and/or by a landscaping plan for enhancing open space areas through plantings which are consistent with the purposes of this section and which minimize maintenance costs.
 9. Conveniently accessible to the public to improve the utility of the facility and to promote its use among the residents. This applies to private facilities with limited access, as well, in the event it is offered for dedication to the Township.
- B. All facilities will meet ADA requirements
- C. The linkage of erosion and sediment control and/or stormwater control facilities with open space or recreation areas may be permitted. Plans for combining these facilities shall be provided to the township for review and approval. The presence of such facilities shall not conflict with any recreation area or detract from the aesthetic values associated with the open space area.
- D. The amount and composition of land to be provided shall meet the following standards:

1. The amount of land to be provided shall be .025 acres per proposed residential unit.
 2. If the proposal is commercial or industrial, it shall be 0.25 acres per acre to be equitable to residential land.
 3. All land is to be offered for public dedication, but can remain as private property for use by residents of the proposed project at the option of the Board of Supervisors.
 - a. If land remains private the recreation and/or open space is to be owned by a condominium association or homeowners association. The developer shall establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the common open space. Provisions of any condominium association or homeowners association agreements regarding required recreation and/or open space shall be subject to acceptance by the Board of Supervisors based upon review by the Township Solicitor.
- E. Any land provided for recreation/open space under this section for which less than twenty-five (25%) percent of the “Useful Space” is Prime Space” shall be deemed unsuitable.
1. Useful Space. For the purposes of this section, the term “Useful Space” shall mean land proposed to be used as recreation and/or open space which:
 - a. Has adequate access for maintenance and for pedestrians;
 - b. Is not within a stormwater detention basin, unless the developer or subdivider proves to the satisfaction of the Board of Supervisors that the stormwater detention basin (or the portion thereof which the developer or subdivider desires to have classified as “Useful Space”) is designed so that it clearly would regularly be usable for recreation during all times except immediately following a “15 Year Storm” or greater intensity;
 - c. Is not required to be provided under another section of this Chapter or another Township Ordinance;
 - d. Is not within fifteen (15”) feet of any principal building;
 - e. Is not within fifteen (15”) feet of a parking area (other than parking areas specifically developed to serve the required space); and
 - f. Is part of a total contiguous tract of recreation and/or open space which contains at least 0.5 acres and is of such geometry that it provides sufficient spatial ability to conduct normal recreation activities (i.e. is not sinewy or otherwise unusable for a broad range of recreational activities), unless

purposefully and knowingly designed in a more linear fashion with the consent of the Township to accommodate trails or paths, environmental protection, or scenic easements.

2. Prime Space: For the purpose of this section, the term “Prime Space” shall mean land proposed to be used as recreation and/or open space which:
 - a. Has an average slope of less than six (6%) percent over all and
 - b. Is not a wetland under the applicable federal or state regulations; and
 - c. Is part of a contiguous tract of at least two (2) acres, which may include preexisting adjacent common open space; and
 - d. None of which is within the “100 Year Floodplain”, as defined by official floodplain maps of the Township; and
 - e. Has topsoil to a depth of four (4”) inches or more to all points; and
 - f. Provides at least twenty-five (25%) percent of useful space for active recreation activities.

- F. All land provided for recreation and open space shall be shown on the record plan and identified by metes and bounds. Recordable covenants regarding reservation and maintenance of recreation and open space areas shall be submitted to the Township Solicitor for approval and shall be recorded along with the final plan as per Section 104.2(e) of the Township Subdivision and Land Development Ordinance.

SECTION 816 NON-RESIDENTIAL SUBDIVISIONS/LAND DEVELOPMENTS

816.1 General Standards: Land zoned for commercial or industrial purposes shall have subdivision or land development plans 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 such review 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.

816.2 Minimum Standards: The standards outlined in Sections 801 through 816 shall apply as minimum standards regardless of whether the improvements will be offered for dedication to the Township.

816.3 Specific Standards: The developer shall demonstrate to the satisfaction of the Township 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. Where truck traffic is expected to be heavy as determined by the Board of Supervisors, the pavement structure shall be increased to: 8" subbase, 6½" superpave base course and 1½" superpave wearing course.
- 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.

SECTION 817 TRAFFIC IMPACT STUDY

A Traffic Impact Study will be required to be submitted to and approved by the Township in conformance with the standards outlined in this Section 817 if the project meets the requirements for a study as outlined in Section 817.1.

817.1 Criteria for the Determination if a Traffic Impact Study is required

- A. A preliminary subdivision or land development application must include a traffic impact study if:
 - 1) The proposed site access is expected to have an ADT of 3,000 or more, or
 - 2) During any one hour time period, the development is expected to generate either 100 or more new vehicle trips entering the development or 100 or more new vehicle trips exiting the development, or
 - 3) A residential subdivision of one hundred or more dwelling units, or
 - 4) In the opinion of the Township Engineer, the development is expected to have a significant on highway safety or traffic flow even though it does not meet (1), (2) or (3) above or
 - 5) is recommended by PA DOT or County
- B. For purposes of determining the need for a traffic impact study, assume the total development will have access at only one location. Include all vehicle trips expected to be generated by the development based on full build out and occupancy of the entire tract of land available to be developed at that location including previously approved phases or dwelling units.

- C. A traffic study shall be required if the proposed development generates 100 or more new one-way (inbound or outbound) trips during the peak period of the proposed development or adjacent street traffic or exceeds the following equivalent one way trips.

Land Use	Size of Development Producing 100 One-Way Peak Hour Trips
Single Family Detached	100 dwelling units
Other Residential	185 dwelling units
Commercial	26,000 square feet
Restaurant	9,000 square feet
Office	65,000 square feet
Industrial	100,000 square feet
Hotel	140 occupied rooms

- D. A traffic study may also be required if any of the following conditions exists:
- * Traffic problems currently exist on surrounding roadways.
 - * The level of service on nearby roadways will be significantly affected.
 - * Sensitivity of the adjacent areas will be impacted.
 - * Proposed access is within close proximity to other site driveways or intersections.

817.2 Preparation of a Traffic Impact Study

- A. General. When a traffic light study is required, the applicant is responsible for assessing the overall impact that traffic generated by the proposed development would have on the transportation system in the surrounding area.

- 1) The applicant is responsible for data collection efforts.
- 2) The study shall be conducted under the supervision of a person who possesses a professional engineer’s license issued by the Pennsylvania State Registration Board for Professional Engineers, who shall affix a seal to the study, or may be conducted by other persons authorized by law.
- 3) Upon receipt of a traffic impact study, the Township will review the applicant’s assessment on whether capacity, safety or other enhancements are needed to mitigate traffic impacts.

- B. Traffic Study Scope. A pre-application scoping meeting shall be held whenever a traffic impact study is required.

- 1) The applicant must contact the Township Engineer to coordinate the scope of the traffic study. The traffic study area must be approved by the Township Engineer prior to traffic data collection.
- 2) As a general rule if there are more than 100 new trips entering or exiting the last intersection in the study area, the next intersection must be added.
- 3) Traffic impact study information that should be conveyed to the Township Engineer include description of the proposed development and zoning,

development schedule and staging trip generation, study area and type, urban or rural area determination, analysis periods and times traffic adjustment factors, other projects within the study area, trip distribution and assignment required traffic counts, capacity and other required analyses, and acceptable methodologies to be used in the study.

C. Traffic Impact Study Contents. The traffic impact study shall contain the following:

- 1) Overview. The traffic impact study shall identify the existing land use, zoning and transportation facilities at the site and its surrounding area.
 - a) The traffic impact study shall include a description of the property, indicating its size, general terrain features, highway right-of-way lines, and identify the municipalities and counties within the study area.
 - b) The traffic impact study shall identify the roadways that provide access to the site.
 - c) The limits of the study area shall be based on sound engineering judgment and an understanding of existing and future traffic conditions at the site and within the surrounding transportation network, and shall be defined at the scoping meeting or shortly thereafter.
 - d) The traffic impact study shall describe the development including its function, size, and short and long term growth potential.
 - e) The traffic impact study shall identify the specific existing and proposed uses of the site as well as the current zoning categories.
 - f) The traffic impact study shall include a drawing which shows the development within the site boundaries, including:
 1. internal traffic circulation pattern,
 2. existing and proposed parking,
 3. the size, location and type of existing and proposed improvements, buildings and building appurtenances, fuel pumps and drive-through facilities,
 4. present and proposed building and land uses, and
 5. the location and orientation of existing and proposed access points.
 - g) The traffic impact study shall describe the proposed development schedule and staging, including the anticipated opening date, the anticipated completion date for each major phase of development and the anticipated full build out completion date.
 - h) The traffic impact study shall include a complete description of the existing and proposed land uses and zoning categories within the study area.
 - i) The traffic impact study shall include a description of existing roadways intersections and high volume driveways within the designated study area, including the geometrics, traffic signal permit drawings and improvements planned by government agencies or others.

- 2) Existing Traffic Conditions. The traffic impact study shall describe the data collection and analysis efforts, volume studies, capacity and level of service analyses, and other analyses which were completed for the roadways, intersections and high volume driveways within the designated study area, to reflect existing traffic conditions. The applicant or the Township shall determine the location, time periods and methodologies to be used for data collection, studies and analyses.
- a) The traffic impact study shall include figures or schematic drawings, in a form acceptable to the Township depicting daily and peak hour traffic volumes within the study area.
 - 1. Turning movement and mainline volumes shall be provided for the roadway a.m., roadway p.m. and site-generated peak hour conditions, or as otherwise directed by the Township after consultation with the applicant.
 - 2. ADT volumes shall be provided for the mainline roadway.
 - 3. Other daily and peak hour volumes may be require by the Township after consultation with the applicant.
 - b) The traffic impact study shall provide an assessment of the relative balance between traffic volumes and capacity within the study area for existing conditions during the appropriate peak hours, using techniques acceptable to the Township. Based on the capacity analysis results, the study shall determine the current levels of service. The study shall also describe the typical operating conditions at each level of service.
 - c) The traffic impact study shall evaluate the effectiveness of existing signal controls within the study area † in terms of vehicle stops and delays, using techniques acceptable to the Township.
 - d) If directed by the Township, the traffic impact study shall include turning lane and queue length studies within the study area, using techniques acceptable to the Township, to determine the need for auxiliary lanes, the required auxiliary lane lengths, and to evaluate alternative access locations at various distances from controlled intersections.
 - e) If directed by the Township, the traffic impact study shall include gap studies within the study area, using techniques acceptable to the Township to evaluate existing or proposed access locations where there is a heavy volume of traffic on the abutting major route, or a significant volume of left turns is expected from the site, or the exit would not be expected to qualify automatically for traffic signal control. Gap studies may identify whether there is a need for signal control or for additional access locations to reduce left turn volumes.

- f) If directed by the Township, the traffic impact study shall include sight distance analyses, traffic signal warrant analyses, left-turn traffic signal phasing analyses, analyses of other needed traffic signal phasing or timing modifications, traffic signal corridor or network analyses, crash analyses, weaving analyses, and other studies and analyses within the study area, using techniques acceptable to the Township.
- 3) Future traffic conditions without development. The traffic impact study shall describe the ability of the roadway network within the study area to accommodate future traffic without development for the ensuing 10 years beyond the opening date of the development, and other time periods as directed by the Township.
- a) The traffic impact study shall indicate the method and assumptions used to predict future traffic volumes so that the Township can verify and approve the applicant's calculations. The traffic impact study shall use seasonal adjustment factors and annual base traffic growth factors from the Township, the appropriate Metropolitan Planning Organization or Local Development District or other source acceptable to the Township. The traffic impact study shall include the additional traffic volumes that are expected for other proposed developments within the study area, as directed by the Township. Figures or schematic drawings depicting future traffic volumes shall be consistent with subsection (c)(2)(i), including locations and times.
 - b) The traffic impact study shall describe the ability of the existing roadway system within the study area to accommodate future traffic without site development for the appropriate peak hours, using techniques approved by the Township. If roadway improvements or modifications are programmed by government agencies with approved construction funding, or if improvements or modifications will be constructed by others in conjunction with issued permits, the traffic impact study may include these conditions in the capacity and level of service analyses.
 - c) If directed by the Township, the traffic impact study shall include other studies and analyses consistent with subsections (c)(2)(iii) – (vi) to determine future traffic conditions without development within the study area.
- 4) Future Traffic Conditions with Development. The traffic impact study shall describe the adequacy of the roadway network within the study area to accommodate future traffic for the ensuing ten (10) years beyond the opening date of the development, and other time periods as directed by the Township, and as determined at the scoping meeting, where applicable.

- a) The traffic impact study shall identify the amount of traffic generated by the site for the daily and appropriate peak hour conditions. The traffic impact study shall provide trip generation rates with documentation and justification acceptable to the Township. The traffic impact study shall use sources acceptable to the Township based on surveys of multiple sites with the same land use type and similar size as the proposed development.
 - b) The traffic impact study shall identify the direction of approach for site generated traffic for the appropriate time periods. The traffic impact study shall identify the method and assumptions used so that the Township can verify and approve the applicant's calculations.
 - c) The traffic impact study shall describe the utilization of study area roadways by site generated traffic,. The traffic impact study shall combine anticipated traffic volumes identified under subparagraph (i) with anticipated traffic volumes identified under subsection (c)(3)(i) to describe mainline and turning movement volumes to future conditions with development.
 - d) The traffic impact study shall include mainline and turning movement volumes for the appropriate time periods for the roadway network in the study area as well as for the development access points and internal circulation roadways that may impact access operations.
 - e) The traffic impact study shall include a capacity analysis and levels of service in the study area for the appropriate peak hours for future conditions with development, using techniques approved by the Township.
 - f) If directed by the Township, the traffic impact study shall include other studies and analyses consistent with subsections (c)(2)(iii) – (vi) to determine future traffic conditions with development within the study area.
- 5) Recommended remedies. The traffic impact study shall compare the operating levels between anticipated conditions and identify remedies that will provide future design year levels of service with the development which are no worse than future design year levels of service without the development, unless a waiver/modification is granted by the Board of Supervisors based on future design year conditions with development which are safe and within the range of acceptable operation.
- a) For locations where the level of service of the design year without the development is Level of Service F, the remedies shall provide an estimated delay which will be no worse than the delay for the design year without the development.

- b) If a new intersection is being established to serve as access to the development, the intersection shall be designed to operate at Level of Service C or better in the future design year where rural conditions exist and at Level of Service D or better in the future design year where urban conditions exist.
 - c) The traffic impact study shall include a description of proposed remedies, arranged by location and type of remedy.
 - 1. The remedies may include projects programmed by the Commonwealth of PA or other governmental bodies.
 - 2. If the applicant is willing to waive their rights as stated in Section 503-A(b) of the PA MPC, the remedies may include a proposal to reimburse the Township as part of a programmed Township or municipal project, or to pay, in lieu of construction, the cost of all or a portion of off-site highway improvements which increased traffic arising from the development may necessitate. The Township, in exercise of its engineering judgment will determine if the proposal is acceptable.
 - d) The traffic impact study shall provide details on the location, nature and extent of remedies which will provide sufficient roadway capacity and operating levels within the study area. If signalization is a recommended remedy, the traffic impact study shall include a traffic signal warrant analysis in accordance with the latest addition of the MUTCD Chapter 4C. The final access design shall address both traffic flow and highway safety considerations to provide operational characteristics acceptable to both the Township and the State.
 - e) The traffic impact study shall address how the access relates to internal site circulations and design.
 - f) The traffic impact study applicant shall include capacity and level of service analyses and describe the anticipated results of the recommended remedies, using techniques approved by the Township.
 - g) If directed by the Township, the traffic impact study shall include other studies and analyses consistent with subsections (c)(2)(iii) – (vi) to determine the anticipated effectiveness of the remedies.
- 6) Summary: The traffic impact study shall include a clear, concise description of the study findings acceptable to the Township. Plans for the development shall include recommended remedies which will provide

future design year levels of service with the development consistent with the requirements of subsection (c)(5).

SECTION 818 OUTDOOR LIGHTING

818.1 Purpose: To provide a standard set of criteria to guide applicants for the following:

1. The provision of lighting in public places where safety and security are concerns.
2. The control of disabling glare from non-vehicular light sources that shine into driver’s and pedestrian’s eyes and thereby impair safe traverse.
3. The protection of neighboring properties from nuisance glare and stray light from poorly aimed, placed, shielded or applied light sources.
4. The promotion of efficient design and operation with regard to energy conservation.

818.2 Applicability: The provisions of this section shall apply to outdoor lighting required for safety and personal security in areas of public assembly and traverse; including but not limited to single family and multifamily dwelling unit developments, commercial, industrial, public recreational, and institutional uses. The glare control requirements herein contained apply to all lighting installations.

818.3 Criteria:

1. Illumination Levels
 - a) Where lighting is proposed, the Township of Hazle hereby adopts for the purpose of establishing intensities and uniformity ratios for such lighting, the publication of the Illuminating Engineering of North America (IESNA) as from time to time amended.
 - 1) The intensities and uniformity ratios set forth in IESNA shall serve as baseline criteria, and the Township maintains the right to modify or accept higher or lower intensities on a case-by-case basis. Review of lighting and lighting plans shall be the responsibility of the Township Engineer.

<u>Use/Task</u>	<u>Maintained Foot Candles</u>	<u>Uniformity Avg.: Min.</u>
Parking, multi-family		
Low vehicular/pedestrian activity	0.2 min.	4:1
Medium vehicular/pedestrian activity	0.6 min.	4:1
Parking, industrial/commercial/ institutional, municipal		

High activity, e.g., regional shipping centers, fast food facilities, major athletic/civic, cultural events	0.9 min.	4:1
Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events	0.6 min.	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church parking	0.2 min.	4:1
Non-residential walkways and bikeways	0.5 avg.	5:1
Building entrances	5.0 avg.	---

- b) Present recommended practices of IESNA, the following regulations shall apply:
- i) Illumination levels shall be defined as maintained horizontal footcandles on the task. For example, the pavement or area surface.
 - ii) Uniformity ratios dictate that average illumination values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, in the case of the commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4).
 - iii) In no case shall illumination exceed 0.5 footcandles measured at the property line, and 0.2 footcandles at 10 feet from the property line onto the adjoining property; and, the amount of illumination projected onto a residentially zoned property or use from another property shall not exceed 0.2 footcandles at the property line. The exception to this being an installation for the purpose of illumination of an intersection at a public street or commercial driveway intersecting with a public roadway.
 - iv) Lamp types and colors shall be in harmony within the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types and colors shall be consistent with the task and setting, and shall not create a mix of colors unless otherwise approved by the Supervisors for cause shown.

2. Lighting Fixture Design

- a) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Board of Supervisors.
- b) For lighting horizontal tasks such as roadways, pathways and parking areas, fixtures shall meet IESNA “cut-off” criteria (not have more than

2.5% of their light output emitted above 90 degrees at any lateral angle around the fixtures.)

- c) The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and other fixtures not meeting IESNA “cutoff” criteria shall not be permitted.
- d) Fixtures shall be equipped with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

3. Control of Nuisance and Disabling Glare

- a) All outdoor lighting, whether or not required by this ordinance; on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, i.e., disabling glare, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, i.e., nuisance glare.
- b) Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway. The use of searchlights or laser source lights for advertising or entertainment purposes is prohibited.
- c) Where all-night safety or security lighting is to be provided, the lighting intensity levels shall not exceed 50% of the levels normally permitted by this ordinance for the specific use, unless otherwise approved by the Hazle Township Supervisors.
- d) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- e) The intensity of illumination projected onto a residential use from another property shall not exceed 0.2 vertical footcandle, measured at thirty (30”) inches above the ground at the property line.
- f) Externally illuminated billboards and signs shall be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Hazle Township reserves the right to regulate whether the lighting remains in operation between the hours of 11:00 PM and dawn.
- g) The use of white strobe lighting for smokestacks, chimneys and radio, communication and television towers is prohibited.

4. Installation

- a) Lighting fixtures shall not be mounted in excess of twenty (20) feet above grade, unless specifically approved by the Township. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- b) All newly constructed electrical feeds to lighting standards shall run underground, not overhead.
- c) Lighting standards in public parking areas shall be placed a minimum of five (5) feet outside the paved area, or five (5) feet behind tire-stops locations; or on reinforced concrete pedestals at least thirty (30) inches high above the pavement, or by other acceptable protective means.

5. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Section.

818.4 Plan Submission: Lighting plans submitted to the municipality for review and approval shall include a layout of the proposed fixture locations; isofotcandle plots that demonstrate adequate intensities and uniformity; and manufacturer's catalog cuts that present a description of the equipment, including glare reduction devices, lamps, switching devices, mounting heights and mounting methods proposed. All proposed development plans shall, at the time of Preliminary Plan submittal, include lighting plans indicating proposed placement of all lighting fixtures incorporated with the above referenced specifications. The lighting plans shall also provide an engineering detail of fixtures, manufacturer, model, and installation of same.

818.5 Compliance Monitoring:

1. Safety Hazards

- a. If the Code Enforcement officer or Township Engineer, judges that a lighting installation creates a safety or personnel security hazard, the person(s) responsible for the lighting shall be notified and requested to take timely remedial action.

2. Nuisance Glare and Inadequate Illumination Levels

- a. When the Code Enforcement Officer, or Township Engineer, judges that an installation produces unacceptable levels of nuisance glare or skyward light or that illumination levels are insufficient or not being maintained in accordance with this Ordinance, the Officer shall cause notification of the person(s) responsible for the lighting and request remedial action.
- b. If the infraction so warrants, the officer may act to have the problem corrected as in E.3.a. of this section.

3. Penalty

- a. Any person who shall violate any provision of this Section shall be upon conviction, sentenced to a fine of \$100.00 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed thirty (30) days. Each day that a violation continues after due notice has been served shall be deemed a separate offense. „Person“ as used herein shall mean any natural person, association, partnership, firm or corporation.

818.6 Street Lighting Dedication: When street lighting is to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections from the date the first dwelling is occupied until the date the street is accepted for dedication.

1. Upon dedication of public roads, the Township shall assess the homeowners association, individual property owners, or corporations, as may be necessary, to collect all revenues required which are directly or indirectly associated with all costs of each specific street lighting fixture. These costs shall include:
 - a) Administration
 - b) Collection
 - c) Pro-ration of non-payables
 - d) Actual electrical charges from the utility
 - e) All maintenance and maintenance contracts necessary for the proper maintenance of said fixtures.
2. Prior to dedication, and in the event of the formation of a homeowners“ association and/or a property management declaration, the Township shall require said agency to enter into an agreement guaranteeing the Township payment of all costs associated with street lighting.
3. This section is not valid when the Ordinance governing agreements between the Township and PPL, Inc. is applicable. The Agreement between the Township and PPL, Inc. shall govern, unless said Agreement is specifically superceded or amended by the Supervisors.

818.7 Nonconforming Lighting: Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture, subject to the following:

- 1) A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced, relocated or repaired.
- 2) All nonconforming lighting fixtures within the Township shall be made to conform to all pertinent regulations or be removed within two (2) years after the effective date of this Ordinance.
- 3) This section is not applicable in instances where the lighting fixtures are owned and operated by the PPL, Inc., unless specially required by the Township on a case by case basis.

**ARTICLE 9
MOBILE HOME PARK
DESIGN STANDARDS**

SECTION 901 GENERAL REQUIREMENTS

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, provisions regulating mobile home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of mobile home parks. The development and/or expansion of a mobile home park, shall be deemed as a subdivision or land development and shall be subject to design standards within Article 8 and regulations provided within this Article and all Sections and Subsections thereunder. All mobile home parks shall have a total land area of not less than ten (10) acres. Maximum allowed density shall be eight (8) units per gross acre.

SECTION 902 SITE LOCATION STANDARDS

- A. Within a Mobile Home Park, the average gross area of land per single width mobile home site shall be not less than 5,000 square feet with an average minimum lot width of not less than fifty (50') feet. The average gross area of land per double wide mobile home site shall be not less than 6,500 square feet with an average minimum lot width of not less than sixty-five (65') feet.
- B. All mobile home parks shall be located on well drained land with the average natural slope not exceeding ten (10%) percent. The site shall be free from flooding from a one hundred (100) year and other physical features which are generally considered detrimental to residential development.
- C. All mobile home parks shall have two (2) access points to public streets or roads and shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic of adjacent streets. Alignment and gradient shall be properly adapted to topography as approved by the Township Engineer. If two (2) access points are not feasible based on the natural constraints of the property the applicant must provide a secondary emergency ingress and egress. This access must be designed to accommodate the emergency vehicles of the Regional Fire Departments and other responders.
- D. Each site shall be served with underground electricity, telephone, cable, water and sewers. The water supply and sewage disposal shall be acceptable to the Pennsylvania Department of Environmental Resources and in conformance with the Township Subdivision Regulations.
- E. Access to mobile home sites shall be from interior driveways, access drives, or private streets and shall not be from public street or roads. Entrance roads shall have a paved cartway width of at least twenty-four (24') feet. All interior roads and cartways shall be paved and meet the requirements of Section 805 of this ordinance

even though streets will not be submitted for dedication to allow for access of emergency vehicles.

- F. Every mobile home site shall be provided with a minimum of two (2) off-street parking spaces and shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve. All parking spaces for mobile home lots shall be paved.
- G. All mobile home parks shall be provided with pedestrian walkways on at least one side of every street.
 - 1. Walks shall be safe, convenient, all season pedestrian walks of ID-2 Bituminous concrete or portland cement concrete of a depth and width approved by the Township Engineer between individual mobile homes, and streets and all community facilities provided for residents. Sudden changes in alignment and gradient shall be avoided. If the walks are to be constructed in a right-of-way to be dedicated to the Township, portland concrete shall be required.
 - 2. Common Walk System. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one half (3½') feet.
 - 3. Individual Walks. All mobile home lots shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two and one half (2½') feet.
- H. Every mobile home park accommodating or designed to accommodate twenty-five (25) or more mobile homes, shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the mobile home park. No outdoor recreation area shall contain less than ten thousand (10,000) square feet. All recreational sites shall be located in areas which are readily accessible to all residents of the mobile home park.

A recreational development plan shall be provided which identifies passive and active recreational features to be provided upon the site, including recreational equipment, play apparatus, benches, and all other features and facilities to be incorporated into the design of the recreational site. The location of the recreational site and the recreational development plan shall be subject to the review and approval of Board of Supervisors. The recreational site must be identified and approved by the Board of Supervisors prior to final approval of the development or expansion of a mobile home park. To guarantee the installation of all improvements to the site, the applicant shall be required to complete the installation of all such improvements prior to receiving an unconditional final approval or to post an irrevocable letter of credit in the amount of 110% of the estimated cost improvements. The procedure and standards contained within Section 509 of the Pennsylvania Planning Code, Act 247, as amended shall

apply to posting the aforementioned irrevocable letter of credit or other equal security. The procedures and standards within Section 510 of Act 247, as amended, shall apply to the release of the irrevocable letter of credit upon the completion of the required improvements. The applicant shall be required to reimburse the Township for any engineering fees associated with the inspection of improvements to the site. Said reimbursement must be paid at the same meeting of the Boards of Supervisors at which the applicant seeks final and unconditional approval of said improvements.

- I. Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips extending from the edge of the paved cartway 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 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.
- J. Every mobile home in the park shall be enclosed from the bottom of the mobile home to the ground or stand using industry-approved skirting material compatible with the home.
- K. Every mobile home shall be securely anchored or tied-down on at least the four (4) corners and/or in accordance with the manufacturer's recommendations furnished with each home and must be able to sustain a total tensile load equal to four (4) times the weight of the particular mobile home. Mobile homes placed on private property shall be anchored to a permanent, frost free foundation.
- L. An approved soils erosion and sedimentation plan and a stormwater management and drainage plan, in conformance with Section 806 and Section 807 of this Ordinance shall be required prior to the final approval for the development or expansion of a mobile home park.
- M. An approved Department of Environmental Protection Planning Module shall be required prior to the final approval for the development or expansion of a mobile home park.
- N. 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. Each mobile home in the park shall be served by community water and sewerage systems as well as with electric and other utilities.
- O. 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.

- P. 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.
- Q. A letter of commitment for the provision of required utilities from all applicable utility companies.
- R. 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.
- S. The ICC International Building Codes, as adopted by the Township, shall be applicable for housing units within a mobile home park.
- T. All lands on which mobile home park is located shall be under single ownership.
- U. 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.
- V. Refuse Storage: Each mobile home shall provide its own garbage and refuse containers in accordance with Township 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.

SECTION 903 REQUIRED SETBACKS, BUFFER STRIPS AND SCREENING

- A. All mobile homes shall be located at least thirty-five (35') feet from any street right-of-way which abuts a mobile home park boundary and at least thirty-five (35') feet from any other mobile park boundary line.
- B. Minimum Setbacks are as follows:
 - Front Yard – Thirty (30') feet from mobile home park street or common parking area or other common areas.
 - Rear Yard – Twenty (20') feet
 - Side Yard – Twelve (12') feet
- C. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty-five (25') feet.
- D. All mobile home parks provide and maintain a screening strip such as fences and natural growth along all property boundary lines. Such screening shall include a dense protective planting strip of trees and shrubbery for a depth of not less than twenty (20') feet nor more than fifty (50') feet in width, which will include suitable evergreen plant material, and which will be planted at a minimum height of ten (10') feet, and will attain and shall be maintained at a height of not less than fifteen (15') feet. A planting plan specifying type, size, and location of existing and proposed

plant material shall be required and approved by the Township Shade Tree Commission.

SECTION 904 TRAFFIC CONTROL SIGNS

Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristics of the road to motorists shall be provided at locations as established by PennDOT, Luzerne County or the Board of Supervisors.

SECTION 905 STREET LIGHTS

The developer and/or applicant shall make the necessary arrangements with the Township and the utility company for the installation of street lights as required at the intersection of all streets, at the middle point of the terminus of a cul-de-sac and at any other locations deemed necessary as approved upon the final plan. All street lighting shall be shielded in such a manner that the edge of the shield shall be level with or below the light source, so that direct light emitted above the horizontal is eliminated. Street light illumination shall be so designed and located that the light sources are shielded from residences and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers.

SECTION 906 GENERAL PROVISIONS

- A. A mobile home park and extension thereof shall also comply with all applicable State regulations now in effect or hereafter enacted.
- B. No mobile home shall be permitted to be parked outside of a permitted mobile home park for more than forty-eight (48) hours except upon special permission issued by the Zoning Officer. Such permit be issued for a period not exceeding thirty (30) days and shall not be renewable within the same calendar year. No mobile home shall provide living quarters or space for the conduct of business, except that it may be used temporarily during the construction of a principal building or road, on the issuance of a temporary permit by the Zoning officer which should not exceed six (6) months, subject to renewal upon demonstration of satisfactory progress of construction. Small utility or vacation type trailers are excluded from this provision in that such trailers may be temporarily parked over the winter season or when not being used for recreational purposes, outside of permitted trailer parks, provided always that such small utility or vacation type trailers may not, when parked in storage or on a residential lot, be used for any residential purposes for a period in excess of six (6) days.
- C. Nothing in this part shall prevent the placing of a mobile home on private property within the Township, subject to the following conditions:
 - 1. Building/Zoning Permit shall be required.
 - 2. The owner of the mobile home must be the owner of the land to which it is to be affixed.
 - 3. The mobile home must be occupied by the owners of the land, their parent or children.

4. The mobile home shall be anchored to a permanent, frost-free foundation.
5. The mobile home must be skirted with a solid brick, block or concrete wall, resting on frost free concrete footers. This provision shall also apply in flood prone areas unless superseded by Federal law or regulations.
6. Area space and set backs in the particular area must be as required for single-family residences, and be landscaped with grass and other plantings to correspond with surrounding housing.
7. Towing tongues, wheels and axles shall be removed from the mobile home.

SECTION 907 ZONING REGULATIONS

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

SECTION 908 INTERPRETATION

In the interpretation and application, the provisions of this section shall be held to the minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this Section differ from those of any other ordinance, statute or regulations, the more restrictive or higher standards shall apply.

The provisions of this Section are not intended to abrogate any private easement, covenant or any other restriction of record, provided that where the provision of this Section are more restrictive or impose higher standards or regulations than such easement, covenant, or other restriction, the applicable provisions of this Section shall govern.

**ARTICLE 10
REQUIRED IMPROVEMENTS**

SECTION 1001 GENERAL REQUIREMENTS

The following improvements shall be indicated on all preliminary and final plans and shall be installed by the subdivider or developer and offered for dedication without cost to the Township or applicable Authority where required by this Ordinance or as stipulated in the Subdivision/Land Development Improvements Agreement (Suggested Improvements Agreement wording may be obtained from the Planning Department) and in manner approved by the Board of Supervisors. All lines and grades for all improvements shall be established by a professional land surveyor in accordance with the approved subdivision/land development plans. All improvements installed by the subdivider or developer shall be constructed in conformity with all design requirements of the Township. Where there are no applicable Township design specifications, then improvements shall be installed in accordance with all applicable requirements of the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or such other agency as applicable. Design specifications shall be prepared by a registered Professional Engineer or qualified professional. The final plan shall not be approved for recording in the office of the Luzerne County Recorder of Deeds until final detailed design of improvements is approved and the improvements are installed or financial security has been established and accepted by the Board of Supervisors.

Any approval granted by the Supervisors for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

SECTION 1002 MONUMENTS AND MARKERS

1002.1 Specifications: Monuments and markers shall be constructed as follows:

	Material	Minimum Size
Monument	concrete or stone	36"x 6"x 6"
Marker	iron pipes or iron or steel bars	24"x 5/8" diameter

Other types may be approved by the supervisors.

1002.2 Location of Monuments: Monuments shall be set:

- A. At the intersection of lines forming angles in the boundaries of the subdivision or land development, where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced, but shall be noted on the plan as existing and described).
- B. One (1) monument for every ten (10) lots proposed shall be placed at street intersections and intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Township. An adequate

number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1,000') feet.

- C. Placement of additional monuments shall be sufficient to establish any street line in the development with at least two (2) monuments on the right-of-way line and one (1) monument on the rear lot line tied together to allow foresight and backsight to each.

1002.3 Location of Markers: Markers shall be set:

- A. At the beginning and ending of curves along 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.
- E. At a sufficient distance from edge of water if property corner is located in a body of water
- F. Markers shall be set prior to any sale of real property by the subdivider or developer.

1002.4 Placement and Marking: Monuments and markers shall be placed by a Professional 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 disk.

1002.5 Removal: Any monuments or markers that are removed shall be replaced by a Professional Land Surveyor at the expense of the person removing them.

SECTION 1003 STREETS

Streets and rights-of-way 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 Township. Provide, where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in Section 805.13 (Table 1) of this Ordinance.

SECTION 1004 EROSION AND SEDIMENTATION CONTROL

Erosion and sedimentation control improvements, where determined to be necessary by the Township, the Luzerne Conservation District, or the Pennsylvania Department of Environmental Protection, shall be installed and maintained in accordance with the plans submitted by the subdivider or developer and approved by the Township and the above

mentioned agencies, when applicable. The improvements shall be designed and constructed to the standards set forth in Section 807 of this Ordinance.

SECTION 1005 STORM WATER MANAGEMENT CONTROL

Storm water management control improvements, where determined to be necessary by the Township, the Luzerne Conservation District, the Pennsylvania Department of Environmental Protection, 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 Township and the above mentioned agencies, where applicable. The improvements shall be designed and constructed to the standards set forth in Article 8 of this Ordinance.

SECTION 1006 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 Township, the applicable water utility company, and the Pennsylvania Department of Environmental Protection. The improvements shall be designed and constructed to the standards set forth in Section 810 of this Ordinance. Upon completion of the installation of the improvements, a reproducible as-built plan of the system shall be filed with the Township and the water system owner.

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 Protection and as referenced in Section 810 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 810 of this Ordinance.

SECTION 1007 SANITARY SEWAGE CONVEYANCE AND DISPOSAL 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 Township, the Authority, and the Pennsylvania Department of Environmental Protection. Where required Pennsylvania Department of Environmental Protection Sewage Planning Module approval shall also be obtained prior to final plan approval. The improvements shall be designed and constructed to the standards set forth in Section 811 of this Ordinance. Upon completion of the installation of improvements, a reproducible as-built plan of the system shall be filed with the Township and the system owner.

Where a community sewerage system is not feasible or is not required, each lot in a subdivision and/or land development 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 Protection and as referenced in Section 811 of this Ordinance.

SECTION 1008 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 812 of this Ordinance. Such a letter shall be submitted to the Township at the time of application for final plan approval. A final “as-built” utility plan which shows the size, type, location of all installed improvements within the development shall be required.

SECTION 1009 CURBS AND SIDEWALKS

Unless a specific waiver is granted by the supervisors, curbs shall be required, along all streets and within parking lots for all major subdivisions and major land developments, in accordance with the standards set forth in Section 813.1 of this Ordinance. Said sidewalks shall comply with the standards set forth in Section 813.2 of this Ordinance.

SECTION 1010 NATURAL FEATURES

Reasonable efforts shall be made to preserve natural features in accordance with the standards set forth in Section 814 of this Ordinance. Street trees shall be provided as required in accordance with Section 814.7 of this ordinance.

SECTION 1011 OPEN SPACE AND RECREATION AREAS

Recreation facilities and open space areas, when required, shall be provided in accordance with the standards set forth in Section 815 of this Ordinance.

SECTION 1012 STREET NAME SIGNS

Street name signs shall be provided at all street intersections in the subdivision or land development. Signs shall be of standard construction as approved by the Township to conform with the street signs on existing Township streets and PennDOT standards.

SECTION 1013 TRAFFIC CONTROL SIGNS

Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists shall be provided at locations as established by PennDOT, Luzerne County or the Board of Supervisors.

SECTION 1014 STREET LIGHTS

The developer and/or applicant shall make the necessary arrangements with the Township and the utility company for the installation of street lights as required at the intersection of all streets, at the middle point of the terminus of a cul-de-sac and at any other locations deemed necessary as approved upon the final plan. All street lighting shall be shielded in such a manner that the edge of the shield shall be level with or below the light source, so that direct light emitted above the horizontal is eliminated. Street light illumination shall be so designed

and located that the light sources are shielded from residences and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers. Approval for any additional locations must be obtained in writing from the Board of Supervisors.

SECTION 1015 AGREEMENTS

No final plan shall be finally approved and recorded until all applicable agreements in Section 408.2 of this ordinance are fully executed by all parties and financial security has been provided to the Township.

SECTION 1016 DEDICATION TO TOWNSHIP

Where a plan includes a proposed dedication of roads, utilities, recreation areas or open space neither the plan approval nor the Developer's completion of the areas or improvements shall obligate the Supervisors to accept the same. Acceptance of a proposed dedication shall be a matter of discretion for the Supervisors. If determined by the Supervisors to be in the interest of the public health, safety and general welfare, the Supervisors may accept the improvements or areas and associated drainage facilities, but shall generally not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Supervisors deems it necessary to fulfill the purposes of this Ordinance. In accepting any improvements the Supervisors may attach such reasonable conditions necessary to fulfill purposes of this Ordinance.

SECTION 1017 USE OF SPECIAL STANDARDS

Location and design standards, and required improvements, not in compliance with these regulations, may be permitted by the Township Board of Supervisors if the Subdivider/Developer clearly demonstrates that because of the peculiar physical conditions pertaining to his land, or because of technological advances, or because of the unique natural, historical, aesthetic, or scenic character of his Subdivision/Land Development, a departure from the literal enforcement of these regulations is requested. Such new location and design standards or required improvements, proposed under this section shall be permitted only if they achieve substantially the objectives of these regulations. In considering granting a waiver of such location and design standards and required improvements under this Section, the opinion of the Township Engineer shall be given substantial consideration.

ARTICLE 11
FLOOD PLAIN MANAGEMENT

SECTION 1100 INTENT AND SCOPE OF REGULATIONS

The intent of the regulations set forth in this Article is to:

- A. Promote the general welfare, health, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Protect people and property in flood plains from the dangers and damage of floodwaters and from materials carried by such floodwaters.
- F. Prevent and eliminate urban and rural blight which results from the damages of flooding.
- G. Supplement all other applicable procedures relative to the proposed use and/or development of property which is defined as a "subdivision" or a "land development" under Article 2 of this Ordinance.

SECTION 1101 SPECIAL DEFINITIONS

The definitions of terms provided herein shall apply to the enforcement and administration of the regulations contained within this Article.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

ACT: The Pennsylvania Flood Plain Management Act (32 P.S. §§ 679.101 679.601).

BASE FLOOD: A flood having a one percent chance of being equaled or exceeded in any given year and also referred to as a 100 Year Flood.

BASEMENT: The lowest level or story of a building which has its floor subgrade (below ground level) on all sides.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and vapor.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured and/or mobile homes.

DEPARTMENT: The Department of Community and Economic Development of the Commonwealth.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, storage of equipment or material, and the subdivision of land.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to water.

FEMA: The Federal Emergency Management Agency

FIRM (FLOOD INSURANCE RATE MAP): The most recent map prepared by FEMA which delineates the special hazard areas and risk premium zones applicable in Hazle Township.

FLOOD: A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

FLOOD FRINGE (FF): The portion of a One Hundred Year Flood Plain which is beyond the delineated limits of the Floodway, based upon the most current Flood Insurance Study and FIRM.

FLOOD INSURANCE STUDY: A study prepared by FEMA, for Hazle Township which includes an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface elevations.

FLOOD, ONE HUNDRED YEAR: See "Base Flood".

FLOOD PLAIN MANAGEMENT: The operation of a program or activities which may consist of both corrective and preventive measures for reducing flood damage, including but not limited to such things as emergency preparedness plans, flood control works, and flood plain management regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision and land development regulations, building codes, health regulations, special purpose ordinances, and other applications of the police power. The term describes such State or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PLAIN, ONE HUNDRED YEAR (FP): Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and

Urban Development, Federal Insurance Administration Flood Hazard Boundary – Mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate and/or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (FW): The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and Flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed – absent evidence to the contrary – that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FREEBOARD: A vertical distance, expressed in feet, between the elevation of the design high-water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin.

GENERAL FLOODPLAIN AREA (FA): Shall mean areas identified as “Zone A” in the Federal Floodplain Study for which no 100 year flood elevations have been provided. In such areas, information shall be used from any available Federal, State or other qualified studies that are found to be acceptable by the Township Engineer. If no such reliable information is available, then 100 year flood elevations shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question or using a detailed floodplain study of the site as required below.

HISTORIC STRUCTURE: Any structure that is: 1. Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register. 2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district. 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior. 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior. OR b) directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

MANUFACTURED HOME: A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term includes mobile homes, park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED/MOBILE HOME PARK: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured and/or mobile homes for non-transient use.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one unit, or in two 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. The term does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION: Structure for which the start of construction commenced on or after adoption of this Ordinance and includes any subsequent improvements thereto.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading, or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the flood plain management regulations adopted by a municipality.

OBSTRUCTION: Any structure or assembly of materials including fill above or below the surface of land or water, and an activity which might impede, retard or change flood flows. The planting, cultivation and harvesting of field and orchard crops or the grazing of livestock, including the maintenance of necessary appurtenant agricultural fencing, shall not be considered an “obstruction” under this definition and shall not be subject to regulation under this chapter.

POLLUTION: The contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters.

RECREATION VEHICLE: A vehicle which exhibits the following: a) is built upon a single chassis; b) is 400 square feet or less when measured at the largest horizontal projections; c) is designed to be self-propelled or permanently towable by a light duty truck;

d) is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL PERMIT: A special exception. For the purposes of this chapter , the term “special permit” is being substituted for the term “special exception” as used in section 301 of the act (32 P.S. §679.301). A special permit is required for the uses and activities listed in section 1128 of this Article (relating to regulation of particular obstruction).

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

SUBSTANTIAL ADDITIONS TO MOBILE HOME PARKS: Any repair, reconstruction or improvement of an existing mobile home park or mobile home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement.

SUBSTANTIAL IMPROVEMENTS: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alternation affects the external dimensions of the structure. The term does not, however, include either any project for improvements of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

WATERSHED: The entire region or area drained by a river or other body of water, whether natural or artificial.

SECTION 1102 ABROGATION AND GREATER RESTRICTIONS

The provisions of this Article supersede any other conflicting provisions which may be in effect in identified Flood Plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict among any of the provisions of this Article and Ordinance, or any other Ordinance of Hazle Township, the more restrictive shall apply.

SECTION 1103 SEVERABILITY

Should any section or provision contained within this Article be declared invalid by a court of competent jurisdiction, such decisions shall not affect validity of this Ordinance as a whole, or any other part thereof.

SECTION 1104 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based upon acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the various One Hundred (100) Year Flood area(s), or that land uses permitted within such areas will be free from flooding or flood damages.

The provisions and regulations contained within this Article shall not create liability on the part of Hazle Township or any officer, employee, or consultant thereof for any flood damages that result from reliance on this Article or of any decision lawfully made thereunder.

SECTION 1105 PRELIMINARY PLAN

In addition to the provisions contained in Article 4 of this Ordinance, the following information and requirements shall apply.

- A. The delineation of the boundaries of the One Hundred (100) Year Flood Plain, and any applicable Floodway shall be clearly illustrated upon the plan.
- B. The base flood elevations upon the site and the existing and proposed topographical contours at intervals of two (2) feet shall be provided and clearly illustrated upon the plan.
- C. The proposed use and development of the site shall be fully defined and overlaid upon the delineated flood boundaries and clearly illustrated upon the plan.
- D. Written agreement with the developer that fully acknowledges any approval of the proposed subdivision and/or land development shall be conditioned upon the inclusion of deed restrictions which shall provide:
 1. that all development, uses, structures, and buildings are designed and constructed to be elevated with one and one-half (1-¹/₂) feet of freeboard or floodproofed in accordance with the applicable regulations of the Building Regulations of Hazle Township.
 2. any portion of the site which is located within a delineated floodway shall remain as undisturbed open space;
 3. any other provisions which the Board of Supervisors deems necessary to insure the public health, safety and welfare of the general public.

SECTION 1106 FINAL PLAN

In addition to the provisions contained in Article 5 of this Ordinance, the following information and requirements shall apply.

- A. The Final Plan shall include all information provided upon the Preliminary Plan and any changes or modifications required by the Board of Supervisors in granting such approval.
- B. Certification that all structures and/or buildings within the development have been and/or will be floodproofed or elevated with one and one-half (1½) feet of freeboard. Certification shall include the submission of Elevation Certificates and/or Floodproofing Certificates as provided by FEMA, in accordance with Section 1121 of this Article.

SECTION 1107 DESIGN AND CONSTRUCTION STANDARDS

1107.1 FLOORS, WALLS AND CEILINGS

- 1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- 2. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
- 3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- 4. Window, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

1107.2 PAINTS AND ADHESIVES

- 1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or “water resistant quality.”
- 2. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
- 3. All wooden components (doors, trim cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other finishing material.

1107.3 ELECTRICAL SYSTEMS AND COMPONENTS

- 1. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- 2. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

1107.4 PLUMBING

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. No part of any on-site sewage disposal system shall be located within any identified flood-prone area.
3. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
4. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

SECTION 1108 OVERLAY OF FLOOD PLAIN DISTRICTS

The various One Hundred (100) Year Flood Plain Districts within a One Hundred (100) Year Flood Plain shall include all areas which are subject to inundation by waters of a One Hundred (100) Year Flood. The source of delineating the boundaries of the various One Hundred (100) Year Flood Plain Districts shall be based upon the most recent Flood Insurance Study and Flood Maps as prepared by FEMA. The various One Hundred (100) Year Flood Plain Districts shall be deemed an overlay on any existing or hereafter established zones or districts upon Hazle Township's Official Zoning Map. A map showing all areas considered to be flood-prone is available for inspection at the Township offices.

SECTION 1109 IDENTIFICATION OF ONE HUNDRED (100) YEAR FLOOD PLAIN DISTRICTS

A map showing all areas considered to be flood prone is available for inspection at the Township Office.

SECTION 1109.1 FLOODWAY AREA (FW)

The area identified as the "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include the floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. The floodway shall be deemed as a portion of the One Hundred (100) Year Flood Plan subject to inundation and designed to carry and discharge the waters of the One Hundred (100) Year Flood without any increase in the water surface elevation of that flood.

SECTION 1109.2 FLOOD FRINGE AREA (FF)

The remaining portions of the One Hundred (100) Year Flood Plain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated, but beyond the delineated limits of the designated floodway.

The basis for the outermost boundary of this area shall be the One Hundred (100) Year Flood Elevations as shown in the flood profiles contained in the Flood Insurance Study.

SECTION 1109.3 SPECIAL FLOOD PLAIN AREA

The areas identified as an AE Zone in the Flood Insurance Study, where One Hundred (100) Year Flood Elevations have been provided, but where no floodway has been delineated.

SECTION 1109.4 GENERAL FLOOD PLAIN AREA (FA)

The areas identified as ZONE A in the Flood Insurance Study for which no One Hundred (100) Year elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the One Hundred (100) Year Elevation, as well as the floodway area, if possible. When no other information is available, One Hundred (100) Year Flood elevation shall be determined by using a point on the boundary of the identified floodplain areas which is nearest the construction site in question. Other acceptable sources of data where available are:

- A. Corps of Engineers – Floodplain Information Reports
- B. U.S. Geological Survey – Flood Prone Quadrangles
- C. USDA, Soil Conservation Service – County Soils Surveys (Alluvial Soils)
- D. Known Highwater Marks from Past Floods.

In lieu of the above, Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be only undertaken by professional engineers or others of demonstrated qualifications, who shall certify the technical methods used correctly reflect currently acceptable technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a through technical review by the Township.

A zoning permit and approval of the same shall be required for the use of any property located within any of the above noted flood districts which constitutes a “development” in accordance with the definition of said term as provided under Section 1101 of this Ordinance.

SECTION 1110 CHANGES TO DELINEATED BOUNDARIES

The delineation of a One Hundred (100) Year Flood Plain as provided for the under Section 1109, may be modified by the Hazle Township Board of Supervisors, subject to approval of

FEMA, where studies and/or information documents the need for such revision. Any change shall be subject to compliance with the following:

- A. The party supplying the required documentation shall be submitted under the signature of a registered professional engineer, who is qualified to perform hydrologic and hydraulic computations.
- B. The party submitting such documentation shall confirm with FEMA that the methodology and data contained therein is consistent with that used in the preparation of the most recent Flood Insurance Study for Hazle Township. Said confirmation from FEMA shall be secured in writing.
- C. All information and documentation provided for under this Article for any proposed modification of the boundaries of a One Hundred (100) Year Flood shall be submitted concurrently to both FEMA and to the Pennsylvania Department of Community and Economic Development.
- D. Prior to the Hazle Township Board of Supervisor's approval of any proposed modifications of the boundaries of a One Hundred (100) Year Flood Plain, written approval and concurrence of the subject modification form FEMA shall be secured.
- E. Any proposed modification of a boundary of a One Hundred (100) Year Flood Plain, shall be governed by the applicable provisions contained in Article 113 of this Ordinance.

SECTION 1111 INITIAL DETERMINATION OF BOUNDARIES

The Zoning Officer and/or Township Engineer, in the course of reviewing proposed developments, shall be responsible for determining the applicable boundaries of a One Hundred (100) Year Flood Plain. Any party who wishes to dispute or challenge the determination of the Zoning Officer may appeal such decision to the Hazle Township Zoning Hearing Board. The burden of proof shall be on the appellant.

SECTION 1112 ALTERATIONS TO WATERCOURSES

No encroachment, alternation, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by Hazle Township or the party proposing such, and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, and FEMA. In addition, the Pennsylvania Department of Community and Economic Development shall be notified prior to an alteration or relocation of any watercourse. Any party proposing an alteration to a watercourse must provide all necessary documentation to certify that the flood carrying capacity within the watercourse shall be maintained upon completion of the proposed alteration.

SECTION 1113 FLOODWAY RESTRICTIONS

Within an identified Floodway (FW) no encroachment shall be permitted, including fill, new construction, substantial improvements, and other type of development, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels during the occurrence of a One Hundred (100) Year Flood. Such analysis shall be performed by a registered professional engineer, who is qualified to perform hydrologic and hydraulic computations. The applicant's engineer shall be required to:

- A. Contact the FEMA Regional Office in Philadelphia to confirm that the proposed methodology and data are consistent with those used in the preparation of the applicable Flood Insurance Study for Hazle Township. Said confirmation from FEMA shall be secured in writing.
- B. Include with said analysis all necessary information including but not necessarily limited to valley cross sections, plan views, all assumptions and computations, and bridge, culvert, drainage basins and dam data, if applicable.
- C. Provide written certification that the proposed encroachment will not result in any increased flood heights during the occurrence of a One Hundred (100) Year Flood.
- D. In the event that a proposed development or encroachment includes modifications or alterations to the channel of the watercourse, as a means to offset any anticipated rise in the elevation of a base flood, Section 1112, in addition to the provisions of this Section, shall apply.

The above information shall be submitted to the Zoning Officer, the Township Engineer, FEMA and DEP for review and comment. In addition to receiving a positive review and approval from FEMA, the applicant shall be required to secure a Water Obstruction Permit from DEP under Title 25, Chapter 105 of the Pennsylvania Code. No zoning permit shall be issued until the Zoning Officer finds that all applicable requirements have been met.

SECTION 1114 SPECIAL REQUIREMENTS FOR THE SPECIAL FLOOD PLAIN AREA AND GENERAL FLOOD PLAIN AREA

Within any special floodplain area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the One Hundred (100)Year Flood more than one (1) foot at any point.

Within any Special Floodplain Area or General Floodplain Area the following provisions shall apply:

1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse.

2. Any new construction or development, which would cause an increase in One Hundred (100) Year Flood heights shall be prohibited within any floodway area.

SECTION 1115 STRUCTURAL ANCHORING AND FLOODPROOFING REQUIREMENTS

All buildings and structures which represent new construction and/or substantial improvements shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation. The Zoning Officer shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this standard prior to the issuance of a zoning permit.

SECTION 1116 ISSUANCE OF BUILDING PERMIT

Prior to the issuance of any building permit for the construction or development within areas of the Township which are subject to flooding, the Code Enforcement Officer or the person so authorized by Hazle Township to issue building permits shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as, but not limited to, those required by the Pennsylvania Sewage Facilities Act (1966-537, as amended), the Pennsylvania Dam Safety Act (1937-394, as amended), the United States Clean Water Act, Section 404, 33 USC 1344. No building permit shall be issued until such a determination has been made. Any construction proposed in areas subject to flooding shall be reviewed by the Hazle Township Planning Department.

SECTION 1117 FLOODPROOFING

Zoning approval of any proposed use, development and/or substantial improvement, which is located within a One Hundred (100) Year Flood Plain, shall be conditioned upon strict compliance with all applicable floodproofing provisions as contained within this Article, and other applicable codes and ordinances of Hazle Township including but not limited to the following standards:

SECTION 1117.1 RESIDENTIAL

Any new construction or substantial improvement to residential structures located completely or partially within a One-Hundred (100) Year Flood Plain shall be designed and constructed to have the lowest floor, including basement, elevated to not less than one and one half (1½) feet above the corresponding base flood elevation.

SECTION 1117.2 NONRESIDENTIAL

Any new construction or substantial improvement to nonresidential structures located completely or partially within an identified One Hundred (100) Year Flood Plain shall be designed and constructed to provide:

- A. The lowest floor, including basement, shall be elevated not less than one and one half (1½) feet above the corresponding base flood elevation.

OR

- B. Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1½) feet above One Hundred (100) Year Flood Elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the standards contained in the publication titled "Floodproofing Regulations" published by the US Army Corps of Engineers, dated March 31, 1992, or the most recent revision to said publication. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the aforementioned standards.

SECTION 1117.3 ACCESSORY STRUCTURES

Accessory structures to a principal building or use need not be elevated or flood proofed to remain dry, but shall comply, at minimum with the following requirements:

- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking and storage of vehicles, or the storage of tools, material and equipment related to the principal use or activity.
- B. The gross floor area shall not exceed 750 square feet.
- C. The structure shall have a low damage potential.
- D. The structure shall be located upon the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring and outlets shall be not less than one and one half (1½) feet above the One Hundred (100) Year Flood Elevation.
- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation and movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Design for meeting this requirement must be certified by either a registered professional engineer or architect, and meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

SECTION 1117.4 MANUFACTURED HOMES/MOBILE HOMES

Where permitted in accordance with the underlying zoning districts, all manufactured homes/mobile homes and improvements thereto which are located completely or partially within an identified One Hundred (100) Year Flood Plain shall be governed by the following provisions:

- A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other Appropriate Standards such as the following:
 1. over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length
 2. frames ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length
 3. all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
 1. the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at one and one half (1½) feet or more above the elevation of the One Hundred (100 Year Flood
 2. adequate surface drainage is provided
 3. adequate access for a hauler is provided
 4. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township for mobile home parks and mobile home subdivisions where appropriate.
- D. No mobile homes shall be placed in any designated Floodway area.
- E. Requirements For Manufactured Homes:
 - 1. Placed upon a permanent foundation.
 - 2. Elevated so that the lowest floor of the manufactured home is one and one-half (1½) feet or more above the elevation of the One Hundred Year Flood.
 - 3. Anchored to resist flotation, collapse or lateral movement.

Within any identified floodway, manufactured homes shall be prohibited.

SECTION 1117.5 USE IF FILL

If fill is to be used to raise the lowest floor of the structure, including basement, to an elevation of one and one half (1½) feet above the base flood elevation the fill shall:

- A. Extend laterally at least fifteen (15) feet beyond the building line from all points.
- B. Consist only of soil or small rock materials.
- C. Be compacted to provide necessary permeability and resistance to erosion, scouring or settling.
- D. Be no steeper than one (1) vertical foot to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Code Enforcement Officer or the person so authorized by Hazle Township to issue building permits.
- E. Be utilized in a manner and extent to which it does not adversely affect adjacent properties.

SECTION 1118 UTILITIES

SECTION 1118.1 STREETS

In addition to compliance with all applicable provisions under Article 8 of this Ordinance, the finished elevation of proposed streets shall not be below elevation of the One Hundred (100) Year Flood. Profiles, cross-sections and elevations of streets shall be required for verification of compliance with the requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

SECTION 1118.2 SANITARY SEWER FACILITIES

In addition to compliance with all applicable provisions under Article 8 of this Ordinance, all new and/or replacement sanitary sewer facilities located within a One Hundred (100) Year Flood Plain shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters. Said facilities and systems shall also be designed to prevent the discharge of sewage into flood waters.

SECTION 1118.3 WATER FACILITIES

In addition to compliance with all applicable provisions under Article 8 of this Ordinance, all new and/or replacement water facilities located within a One Hundred (100) Year Flood Plain shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.

SECTION 1118.4 OTHER UTILITIES AND FACILITIES

In addition to compliance with all applicable provisions under Article 8 of this Ordinance, all other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

SECTION 1118.5 STORMWATER DRAINAGE

In addition to compliance with all applicable provisions under Article 8 of this Ordinance, the following shall apply:

1118.51 Required Easements

- A. Any proposed subdivision and/or land development shall be designed to regulate stormwater runoff in such a manner which insures that peak runoff rate at all points of discharge from the site, when developed, shall not exceed the peak runoff rate at each of those points prior to development.
- B. When a proposed subdivision and/or land development is traversed by a watercourse, the following provisions shall apply:
 1. If the watercourse is included within the Flood Insurance Study and related FEMA mapping, an easement shall be provided which conforms to and includes the line of the watercourse and any floodway of the watercourse.
 2. If the watercourse is not included within the Flood Insurance Study and related FEMA mapping, and no other technical data can be provided, an easement shall be provided which conforms to and includes the line of the watercourse and a distance of not less than twenty-five (25) feet in opposite directions from the top-of-bank of the watercourse.

3. The easement, at the discretion of the Board of Supervisors, may include defined points to allow municipal access along and into the watercourse for periodic maintenance and debris removal.

The easement shall prohibit any type of development, including but not limited to excavation and placement of fill, or any other form of alteration of the land which could adversely affect the flow and/or drainage of water.

1118.52 Accommodation of Upstream Drainage

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Township Engineer shall give approval to the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum runoff rate calculated by the applicant and reviewed by the Township Engineer. The calculation of this runoff rate shall take into account any land use and development regulations including runoff controls in effect in the tributary areas.

1118.53 Effect of Downstream Drainage Areas

No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create potential flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions. The Board of Supervisors shall withhold approval of the subdivision until provisions have been made for the improvement of said potential conditions. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

1118.54 Use of Detention Facilities

The proposed use of any type of detention facility shall be subject to verification that design and construction of any such facility shall not result in adversely affecting any downstream areas which are included within a One Hundred (100) Year Flood Plain or result in adversely affecting potential downstream peaking conditions.

1118.6

New and replacement public and private utilities and facilities, such as sanitary sewers, gas lines, electric systems, telephone systems and water systems shall be designed and constructed to minimize or eliminate flood damages.

1118.7

Within any structure the following items shall be either floodproofed or elevated to be not less than one and one half (1 ½) feet above the base flood elevation.

- A. Water heaters of any type

- B. Furnaces
- C. Air Conditioning and ventilating systems
- D. Electrical distribution panels
- E. Similar mechanical equipment or apparatus

SECTION 1119 EROSION AND SEDIMENTATION CONTROL

Any proposed subdivision and/or land development shall be required to provide an Erosion and Sedimentation Control Plan in conformance with Section 807 of this Ordinance.

SECTION 1120 INSPECTIONS

- A. Section 402 and 403 of the act (32 P.S. §§ 679.402 and 679.403) give municipalities and the Department the authority to investigate complaints, enter upon land for the purpose of surveying floodplains, enter any land in a flood plain for the purpose of ascertaining the location and condition of obstructions, and to enter land or, while under construction, any structure located in a flood plain, for the purpose of ascertaining the compliance or noncompliance with any applicable flood plain management regulations.
- B. No employee or agent of the Department or Township will undertake any of the activities listed in subsection (A) of this section except in accordance with the following:
 - 1. The municipality within which the activity is to occur shall be given prior notification of the activity, at least 24 hours in advance.
 - 2. The owner or occupant, or both, of a premises shall be given prior notice of the activity at least 24 hours in advance.
 - 3. The activities shall take place only during normal weekday business hours unless other suitable arrangements are made.
 - 4. The individual conducting the inspection shall present his Department or Township employee identification card prior to inspection and upon request during the inspection.
- C. Whenever an agent or employee of the Department or the Township has been refused access to property for the purposes of conducting a survey or inspection, or reasonably requires access to such property without prior notice to the Owner, such agent or employee may apply for an inspection warrant to any Commonwealth official authorized by law to issue a search or inspection warrant, to enable him to have access and inspect such property. It shall be sufficient probable cause to issue

an inspection warrant that the inspection is necessary to properly enforce the provisions of the act and this chapter.

SECTION 1121 CERTIFICATION OF FLOODPROOFING

When floodproofing methods are utilized in accordance with Section 1117 of this Ordinance, a registered professional engineer or architect shall certify in writing that the floodproofing methods utilized are adequate to withstand flood depths, pressures, velocities, impact and uplift forces and other factors associated with a One Hundred (100) Year Flood. The certification shall also indicate the specific elevation in relation to mean sea level to which such structures are floodproofed. In addition to certification of as-built drawings, a certification by an architect or professional engineer shall be required immediately following the completion of construction or substantial improvements, including completion and filing of an Elevation Certification and/or a Floodproofing Certificate as provided by FEMA. This certification must indicate the mean sea level of the lowest floor and/or, as applicable, the mean sea level to which floodproofing measures have been taken. Such certification is required prior to the issuance of an Occupancy Permit by the Zoning Officer, Code Enforcement Officer or the person so authorized by Hazle Township to issue an Occupancy Permit.

SECTION 1122 FULLY ENCLOSED AREAS BELOW THE LOWEST FLOOR

Within an identified One Hundred (100) Year Flood Plain, any fully enclosed areas of a structure below the lowest floor shall be limited to unfinished space limited to the parking of vehicles, building access or storage. Such enclosed areas, including new construction and substantial improvements may be located below the base flood elevation subject to the following:

- A. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters.
- B. Provide a minimum of two (2) openings having a total net area of not less than one square (1) inch for every square foot of enclosed area subject to flooding.
- C. The bottom of the aforementioned openings addressed in item B, shall be no higher than one (1) foot above grade with the option of being equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- D. Provide written certification from a registered professional engineer or architect that the criteria of the above items, (A), (B) and (C) have been met.

In addition to the above, the Owner of the property shall record upon the deed of said property, a restriction which limits the use of the fully enclosed areas of a structure below the lowest floor to the parking of vehicles, building access or storage. A copy with said restrictions shall be provided to the Zoning Officer.

SECTION 1123 PROHIBITED USES

The development of the following uses, including their construction, expansion, enlargement, and/or substantial improvement, are hereby prohibited in any area of a designated One Hundred (100) Year Flood Plain, unless a special permit has been issued for the proposed construction or activity in accordance with Section 1128 of this Article.

- A. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions.
- B. Nursing Homes (Public or Private)
- C. Hospitals and Clinics (Public or Private)
- D. Jails, Prisons, or any similar detention facility
- E. On-lot sewage disposal systems, including the encroachment of such a system within fifty (50) feet of any wetlands
- F. Sanitary Landfills

SECTION 1124 REGULATIONS FOR HAZARDOUS MATERIALS

1124.1 CLASSIFICATION

For the purpose of administration the following materials and substances are hereby deemed and classified as potential hazards when located in a One Hundred (100) Year Flood Plain:

- A. Acetone
- B. Ammonia
- C. Benzene
- D. Calcium Carbide
- E. Carbon Disulfide
- F. Celluloid
- G. Chlorine
- H. Hydrocyanic Acid
- I. Hydrochloric Acid
- J. Magnesium
- K. Nitric Acid and Oxides of Nitrogen
- L. Petroleum Products (gasoline, fuel oil, etc.) Phosphorus
- M. Potassium
- N. Sodium
- O. Sulfur and Sulfur Products
- P. Pesticides (including insecticides, fungicides and rodenticides)
- Q. Radioactive Substances
- R. Polychlorinated Biphenyl (PCB)
- S. Dioxin

1124.2 PROHIBITED USES

The use of any property for the production of or requiring the storage or maintenance of any quantities of radioactive substances, Polychlorinated Biphenyl (PCB) or Dioxin shall be expressly prohibited anywhere within a One Hundred (100) Year Flood Plain.

1124.3 RESTRICTIONS IN FLOOD FRINGE AREA, SPECIAL FLOOD PLAIN AREA AND GENERAL FLOOD PLAIN AREA

With the exclusion of Radioactive Substances, Polychlorinated Biphenyl and Dioxin, the use of any property which includes the storage, production or maintenance of a supply of more than 550 gallons or comparable volume of those materials and substances listed in Section 1124.1 of this Article, may be located within a Flood Fringe area, a Special Flood Plain area and General Flood Plain area subject to the being permitted in the underlying zoning district and further subject to being elevated or floodproofed to remain completely dry at an elevation of not less than one and one half (1 ½) feet above the base flood elevation and designed to prevent pollution from the structure or activity during the course of a One Hundred (100) Year Flood.

In addition, the Township Supervisors may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purpose of this ordinance and to protect the general health, safety, and welfare of the public.

1124.4 RESTRICTIONS FOR FLOODWAY

The use of any property which includes the storage, production or maintenance of material and substances listed in Section 1124.1 of this Ordinance shall be prohibited in a designated Floodway.

SECTION 1125 EXISTING STRUCTURES IN FLOOD PRONE AREAS

The following provisions shall apply whenever any improvement is made to an existing structure located any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the One Hundred (100) Year Flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any Special Flood Plain Area that would, together with all other existing and anticipated development, increase the One Hundred (100) Year Flood elevation more than one (1) foot at any point.
- C. Any modification, alternation, reconstruction or improvement of any kind to any existing structure which equals or exceed fifty (50%) percent of its market value, shall constitute a substantial improvement and shall be permitted subject and conditioned upon full compliance with all applicable floodproofing provisions of this Ordinance.

SECTION 1126 WAIVERS

In addition to the criteria contained in Section 110 of this Ordinance, the following additional standards and criteria shall apply for a request for a waiver:

- A. No waiver shall be issued for any proposed development, use/or activity within any designated floodway which would result in any increase in flood levels during a One Hundred (100) Year Flood.
- B. No waiver shall be issued which would allow for the development, use and/or activity of those specifically prohibited in Section 1123, PROHIBITED USES and Section 1124, REGULATIONS FOR HAZARDOUS MATERIALS of this Ordinance.
- C. No waiver shall be granted for any construction, development, use or activity within a Special Flood Plain Area that would, together with all other existing and anticipated development, increase the One Hundred (100) Year Flood elevation more than one (1) foot at any point.
- D. A waiver shall authorize the least reduction and/or modification necessary to provide relief in consideration of the flood hazard.
- E. A waiver shall only be issued upon:
 - 1. A showing of good and sufficient cause.
 - 2. A determination that failure to grant the waiver would result in an exceptional hardship to applicant.
 - 3. A determination that granting the waiver will not result in a prohibited increase in flood heights, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimize the public or conflict with any local laws or ordinances.

**SECTION 1127 MODIFICATION OF FREEBOARD REQUIREMENTS
ADMINISTRATIVE PROCEDURES**

The Township shall notify the applicant in writing over the signature of the Chairman or Secretary of the Township Supervisors:

- A. The issuance of waiver to construct a structure below the base flood level will result in increased premium rated for flood insurance up to amounts as high as twenty-five (\$25.00) dollars for each one hundred (\$100.00) dollars of flood insurance coverage.
- B. Such construction below the base flood elevation increase risk to life and property.
- C. The issuance of a waiver from the required one and one half (1½) feet of freeboard per Section 1117 of this Ordinance, but above the base flood elevation may result in

increased premium rates for flood insurance and increased risks to the structure, its contents and occupants.

Such notification shall be maintained with a record of all waivers approved and/or considered by Township Supervisors, including justification for their issuance or denial. Such information shall be placed on file with the Secretary to the Zoning Hearing Board and shall be submitted annually to FEMA and the Hazle Township Board of Supervisors.

SECTION 1128 ACTIVITIES REQUIRING SPECIAL PERMITS/REGULATION OF PARTICULAR OBSTRUCTIONS

- A. The Department and Township are required by Section 301 of the Act (32 P.S. § 679.301) to publish a list of certain obstructions which present a special hazard to the health and safety of the public or occupants, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property, when such obstructions are located in all or a designated portion of a flood plain. The construction, enlargement, or expansion of any structure, or commencement of any activity listed as a special hazard shall be prohibited in a flood plain, unless a special permit has been issued for the proposed construction or activity.
- B. In accordance with Section 301 of the Act (32 P.S. § 679.301), the following list of obstructions and activities which present special hazards in flood plains is included in this chapter:
 - 1. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions.
 - 2. Nursing Homes (Public or Private)
 - 3. Hospitals and Clinics (Public or Private)
 - 4. Jails, Prisons, or any similar detention facility
 - 5. On-lot sewage disposal systems, including the encroachment of such a system within fifty (50) feet of any wetlands
 - 6. Sanitary Landfills
- C. No construction, enlargement, or expansion of any of the obstructions, or commencement of any of the activities listed in subsection ~~(b)~~ (B) of this section shall be undertaken unless a special permit has been issued to the applicant by the Township.

1128.1 APPLICATION PROCEDURES FOR SPECIAL PERMITS SHALL BE AS FOLLOWS:

- A. When issuing special permits, the following procedures shall apply:

1. Applications shall be submitted to the Township for review and processing in accordance with all the applicable procedures and requirements of the Township and of subsection 1128.2 of this section.
2. If the Township receives an application which is incomplete it shall notify the applicant in writing, stating in what respects the application is deficient.
3. Upon receipt of a completed application, the Township shall forward a complete copy of the application to the Luzerne County Planning Commission for its information, review, and comment, by registered or certified mail, within three (3) working days following receipt of the complete application. The county may send any comments it may have concerning the application to the Township and Department. Applicant shall be responsible for all required fees.
4. When the Township approves an application for a special permit, it shall file written notice of such approval, together with the application and all pertinent information, with the Department within five (5) working days after approval, by registered or certified mail.
5. In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this ordinance and to protect the general health, safety, and welfare of the public.
6. The special permit shall not become effective until thirty (30) days after the notice has been received by the Department, unless the Department disapproves the special permit.
7. The Department shall review the application and communicate its decision or any comments to the Township and Luzerne County Planning Commission within thirty (30) days after it has received the notice, or the Department will forfeit its right to do so.
8. Review by the Department will be limited to checking for compliance with the requirements of the act and this Article.
9. If the special permit is disapproved by the Department, it will notify the Township and applicant in writing, by registered or certified mail, of its reasons for the disapproval.

1128.2 APPLICATIONS FOR SPECIAL PERMITS SHALL CONSIST OF FIVE (5) COPIES OF THE FOLLOWING ITEMS:

- A. A written request describing the proposed activity including a completed application form. (see SALDO Package)
- B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - 1. north arrow, scale and date;
 - 2. a map, which may be drawn at a smaller scale, of the general area of the Township, which provides enough information to enable a person who is unfamiliar with the municipality to accurately determine the location of the site or property involved;
 - 3. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - 4. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 5. the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - 6. the location of any existing bodies of water or watercourses, buildings structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - 7. the location of the flood plain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities;
 - 8. a general plan of the entire site accurately showing the location of all proposed buildings, structures, utilities, and any other improvements; and
 - 9. any other information which the municipality considers necessary for adequate review of the application.
- C. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - 1. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;

2. the proposed finished floor elevations of any proposed building;
3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;
4. detailed information concerning any proposed floodproofing measures;
5. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

D. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows;

6. the appropriate component of the Department of Environmental Protection "Planning Module for Land Development";
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under section 302 of the act (32 P.S. § 679.302); and
9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

1128.3 NO APPLICATION FOR A SPECIAL PERMIT WILL BE APPROVED BY THE TOWNSHIP UNLESS IT CAN BE DETERMINED THAT THE STRUCTURE OR ACTIVITY WILL BE LOCATED, CONSTRUCTED, AND MAINTAINED IN A FASHION WHICH WILL:

- A. Protect the health and safety of the public and occupants. At a minimum, all new structures shall be designed, located, and constructed so that:
 1. the structure will survive inundation by waters of the 100-year flood without an lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood level;
 2. the first-floor elevation will be at least 1 ½ feet above the 100-year flood elevation; and
 3. the occupants of the structure can be safely evacuated at any time during a 100-year flood.
- B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. Comply with the requirements of the program.

1128.4 HAZLE TOWNSHIP WHEN ISSUING SPECIAL PERMITS MAY, UPON REQUEST FROM AN APPLICANT, CONSIDER THE POSSIBILITY OF MODIFYING THE FREE BOARD REQUIREMENT OF SUBSECTION 1128.3.A.2 OF THIS SECTION, PROVIDED THAT THE APPLICANT CAN DEMONSTRATE, AND THE TOWNSHIP CAN DETERMINE:

- A. That there are unique physical circumstances, including such as exceptional topographical, or other existing natural or man-made conditions peculiar to the property.

- B. That because of such physical circumstances and conditions, the proposed substantial improvement cannot be reasonably designed and constructed in compliance with the provisions of the applicable requirements, and that a reduction is therefore necessary.
- C. That failure to grant the request will result in exceptional hardship to the applicant.
- D. That approval of the request will not result in increased flood heights within any designated floodway.
- E. That approval of the request will not result in any additional threat to public health and safety, or result in any extraordinary public expense, or create any nuisance.
- F. That approval of the request will not result in any conflict with any other applicable laws or regulations.

1128.5 IN APPROVING A REQUEST FOR A REDUCTION IN THE REQUIRED FREEBOARD, THE TOWNSHIP SHALL:

- A. Authorize the least reduction necessary to provide relief.
- B. Notify the applicant in writing that approval of the request will; (i) result in increased premium rates for flood insurance; and (ii) increase risks to the structure, its contents, and occupants. Such notification shall be included with the municipal records.
- C. Maintain a complete record of all requests which have been approved authorizing reduction in freeboard.
- D. Report all such requests which have been approved in its annual report to the Department.

SECTION 1129 ENFORCEMENT

Notices

Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulation adopted pursuant thereto, such authority shall give notice to such alleged violation as hereafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with

the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

SECTION 1130 PENALTIES

Any person who fails to comply with any or all of the requirements or provisions of this Article, shall be guilty of an offense and, upon conviction, the Township may institute and maintain appropriate actions as defined in Section 112 of this ordinance.

SECTION 1131 APPEALS

- A. Any person aggrieved by an action or decision of the Zoning Officer, refusing to grant a modification to the provisions of this Ordinance covering the development of land or the manner of construction or materials to be used in the erection, alteration, modification, etc. of a building or structure, may appeal to the Township of Hazle. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Zoning Officer.
- B. Upon receipt of such appeal the Township of Hazle shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Township of Hazle may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth including Act 166, the Pennsylvania Floodplain Management Act.

SECTION 1132 DISPUTES

Should a dispute arise concerning the identification of any flood-prone area, a determination shall be made by the Township Engineer and any aggrieved by such decision may appeal to the Township Supervisors. The burden of proof shall be on the appellant.

ARTICLE 12
STORMWATER MANAGEMENT AND WATER
DISCHARGE REQUIREMENTS

SECTION 1201.1 STATEMENT OF FINDINGS

The governing body of the Municipality of Hazle Township finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality of Hazle Township and all the people of the Commonwealth, their resources, and the environment.
- C. Each person, corporation, or other entity which makes any surface changes shall be required to a) collect on-site surface runoff and dispose of it to the point of discharge into the common natural water course of the drainage area: b) handle existing off-site runoff through his/her development: c) implement a Stormwater Management Plan designed to provide performance-based “best management practices” (“BMPs”) as set forth by DEP, acceptable to manage stormwater and prevent pollution of waters of the Commonwealth.
- D. The discharge of water from roofs, ground, paved surfaces, sump pumps, footing tiles, swimming pools, and other real estate improvements into the Township’s sanitary sewer system and neighboring private properties has caused and will continue to cause flooding, creation of unsanitary wet conditions, erosion and deterioration of soil as well as overloading of the sanitary sewer system. Such flooding and overloading has caused and will continue to cause significant and grave damage to the property of large numbers of Township residents. The damage creates a hazard to the health of Township residents.

The Supervisors further find it essential to the maintenance of health, safety and general welfare of its residents that such discharges to be prohibited and the provisions of this Ordinance be strictly enforced.

SECTION 1201.2 PURPOSE

The purpose of this Ordinance is to promote health, safety, and welfare within the Municipality by minimizing the damages described in Section 1201.1 of this Ordinance through provisions designed to:

- A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
- B. Utilize and preserve the existing natural drainage systems.
- C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- D. Maintain the peak rate of stormwater runoff leaving the site during and after construction of the regulated activity to be no greater than the peak rate of runoff that existed prior to start of the regulated activity. Maintain existing flows and quality of streams and watercourses in the municipality and the Commonwealth. Use a grassland condition for cleared agricultural land and a good woodland condition for forested land. For land previously developed, the prior condition shall reflect the actual developed condition.
- E. Preserve and restore the flood-carrying capacity of streams.
- F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Municipality.
- G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

SECTION 1201.3 STATUTORY AUTHORITY

The Municipality is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended by Act 170 of December 21, 1988 and Act 131 of December 14, 1992, and applicable codes and ordinances of the Municipality of Hazle Township.

SECTION 1201.4 APPLICABILITY

This Ordinance shall apply to those areas of the Municipality that are located within the boundaries of Hazle Township.

This Ordinance shall only apply to stormwater management facilities constructed as part of any of the Regulated Activities listed in this Section. Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this Ordinance, but shall continue to be regulated under all applicable existing laws and ordinances.

Local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall be regulated by applicable sections of this article, by other applicable Municipal Ordinances, or at the municipal engineer's discretion. Should the township determine a potential conflict with Municipal engineer review the alternate engineer shall be the reviewing engineer.

The following activities are defined as "Regulated Activities" and shall comply with and be subject to the requirements of this Ordinance:

- A. Any Major Land development as defined by the Hazle Township Subdivision and Land Development Ordinance and which involves construction of impervious surfaces.
- B. Any Major Subdivision as defined by the Hazle Township Subdivision and Land Development Ordinance.
- C. Diversion or piping of any natural or man-made stream channel directly impacting land of others.
- D. Installation of stormwater management facilities or appurtenances thereto directly impacting land of others.
- E. Any other activity including Minor Subdivision and/or Land Development unless specifically exempt by Section 1204.2.

Prior to the preliminary and final approval of a regulated activity as defined above, the owner, subdivider, developer, or his agent shall submit a stormwater management plan to the Planning Department for review and recommendation to the Board of Supervisors for Approval.

SECTION 1201.5 REPEALER

Any ordinance or ordinance provision of the Municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

SECTION 1201.6 SEVERABILITY

Should a court of competent jurisdiction declare any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 1201.7 COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS

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

SECTION 1202 DEFINITIONS

For the purposes and application of this Stormwater Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".

ACCELERATED EROSION: The removal of the surface of the land through the combined action of man's activity and the natural processes of a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITIES: The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Alteration - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT: A landowner or developer who has filed an application for approval to engage in any Regulated Activities as defined in Section 1201.4 of this Ordinance.

BMP (BEST MANAGEMENT PRACTICE): Stormwater structures, facilities and techniques to maintain or improve the water quality of surface runoff.

CHANNEL EROSION: The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

CISTERN: An underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT: The Luzerne County Conservation District.

CULVERT: A structure with appurtenant works that carries a stream under or through an embankment or fill.

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

DESIGN STORM: The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrences (e.g. a 5-year storm and duration (e.g. 24 hours), used in the design and evaluation of stormwater management systems.

DESIGNEE: The agent of the Hazle Township Planning Department and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this ordinance by contract or memorandum of understanding.

DETENTION BASIN: An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER: A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.

DEVELOPMENT SITE: The specific tract of land for which a Regulated Activity is proposed.

DOWNSLOPE PROPERTY LINE: That portion of the property line of the lot, tract, or parcels of land being developed located such that tall overland or pipe flow from the site would be directed towards it.

DRAINAGE CONVEYANCE FACILITY: A Stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT: A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PERMIT: A permit issued by the Township governing body after the drainage plan has been approved. Said permit is issued prior to or with the final Township approval.

DRAINAGE PLAN: The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 1204.3.

EARTH DISTURBANCE: Any activity involving grading, tilling, digging, or filling of ground, stripping of vegetation, or any other action that causes an alteration to the natural condition of the land and is a regulated activity.

EROSION: The movement of soil particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN: A plan which is designed to minimize accelerated erosion and sedimentation pursuant to 25 Pa. Code, Chapter 102.

EXISTING CONDITIONS: The initial condition of a project site prior to the proposed construction.

FLOOD: A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

FLOOD PLAIN MANAGEMENT: The operation of a program or activities which may consist of both corrective and preventive measures for reducing flood damage, including but not limited to such things as emergency preparedness plans, flood control works, and flood plain management regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision and land development regulations, building codes, health regulations, special purpose ordinances, and other applications of the police power. The term describes such State or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PLAIN, ONE HUNDRED YEAR (FP): Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary – Mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

FLOODWAY (FW): The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and Flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed – absent evidence to the contrary – that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS: Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

FREEBOARD: A vertical distance, expressed in feet, between the elevation of the design high-water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

GRADE: A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment or bottom of excavation.

GRASSED WATERWAY: A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water.

GROUNDWATER RECHARGE: Replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE: A surface that prevents the percolation of water into the ground including but not limited to bituminous pave, concrete pave, rooftops, and awnings.

IMPOUNDMENT: A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

INFILTRATION STRUCTURES: A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, seepage trench).

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

LAND DEVELOPMENT: In accordance with Section 503(1.1) of the PA Municipalities Planning Code (iv) and as defined in Article 2 of this Ordinance.

LAND DISTURBANCE: See Earth Disturbance.

MAIN STEM (MAIN CHANNEL): Any stream segment or other runoff conveyance facility used as a reach in a hydrologic model.

MANNING EQUATION IN (MANNING FORMULA): A method for calculation of velocity of flow (e.g. feet per second) and flow rate (e.g. cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

MUNICIPALITY: Hazle Township, Luzerne County, Pennsylvania.

NONPOINT SOURCE POLLUTION: Pollution that enters a watery body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NRCS: Natural Resource Conservation Service (previously SCS).

OPEN CHANNEL: A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

OUTFALL: Point where water flows from a conduit, stream, or drain. Outlet - Points of water disposal from a stream, river, lake, tidewater or artificial drain.

PARCEL: A quantity of land recorded as property of the claimant person or company with a single legal boundary description of metes and bounds on which the activity is proposed.

PARKING LOT STORAGE: Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms. This design philosophy is not acceptable in Hazle Township.

PEAK DISCHARGE: The maximum rate of stormwater runoff from a specific storm event.

PENN STATE RUNOFF MODEL (CALIBRATED): The computer-based hydrologic modeling technique adapted to a specific watershed for the Act 167 Plan. The model has been "calibrated" to reflect actual recorded flow values by adjoining key model input parameters.

PIPE: A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLANNING DEPARTMENT: The Planning Department of Hazle Township.

PMF: Probable Maximum Flood - The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

POINT OF INTEREST (POI): The existing points of natural drainage discharge onto adjacent property.

RATIONAL FORMULA: A rainfall-runoff relation used to estimate peak flow.

REGULATED ACTIVITIES: Actions or proposed actions that have an impact on stormwater runoff and that are specified in Section 1201.4 of this Ordinance.

RETENTION BASIN: An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

RETURN PERIOD: The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five years.

RISER: A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROOFTOP DETENTION: Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

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 on the surface of the land.

SEDIMENT BASIN: A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

SEDIMENT POLLUTION: The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design,

construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by the movement of water.

SEEPAGE PIT/SEEPAGE TRENCH: An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

SHEET FLOW: Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

SOIL-COVER COMPLEX METHOD: A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

SOIL GROUP, HYDROLOGIC: A classification of soils by the Soil Conservation Service into four hydrologic soil groups based on the soils runoff potential. The four (4) hydrologic soil groups are A, B, C, and D. Where A's generally have the smallest runoff potential and D's the greatest.

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

STORAGE INDICATION METHOD: A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

STORM FREQUENCY: The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

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

STORMWATER: The total amount of precipitation reaching the ground surface.

STORMWATER MANAGEMENT FACILITY: Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited

to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

STORMWATER MANAGEMENT SITE PLAN: The plan prepared by the Developer or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Ordinance.

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

SUBDIVISION: In accordance with Section 503(1.1) of the PA Municipalities Planning Code (iv) and as defined in Article 2 of this Ordinance.

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

TIMBER OPERATIONS: See Forest Management.

TIME OF CONCENTRATION (TC): The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

WATERCOURSE: A stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

WATER DISCHARGE: The discharge of water from roofs, ground, paved surfaces, sump pumps, footing tiles, swimming pools, and other Real Estate Improvements into the Township's Sanitary Sewer collection system.

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

WETLAND: Those areas defined as such by State and Federal Laws and Regulations.

SECTION 1203 STORMWATER MANAGEMENT

SECTION 1203.1 GENERAL REQUIREMENTS

- A. There shall be no increase in the rate of storm water discharge from the land development or subdivision that would have occurred from the land prior to the activity.
- B. Each person, corporation, or other entity which makes any surface changes shall be

required to: a) collect on-site surface runoff and dispose of it to the point of discharge into the common natural water course of the drainage area; b) handle existing off-site runoff through his development.

- C. All regulated activities in the Municipality that do not fall under the exemption criteria of Section 1204.2 or Appendix A of this Ordinance shall submit a drainage plan consistent with this ordinance to the municipality for review. This criterion shall apply to the total proposed development even if development is to take place in stages.
- D. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.
- E. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the altered property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
- F. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.
- G. Where watercourses traverse a development site, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement shall be required, except as approved by the appropriate governing authority.
- H. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PADEP through the Joint Permit Application process, or, where deemed appropriate by PADEP, through the General Permit process.
- I. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall, if required by State Law, be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or

his agent to show that the land in question is not classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.

- J. Any stormwater management facilities regulated by this Ordinance that would be located on or discharge to State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PADOT).
- K. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, grass channels, vegetative strips, routing flow over grass area, decreasing impervious area, etc. are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities. All State and Federal regulations must be followed in the use of any control method. Various combinations of methods should be tailored to suit the particular requirements of the type of development and topographic features of the project area.
- L. Roof drains and other building discharge that does not require treatment must not be connected to township sanitary sewers. In accordance with Section 1203.8 of this ordinance, stormwater discharge shall connect directly to streets, storm sewers, or detention ponds.
- M. "Downstream Hydraulic Capacity Analysis" - Any downstream capacity hydraulic analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:
 - 1. Downstream Drainage Conveyance Facility must pass the peak runoff from the 25 Year Design Storm based on the Time of Concentration.
 - 2. Natural or man-made channels or swales must be able to convey the increased runoff associated with the design storm event within their banks at velocities consistent with protection of the channels from erosion and with acceptable freeboard. Acceptable velocities shall be based upon criteria included in the DEP Erosion and Sediment Pollution Control Program Manual.
 - 3. Natural or man-made channels or swales must be able to convey the increased 25 year return period runoff based on the time of concentration without creating any hazard to persons or property.
 - 4. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the peak runoff from the 25 year storm based upon the time of concentration.
- N. All stormwater retention/detention facilities shall be designed on the basis of providing adequate control for all storms of a 24 hour duration and a frequency of 50 years.
- O. Emergency spillways shall be designed to pass the expected post development flows for a

one-hundred (100) year storm frequency assuming the principal spillway is 100% blocked.

- P. The plan and calculations shall meet the requirements set forth in this Ordinance, and shall meet any and all requirements of applicable State and Federal Regulations.

SECTION 1203.2 STORMWATER MANAGEMENT STANDARDS

A. General Standards

The following general standards shall be applied to all development within Hazle Township to promote flow attenuation, erosion and sediment control and flood control.

1. The Stormwater Management Plan for any subdivision or land development shall be prepared and sealed by a licensed professional engineer.
 2. All Land Development in Hazle Township that is a regulated activity, shall submit a drainage plan consistent with the provisions of this ordinance to the municipality for review and approval. These criteria shall apply to the total proposed development even if the development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, any parking or driveway area, and any new street or sidewalk.
 3. Roof drains shall be connected to streets, or storm sewers, or detention ponds in accordance with Section 1203.8 of this ordinance.
 4. Runoff from the site shall not be concentrated or increased runoff discharged onto adjacent property without the written consent of the adjacent land owners in the form of a drainage easement.
 5. All required storm drainage facilities within the public right-of-way shall be designed as underground piping system. Storm pipe shall be Corrugated Polyethylene Storm Drain Pipe smooth interior meeting the requirements of AASHTO M252, M294, or MP7, Type S. Pipe shall be supplied with bell end connections and shall have a rubber gasket that meets the requirements of ASTM F477. Pipe shall be manufactured by Advanced Drainage Systems N-12 PRO LINK ULTRA or approved equal. Open swales shall be expressly prohibited as a design element of any required storm drainage facilities within the public right-of-way, unless pre-approved waiver is granted by Planning Department and Supervisors.
- B. Calculating Storm Water Runoff: The general criteria for calculating storm water runoff shall include the following:

1. Point of Evaluation: The point of evaluation shall be the point or points at which the storm water leaves the development site or drainage area and as required to match NPDES Boundary. The Township Engineer may require additional points of evaluation beyond the development site, as he deems necessary.
2. Method of Computation: Acceptable methods of calculation shall be as detailed in Section 1203.4, and as contained in the publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-00021, as contained in the publication "Recommended Hydraulic Procedures for Computing Urban Runoff from Small Water Sheds in Pennsylvania", Pre-Modified rational method, SCS Curve Number Method, or other methods as approved by the Township Engineer.
3. Rainfall Frequency: Rainfall frequency data are available from the U.S. Department of Commerce, Weather Bureau, and from the Pennsylvania Department of Environmental Protection, research Publication Number 70.
4. Design Storms: All storm water drainage facilities shall be designed to handle, at minimum, the peak discharges from a 25-year post-development storm event. The Planning Department shall have the discretion to require that certain drainage facilities be designed for peak discharge, which may exceed a 25-year post-development storm event, if so warranted in the recommendation of the Township Engineer.

All storm water drainage facilities and components, including but not limited to storm water retention/detention facilities shall be designed on the basis of providing control for all storms of a 24-hour duration and for frequencies of 2, 10, 25 years with minimum 1'0" freeboard. Facilities shall pass the 50 year storm and shall account for flow conditions of a 100 year storm event.

Emergency spillways shall be designed to pass the expected post development flows for a one-hundred (100) year storm frequency, assuming the principal spillway is 100 percent blocked.

Storm sewer systems shall be designed to handle the peak rate of runoff from a storm of 25-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 25-year frequency; (ii) primary (arterial) highways for storm 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 Township Engineer. Where State or Federal laws impose a greater design frequency, they shall prevail.

5. Release Rate: The release rate of storm water from retention/detention facilities shall not exceed the predevelopment peak discharge for each storm frequency, for that particular point of discharge.

C. Detention / Infiltration Control Standards

1. In addition to the listing of detention and control methods in publication “PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL” Document #363-0300-0002, the following methods may be utilized in stormwater management systems, based upon site condition. All State and Federal regulations must be followed in the use of any control method.
 - a. Minimization of impervious surfaces and infiltration of runoff through seepage beds
 - b. On-lot retention of roof-water
 - c. Seepage pits, seepage trenches or other infiltration structures
 - d. Cisterns and underground reservoirs
 - e. Roof-top storage
 - f. Porous pavements and concrete lattice-block surfaces
 - g. Grassed channels and vegetative strips
 - h. Routing flow over grass
 - i. Decreased impervious area coverage
 - j. Detention basins
 - k. Retention basins
2. Lots which do not drain into other approved control facilities must have on-lot stormwater retention systems to retain roof water.
3. The use of other control methods which meet the criteria in this section shall be permitted if approved by the Township 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.
4. Post-development rates of runoff from any regulated activity shall be planned as not to exceed the peak rates of runoff prior to development for the 2, 10, 25, and 50-year frequency storm 24 hour storm duration, for each particular point of discharge, and shall design to pass the 100 year Post Development event.

D. Design of Control Methods: The following publications should be consulted to aid in engineering and design of control facilities:

1. Chapter 105, Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

2. Guidelines for Stormwater Management, Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management.
 3. Urban Hydrology for Small Watersheds, Technical release No. 55 U.S. Department of Agriculture, Soil Conservation Service, January 1975 or as revised.
 4. Design of Control Methods: The publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" "Document #363-0300-0002/December 30, 2006, should be consulted as an aid in designing control facilities.
- E. Stormwater Management Plan Required: Prior to preliminary and final approval of subdivision, land development or the issuances of any permit, or the commencement of any land disturbance activity, the owner, applicant, developer, or his agent shall submit a stormwater management plan to the Planning Department for approval.
- F. Storm drainage systems and facilities shall be constructed in order to provide for the following:
1. Improve water quality at point of discharge.
 2. Permit unimpeded flow of natural water courses except as modified by stormwater detention facilities.
 3. Insure adequate drainage of all low points along the line of streets.
 4. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
 5. Provide positive drainage away from on-site sewage disposal systems.
 6. Prevent overloading of drainage systems and watercourses downstream as a result of increased runoff caused by the proposed development.
 7. Minimize erosion in watercourse channels and at all points of discharge and provide energy dissipaters at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
 8. The minimum size diameter of a drainage pipe shall be eighteen (18) inches in all public right-of-ways and fifteen (15) inches in all other circumstances, unless

otherwise approved by the Planning Department, based upon a recommendation by the Township Engineer. The minimum value for “v” (velocity) in pipes shall be based on engineering judgment and experience.

9. All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.
- G. All lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. However, all lots shall also be graded to retard stormwater runoff from the land to take maximum advantage of natural on-site stormwater percolation into the soils. Natural drainage courses shall be maintained.

The drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of stormwater across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross section of the street as constructed shall provide for parallel curbing which shall discharge only at drainage easements.

- H. The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected land owners.
- I. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
- J. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided or developed, but also the runoff that will occur from the property at a higher elevation in the same watershed.
- K. Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage. Such drainage easement shall be at least one hundred (100’) feet from any recognized high-water mark of any water course or body of water.

SECTION 1203.3 DESIGN CRITERIA FOR STORMWATER MANAGEMENT FACILITIES

- A. Any Stormwater facility located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.

- B. Any Stormwater management facility (i.e. detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post-development conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100 year post-development inflow. Should any Stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than 100 year event.
- C. Any facilities that constitute water obstructions (e.g.. culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as directed in PA DEP Chapter 105 regulations (as amended or replaced from time to time by PA DEP), shall be designed in accordance with Chapter 105 and will require a permit from PA DEP. Any other drainage conveyance facility that doesn't fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25 year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of roadway. Any facility that constitutes a dam as defined in PA DEP chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PA DOT right of way must meet PA DOT minimum design standards and permit submission requirements.
- D. Any drainage conveyance facility and/or channel that does not fall under Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 25 year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e. detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PADOT right-of-way must meet PADOT minimum design standards and permit submission requirements.
- E. Storm sewers must be able to handle and convey the peak rate of runoff from the post-development 25-year design 5 minute duration storm without surcharging inlets. This design criterion shall be used for (i) all building and site drains and (ii) all local streets. Culverts shall be sized for the following classes of roads and storm frequencies: (i) secondary (collector) roads for storms of 25 year frequency 5 minute peak duration; (ii) primary (arterial) highways for storm of 25 year frequency 5 minute peak duration; and (iii) expressways for storms of 50 year frequency 5 minute duration. Greater design frequencies may be imposed on individual projects if deemed necessary for a particular use of land by the Township engineer. Where State or Federal Laws imposes a greater design frequency, they shall prevail.

- F. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.
- G. 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. The design of all stormwater management facilities shall incorporate sound engineering principles and practices.
- H. On-Lot Retention Systems: The owner of an individual lot which cannot comply with Section 1203.8 of this Ordinance shall comply with the following guidelines:
1. A subsurface stormwater retention area shall be constructed on each lot prior to occupancy of the building.
 2. Storm water runoff from impervious areas must be collected and conveyed underground to sub-surface retention areas.
 3. Retention system, including conveyance and collection lines, are to be owned and maintained by the lot owner. Repair/replacement and maintenance of the system is the responsibility of the lot owner. An individual on-lot standard stormwater facilities maintenance and monitoring agreement must be executed when a building permit is issued.
 4. The system shall be designed to accommodate anticipated peak flow from all storms of a 24 hour duration and for frequencies of 2, 10, 25, 50, and 100 years.
 5. The system shall be designed by a Professional Engineer licensed in Pennsylvania and shall be approved by the Planning Department, Township Engineer and Board of Supervisors prior to its construction.
 6. The system shall be constructed concurrently with or immediately after the building is framed.
 7. The system design shall be based upon the standards of PA Stormwater Best Management Practices Manual, based on the seasonal high ground water table, subsurface soil permeability and slope. Proper tests shall be conducted to substantiate design considerations and test results are to be provided to proper officials along with design details. At a minimum, the following tests are to be conducted, in the area where the system will be constructed:
 - a. Test Pit: To determine the ground water table elevation in accordance with accepted standards for on-lot disposal systems.
 - b. Infiltration/Percolation Test: To determine soil permeability in accordance with accepted standards for on-lot sanitary disposal systems.

8. The system design shall include the following:
 - a. Filter fabric or other acceptable devices shall be utilized to prevent clogging or siltation of the storage areas.
 - b. Cleanouts and traps are to be provided for maintenance purposes.
 - c. Collection pipes are to be a minimum 4-inch PVC, perforated pipe.
 - d. Storage area is to include all necessary tanks, large diameter pipes, and stone, 2-B or equivalent.
 - e. Outlet pipes are to be solid wall PVC pipe, directed to adjacent swales and ditched in roadway areas, or to any adjacent streams that traverse the lot.
 - f. Outlet pipes shall not discharge any runoff onto any adjacent lot.
 - g. Large diameter pipes utilized for storage areas are to be solid wall PVC, or other approved substitutes.

9. The Township Engineer and/or any other party, as designated by the Board of Supervisors, shall inspect the system during and prior to backfilling.

I. Storm Drainage Systems: Storm drainage systems shall be required when the storm water runoff cannot be satisfactorily handled within the street cartway, exceeds the capacity of a single PA DOT Type C or M inlet, or is required in the determination of the Township Engineer. Where existing storm sewers are accessible, proposed subdivisions and land developments shall verify adequate capacity is available and 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 twenty (20) feet wide. The minimum allowable velocity in storm sewers (pipes) shall be 3.0 feet per second. The maximum allowable spacing between structures to be used for inspection and cleaning storm sewers shall be based upon the following table:

<u>Pipe Diameter (inches)</u>	<u>Maximum Allowable Spacing</u>
15	300 ft.
18	400 ft.
21-36	500 ft.
42-60	700 ft.
66 or larger	Unlimited

J. Street Drainage at Intersections: Storm water shall not be permitted to cross intersections or the crown of a street. Inlet spacing shall be designed in accordance with Pennsylvania Department of Transportation Design Manual, Part 2. Inlets shall be placed at all changes in grade or direction of storm sewers and at a maximum spacing as indicated above. Inlets shall be designed to Penn Dot 1994 Specifications 408, or latest edition, Type C or M. Inlets shall be cast-in-place reinforced concrete or precast concrete. Culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections. Headwalls or end sections are required where flow enters inlets from natural or man-made swales or channels. Minimum pipe size shall be eighteen (18) inches in diameter and shall be made of material for conveyance of stormwater as approved by the Township Engineer in all public right-of-ways. When material for storm drain systems is

not specified, the specification of the Pennsylvania Department of Transportation shall govern. Drainage structures that are located on or discharging onto the State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation. A letter from that office indicating receipt of such approval shall be directed to the Planning Department and Board of Supervisors.

- K. Natural Drainage Areas: 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 forty (40) feet, measuring twenty (20) feet on each side, or of such additional width as will be adequate to preserve the unimpeded flow of natural drainage and to provide adequate access along the watercourse for maintenance purposes.

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 of watercourse without having obtained prior approval from the Pennsylvania Department of Environmental Protection or the Township, whichever is applicable. Any watercourse not under the jurisdiction of other official agencies are to be maintained open and free-flowing.

- L. Roof Drains, Sump Pumps Downspouts, Etc.: Stabilized outlets shall be provided for storm water roof drains, springs and sump pumps, footer drains, floor drains, and downspouts. No storm water shall be discharged into Municipal sanitary sewer from these sources. All piping systems from roofs, basement pumps, etc. discharging to rights-of-way must discharge via buried drainage pipe. Roof drains shall be connected to streets, storm sewers, or detention ponds in accordance Section 1203.8 of this ordinance.

- M. Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from the new and/or existing buildings.

- N. Drainage onto Adjacent Properties: Special consideration shall be given in the design of storm drainage facilities so as to prevent excess runoff or new concentrations of runoff onto adjacent properties. Whenever a subdivision or land development disposes storm water runoff to an adjacent property not within a natural watercourse, calculations shall be provided and sealed by a professional engineer demonstrating that such runoff will not erode or overtax any existing drainage facilities or watercourses on adjacent property. A drainage release shall be obtained from the affected property owner in writing and a copy submitted with the preliminary plan. Drainage releases are required from all downstream property owners affected by the diversion, relocation or increase of storm water flow. Ultimate approval of such drainage systems will depend upon approval by the Township Engineer even if the adjacent property owner grants consent in writing.

O. Detention Basin Requirements:

1. The design of any detention basin intended to meet the requirements of this Ordinance shall be verified by routing the design storm hydrograph through the proposed basin. For basin designed using the modified rational methods technique, the detention volume shall, at minimum, equal the volume derived from the approximate routing process as contained in SCS Technical Release Number 55 (TR55, 1986), Chapter 6, (Figure 6-1).
2. All stormwater detention facilities shall be designed based upon the following criteria. Due to the uniqueness of each stormwater detention basin and the variability of soil and other site conditions, the following criteria may be modified or deleted at the discretion of the Township Engineer if warranted.
 - a. The basin is to be covered with sod or with suitable vegetation and seeded including the bottom, side slopes and all earthen dams and embankments.
 - b. Suitable lining shall be required at all points of inflow to the basin where erosion and scour may occur.
 - c. An easement to allow maintenance crews access to the basin and outlet areas shall be established around all basins to be maintained. The limits of such easements shall be 25 feet from the outside toe of all dams and embankments and the top of all pond side slopes, with said easement being connected to a public right-of-way.
 - d. The design dimensions of the detention basin shall be maintained throughout construction, unless it is to be used as a sedimentation basin during construction in the watershed. If so, it shall be immediately returned to design dimensions following the completion of such construction. If used as a temporary sedimentation basin, it shall be designed based upon the most recent standards of DEP for sedimentation basins.
 - e. Runoff from areas uphill or upstream from the development site may be passed across the development site without detention or storage. If it is more convenient, part or all of such water may be passed through the detention means described above, and an equal amount of water that originates on site may be passed downhill or downstream. If any such upstream water enters the detention structure, the amount of detention shall be increased accordingly.
 - f. The inlet shall enter at the opposite end of the basin outlet if possible. The basin shall have a minimum bottom slope of 1% towards the primary outlet to assure positive drainage. Low flow channels may be required to convey small inflows to the basin outlet.
 - g. Side slopes shall be a maximum of three feet horizontal to one foot vertical (3:1), unless the design slopes are less than three feet, in which case 4:1 side slopes are required. The design engineer may propose steeper side slopes if justified evidence is submitted.
 - h. The requirement of a fence around basin perimeter shall be the

responsibility of the Owner and his insurance underwriter. Basins with a minimum depth of three (3) feet or greater or provisions in lieu thereof may be required to be enclosed by a fence, as determined by the Township Engineer, around the entire perimeter to keep out children and all unauthorized access to the basin area. A basin less than three (3) feet in depth may have 3:1 side slopes if fencing is provided. A gate shall be installed to allow access into the basin for required maintenance.

- i. When the runoff entering the basin will result in the accumulation of considerable amounts of sedimentation, provision shall be made within the maintenance schedule for periodic removal of accumulated solid materials.
- j. Responsibility for operation and maintenance of detention facilities, including periodic removal of accumulated materials, shall remain with the owner who is granted subdivision or land development approval of a given development, unless the detention facilities are dedicated and accepted by Hazle Township.
- k. In some instances, the provision of separate detention facilities for a number of single sites may be more difficult to maintain than the provision of joint facilities for a number of sites. In such cases, the Township may consider the provision of joint detention facilities, which would meet all requirements of stormwater management. In some cases, a properly planned staged program of detention facilities may be approved by the Township in which compliance with certain specified requirements may be posted at early stages, while preliminary phases are undertaken. This shall however pertain to stormwater management only and not erosion and sedimentation pollution control.
- l. Safety ledges shall be constructed on the side slopes of all basins designed to have a permanent pool of water. The ledges shall be 4 to 6 feet in width and located approximately 2 ½ to 3 feet below and 1 to 1 ½ feet above the permanent water surface. Side slopes shall conform to paragraphs g. and h of this subsection.
- m. Where the project consists of more than one phase, the stormwater controls shall be designed so that the rate of runoff for the maximum built out condition of the site is consistent with release rate specified in the plan. The outlet structure may have to be modified for the first phase. The stormwater detention basin shall be constructed prior to the first phase.
- n. All basins shall have, at minimum; a primary outlet to control the design storm(s) with a one-foot freeboard above the maximum pool elevation associated the design storm(s). All basins shall also provide an emergency spillway to safely convey the 100-year design storm with one half (1/2) foot of freeboard.
- o. If the flow from the basin is proposed to be concentrated and discharged onto adjacent property, the developer must provide documentation that there are adequate downstream conveyance facilities to safely transport the

concentrated discharge or otherwise provide documentation that no adverse affects will result from the concentrated discharge. Written permission from the adjacent property owner must be obtained which fully explains the proposed discharge to allow for consideration of such discharge. Ultimate approval of the feasibility of such discharges shall require the approval by the Township Engineer.

- p. Maximum velocities in emergency spillways shall be determined based on the velocity of the peak flow in the spillway resulting from the routed emergency spillway hydrograph. Where maximum velocities exceed those contained in the most recent DEP Sedimentation and Erosion Control Manual suitable lining shall be provided.
- q. The minimum top width of all basins shall be as follows:

<u>Height</u>	<u>Top Width</u>
0-4 feet	6 feet
5-10 feet	8 feet
11-14 feet	10 feet
15 feet or greater	As per DEP Regulations
- r. All detention basin routing will be performed using acceptable routing methods. Selected time increments will be of a short enough duration to allow reasonable approximation of the inflow hydrograph.
- s. Any detention basin intended to meet the requirements of this Ordinance that requires a Dam Safety Permit from DEP shall be designed consistent with the provisions of the Dam Safety and Encroachment Act and DEP Chapter 105 Rules and Regulations.
- t. The applicant shall comply with any additional design requirements, which may be recommended by the Township Engineer based upon site conditions.

P. Compliance a Condition of Preliminary Plan Approval: The Township, in its consideration of all Preliminary Plans of subdivision and land development, shall condition its approval upon the execution of all stormwater management control measures.

Q. Inspections and Certifications: The developer must submit a certification by a Pennsylvania Registered Professional Engineer; which certificate shall certify that all elements of the approved plan have been constructed as designed and approved.

R. Ownership and Maintenance Program: Each Grading and Stormwater Management Plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water facilities, and erosion and sedimentation control facilities, including;

- 1. Description of temporary and permanent maintenance requirements.

2. Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sedimentation control facilities.
3. Establishment of suitable easements for access to all facilities.
4. The intent of these regulations is to provide ownership and maintenance of stormwater and erosion and sedimentation control facilities. Where the grading and Stormwater Management Plan proposes Township Ownership and/or maintenance, a description of the methods, procedures, and the extent to which any facilities shall be turned over to the Township, including a written approval and agreement from the Township indicating acceptance of responsibilities as proposed, shall be incorporated as an integral part of the plan.
5. Drainage easements shall be provided adjacent to street rights-of-way, streams, side property lines and rear property lines as required by the Planning Department.
6. Drainage easements shall be a minimum width of:
 - a. Ten (10') feet adjacent to a street right-of-way plus the width of any required pipe or other necessary improvements.
 - b. Fifteen (15') feet when following side and rear lot lines. Such easements shall, to the fullest extent possible, either immediately adjoin or be centered on such lot lines, or
 - c. One hundred (100') feet from any recognized high-water mark of any water course or body of water.

SECTION 1203.4 CALCULATION METHODOLOGY

Stormwater runoff calculations shall be calculated from methods as set forth in the DEP document titled "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document #363-0300-0002 as approved by the Township Engineer, and consistent with the following guidelines:

- A. Any stormwater runoff calculations involving drainage areas greater than 200 acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS soil cover complex method. The methods shall be selected by the design professional based on the individual limitations and suitability of each method for the particular site.
- B. All calculations consistent with this Ordinance using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms. If a hydrologic computer model such as PSRM or HEC-1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The NRCS 'S' curve shall be used for the rainfall distribution.

- C. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from PA Department of Transportation Design Rainfall Curves (1986) (Figure 5-B). Times of concentration for overland flow shall be calculated using the TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.
- D. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be based on cover type, hydrologic condition and soil group.
- E. Runoff coefficients (c) for both existing and proposed conditions for use in the rational method shall be based on drainage area or surface type.
- F. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with material type and slope.
- G. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.
- H. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities. For drainage areas greater than 20 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.
- I. The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff and time-of-concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendations of the Township Engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

SECTION 1203.5 EROSION AND SEDIMENTATION REQUIREMENTS

- A. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, protection of Natural Resources, Section II, Water Resources, Chapter 102, "Erosion Control," and in accordance with the Luzerne County Conservation.
- B. Additional erosion and sedimentation control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are or protected areas are

proposed shall include the following:

1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

SECTION 1203.6 GROUND WATER RECHARGE

- A. The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved or roofed over. A detailed geologic evaluation of each project site may be performed where reasonably required to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified geologist, registered Professional Engineer, and/or soil scientist, and at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability. Where pervious pavement is permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
- B. Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low-erodibility factors ("K" factors). The municipality may require the installation of an impermeable liner in detention basins.

It shall be the developer's responsibility to verify if the site is underlain by limestone.

SECTION 1203.7 WATER QUALITY REQUIREMENTS

- A. In addition to the performance standards and design criteria requirements of Section 1203.1 of this Ordinance, the land developer SHALL comply with the following water quality requirements of this Section unless otherwise exempted by provisions of this Ordinance or regulated by a stage agency or permit.
- B. If it is planned that a detention basin is to be used without on-lot retention, that basin shall be designed to detain the 2-year, 24-hour design storm. Provisions shall be made so that the 1-year storm takes a minimum of 24 hours to drain from the basin from a point where the maximum volume of water from the 2-year storm is captured. Release of the water can begin at anytime during the storm event. The design of the facility shall consider and minimize the chances of clogging and sedimentation potential.

- C. To accomplish A and B above, the land developer MAY submit original and innovative designs to the Township Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs (Best Management Practices).
- D. In selecting the appropriate BMPs or combinations thereof, the land developer SHALL consider the following:
 - 1. Total contributing area
 - 2. Permeability and infiltration rate of the site soils
 - 3. Slope and depth to bedrock
 - 4. Seasonal high water table
 - 5. Proximity to building foundations and wellheads
 - 6. Erodibility of soils
 - 7. Land availability and configuration of the topography
- E. The following additional factors SHOULD be considered when evaluating the suitability of BMPs used to control water quality at a given development site:
 - 1. Peak discharge and required volume control
 - 2. Streambank erosion
 - 3. Efficiency of the BMPs to mitigate potential water quality problems
 - 4. The volume of runoff that will be effectively treated
 - 5. The nature of the pollutant being removed
 - 6. Maintenance requirements
 - 7. Creation/protection of aquatic and wildlife habitat
 - 8. Recreational value
 - 9. Enhancement of aesthetic and property value

SECTION 1203.8 WATER DISCHARGE REQUIREMENTS (DISCHARGE TO SANITARY SEWER COLLECTION SYSTEM)

- A. The Supervisors of Hazle Township finds that the discharge of water from roofs, ground,

paved surfaces, sump pumps, footing tiles, swimming pools, and other real estate improvements into the Township's sanitary sewer system and neighboring private properties has caused and will continue to cause flooding, creation of unsanitary wet conditions, erosion and deterioration of soil as well as overloading of the sanitary sewer collection system. The damage creates a hazard to the health of Township residents. The Supervisors further find it essential to the maintenance of health, safety and general welfare of its residents that such discharges be prohibited and the provisions of this Article/Ordinance be strictly enforced.

- B. Any water that does not require treatment shall not be discharged into the Township's sanitary sewer collection system. All water discharged shall be discharged onto existing Township streets or private roadways into existing storm sewer collection systems or detention ponds. For purposed of this Article/Ordinance, it shall be considered a violation for any person, firm or corporation to effect the discharge of water from any roof, ground, paved surface, sump pump, footing tile, swimming pool, or other improvement except for facilities generating sanitary sewer, into the Township's sanitary sewer collection system or onto adjacent properties.
- C. This Article/Ordinance shall also apply to dwellings and other buildings and structures which have a sump pump system to discharge excess water from the premises because of the infiltration of water into basements, crawl spaces, and the like. Persons, firm or corporations owning such real estate shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer collection system or adjacent properties, except as provided herein. A "permanently installed discharge line" shall be one which provides for year-round discharge capability either to a storm sewer main outside of the dwelling, building or structure, which is connected to the Township's storm sewer system, or though the curb and gutter to the street. The line shall consist of a rigid discharge line.
- D. Any person, firm or corporation having a roof, ground, paved surface, sump pump, footing tile or swimming pool, or other improvement that does not generate sanitary sewage and is connected to or causes discharge into the sanitary sewer collection system or discharges onto the neighboring or adjacent property, shall disconnect or remove the same immediately. Any disconnections or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner. Such disconnections or openings are subject to inspection by the Township Code Enforcement Officer and Plumbing Inspector, and shall not be considered to be in compliance with this Ordinance until approved by such Township Officers.
- E. Any person, firm or corporation owning any improved real estate that discharges into the Township's sanitary sewer system shall allow the Township Code Enforcement Officer or his designated representative to inspect such real estate and improvements to whether there is a connection or discharge to the sanitary sewer collection system or neighboring adjacent property. Any property owner found to violate this Article/Ordinance shall make the changes necessary to comply with the Ordinance and furnish proof of the changes to the Township Code Enforcement Officer. The Township Code Enforcement Officer shall inspect such premises after such completion, and shall approve such

changes if the stormwater drainage complies with the Ordinance and all applicable laws and ordinances.

- F. At any future time, if the Township has reason to believe that an illegal connection may exist in or on a premises, the owner, upon written notice from the Township, shall comply with the provisions of E. above.
- G. Should any person at any premises subject to the terms of this Ordinance refuse to permit any Township Officer, Supervisor or employee from entering the premises or from entering any part of the premises, for the purpose of inspecting the premises, the Township Officer, Supervisor, or employee shall seek appropriate court action, with the aid of the Township Solicitor.
- H. Any person or entity violating this Ordinance shall be subject to penalty in accordance with Section 112 of this ordinance.

SECTION 1204 DRAINAGE PLAN REQUIREMENTS

SECTION 1204.1 GENERAL REQUIREMENTS

Prior to the preliminary and final approval of a regulated activity as defined above, the owner, subdivider, developer, or his agent shall submit a stormwater management plan prepared by a licensed PA Professional Engineer to the Planning Department for review and recommendation to the Board of Supervisors for Final Approval.

SECTION 1204.2 EXEMPTIONS AND WAIVERS

Any Regulated Activity except as specified below, shall meet the criteria of this ordinance. Exemption shall not relieve the applicant from compliance with any and all other Township, State, and Federal Laws and Regulations applicable to the applicants' activity.

- A. Use of land for gardening, which is used solely for home consumption.
- B. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Conservation District. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Ordinance.
- C. Forest Management operations that are following the Department of Environmental Protections' management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.
- D. Any activity hereunder specifically regulated and preempted by another County, State, or Federal Water Quality Law or other pertinent Law, Regulation, or Ordinance.

- E. Additions or modifications to existing single family detached residential structures of 1,000 square feet or less.
- F. A waiver of the stormwater management requirements for individual developments may be granted by the Hazle Township Supervisors provided that a written request is submitted by the applicant containing descriptions, drawings, calculations, and other information necessary to evaluate the proposed development. Applicant shall demonstrate conclusively that:
 - 1. the proposed development will not generate more than ten percent (10%) increase in the 2-year pre-development peak discharge rate, and
 - 2. the discharge will not adversely impact on applicants receiving lands or watercourses, and
 - 3. the discharge will not adversely impact adjacent land, and
 - 4. Applicant has obtained written consent of the adjacent land owner in the form of a drainage easement.

SECTION 1204.3 DRAINAGE PLAN CONTENTS

The Drainage Plan shall consist of all applicable calculations, maps, and plans as required by this ordinance and the subdivision and land development ordinance. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan and NPDES permit by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All Drainage Plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the Drainage Plan shall be disapproved and returned to the Applicant.

The following items shall be included in the Drainage Plan:

- A. General
 - 1. General description of project.
 - 2. General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities both during and after development.
 - 3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
 - 4. Expected project time schedule, including start, completion, and milestone dates.
 - 5. Training and experience of person preparing the plan.
 - 6. An executed signature block by a Registered Professional Engineer as follows:
“I, _____, on this date _____, 20___, have prepared and hereby certify that the stormwater management plan meets all design standards and criteria of Hazle Township Subdivision and Land Development Ordinance.”

7. All calculations and each drawing must include seal, signature, and date of the Professional Engineer registered in the state of Pennsylvania responsible for preparation of drainage plan.
- B. Map(s) of the project area shall be submitted on 24-inch x 36-inch sheets and shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Luzerne County. The contents of the maps(s) shall include, but not be limited to:
1. The location of the project relative to highways, municipalities or other identifiable landmarks.
 2. Existing contours in the area of the regulated activity shall be at intervals of two feet. In areas outside the area of the regulated activity, an area of steep slopes (greater than 15 percent), and for parcels over 100 acres, five-foot existing contour intervals may be used.
 3. Existing streams, lakes, ponds, or other bodies of water within the project area and adjacent to the site.
 4. Other physical features including FEMA flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site. Location(s) of where water will exit the site and the means for discharging and the location of where stormwater runoff exits the site based upon predeveloped conditions.
 5. The locations of all existing and proposed overhead and underground utilities, sanitary sewers, and water lines within 50 feet of property lines.
 6. Boundaries of the drainage area contributing to each point of discharge based upon predeveloped and post developed conditions including areas beyond. Provide separate maps for the predeveloped conditions and one for post developed conditions.
 7. Show all runoff flowlines used in the time-of-concentration calculations for both predeveloped and post developed conditions.
 8. Show all soil names and boundaries.
 9. Proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
 10. Proposed structures, roads, paved areas, and buildings.
 11. Final contours at intervals at two feet. In areas of steep slopes (greater than 15 percent), five foot contour intervals may be used.
 12. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan. Areas of cut and fill shall be clearly identified.
 13. The date of submission.
 14. A graphic and written scale of one (1) inch equals no more than fifty (50) feet for

tracts up to 20 Acres; for tracts between twenty (20) and one hundred (100) acres the scale shall be one (1) inch equals no more than one hundred (100) feet, for tracts over one hundred (100) Acres the scale shall be one (1) inch equals no more than four hundred (400) feet.

15. A North arrow.
16. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
17. Existing and proposed land use(s).
18. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
19. Horizontal and vertical profiles of all open channels, including hydraulic capacity.
20. Overland drainage paths.
21. Show all existing and proposed easements on the plan drawings. Identify each by use, length, and width along with identification legend of existing versus proposed. Clearly indicate to whom the easement is being granted. A twenty-five (25) foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way, including access easement to public right-of-way shall be provided.
22. A note on the plan indicating the location and person responsible for maintenance of stormwater management facilities including facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Ordinance. Application shall include written acceptance of owner of off-site facilities.
23. Provide detailed drawings of all proposed stormwater management facilities. A construction detail of any improvements made to sinkholes and the location of all notes to be posted, as specified in this Ordinance.
24. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the municipality.
25. The location of all erosion and sedimentation control facilities and location where water will exit the site and the means for discharging. The location where the water exits the site based upon predeveloped conditions.

C. Additional Information necessary in whole or part:

1. A written description/narrative of the following information shall be submitted.
 - a. The overall stormwater management concept for the project.
 - b. Stormwater runoff computations as specified in this Ordinance.
 - c. Stormwater management techniques to be applied.
 - d. Expected project time schedule, including milestones.

2. A soil erosion and sedimentation control plan, where applicable, including all reviews and approvals, as required by PADEP.
 3. A geologic assessment of the effects of runoff on sinkholes as specified in this Ordinance.
 4. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
 5. A Highway Occupancy Permit from the PADOT District Office when utilization of a PADOT storm drainage system is proposed and PADOT requires such a Highway Occupancy Permit.
- D. Stormwater Management Facilities - The plan as submitted shall show location, description, and details of all permanent control measures to be used at site, including:
1. Provide detailed drawings and calculations of all proposed stormwater management facilities at the site. All stormwater management facilities must be located on a plan and described in detail.
 2. When groundwater recharge or infiltration facilities/methods such as seepage pits, beds or trenches, and including on-lot retention systems for groundwater recharge, when such structures are used, the locations of existing and proposed septic tank infiltration areas, wells and isolation distances relative to these facilities must be shown on the plan.
 3. Show other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, vegetative strips, detention or retention ponds, drainage easements, storm sewers, culverts, etc.
 4. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown on the plan.
 5. The plan shall show the location and description of all permanent control measures and facilities to be provided at the site.
 6. Show all permanent vegetation or other soil stabilization measures.
 7. Details on the types, locations and dimensions of facilities for storm water detention and conveyance and for groundwater recharge.
 8. Schedule for installation of the control measures and devices.
- E. Maintenance and Inspection Criteria:
1. At the time the Stormwater Management Plan is submitted for review by the Township, the ownership and maintenance responsibilities of all temporary and permanent stormwater management and soil erosion and sedimentation control facilities shall be clearly defined.

2. At the time the Stormwater Management Plan is submitted the Applicant shall provide a maintenance agreement binding on all subsequent owners of the land which will provide access to the facility at reasonable times by the Township or its authorized representative for regular or special inspections of the stormwater facilities to ensure the facility is maintained in proper working condition to meet the approved design standards and any provisions or conditions established by the Township.
3. All executed Agreements shall be approved by the Township Solicitor and shall be recorded by the applicant in the Land records of Luzerne County.
4. See additional requirements of Section 1204 and Section 1207.

F. Hydrologic/Hydraulic Calculations:

1. As an attachment to the plan, hydrologic/hydraulic calculations shall be provided for storm water flows from the site and from the entire tributary area to the site under conditions existing prior to development and resulting from the proposed development.
2. Hydrologic/Hydraulic calculations, assumptions and criteria used in the design of storm water control devices or methods shall be provided.
3. All measurements shall be in cubic feet per second (cfs) for the design storms.
4. A written narrative which fully describes the Stormwater Management Plan shall be submitted with the required hydrologic/hydraulic calculations.

SECTION 1204.4 PLAN SUBMISSION

For all activities regulated by this Ordinance, the steps below shall be followed for submission. For any activities that require a PADEP Joint Permit Application and regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PA DEP's Rules and Regulations, require a PADOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the plan.

- A. The Drainage Plan shall be submitted by the Developer as part of the Preliminary Plan submission for the Regulated Activity in accordance with Article 3 of this ordinance.
- B. No preliminary or final major subdivision or land development plan shall be approved unless there has been a Storm Water Management Plan approved by the Board of Supervisors.

SECTION 1204.5 DRAINAGE PLAN REVIEW

- A. The Township Engineer shall review the Drainage Plan for consistency with this Ordinance. The Municipality shall require receipt of a complete plan, as specified in this Ordinance.

- B. The Township Engineer shall review the Drainage Plan for any submission or land development against the municipal subdivision and land development ordinance provisions not superseded by this Ordinance.
- C. For activities regulated by this Ordinance, the Township Engineer shall notify the Municipality in writing, whether the Drainage Plan is consistent with this Ordinance. Should the Drainage Plan be determined to be consistent with this Ordinance, the Municipality will forward an approval letter to the Developer with a copy to the Municipal Secretary.
- D. Should the Drainage Plan be determined to be inconsistent with this Ordinance, the Municipality will forward a disapproval letter to the Developer with a copy to the Municipal Secretary citing the reason(s) for the disapproval. Any disapproved Drainage Plans may be revised by the Developer and resubmitted consistent with this Ordinance.
- E. For Regulated Activities specified in of this Ordinance, the Municipality shall notify the Municipal Building Permit Officer in writing, within a time frame consistent with the Municipal Building Code and/or Municipal Subdivision Ordinance, whether the Drainage Plan is consistent with this Ordinance and forward a copy of the approval/disapproval letter to the Developer. Any disapproved drainage plan may be revised by the Developer and resubmitted consistent with this Ordinance.
- F. For Regulated Activities requiring a PADEP Joint Permit Application, the Municipality shall notify PADEP whether the Drainage Plan is consistent with this Ordinance and forward a copy of the review letter to the Developer. PADEP may consider the Township Engineer's review comments in determining whether to issue a permit.
- G. The Municipality shall not approve any subdivision or land development for Regulated Activities specified in this Ordinance if the Drainage Plan has been found to be inconsistent with this Ordinance, as determined by the Township Engineer. All required permits from PADEP must be obtained prior to approval.
- H. The Municipal Building Permit Office shall not issue a building permit for any Regulated Activity specified in this Ordinance if the Drainage Plan has been found to be inconsistent with this Ordinance, as determined by the Township Engineer, or without considering the comments of the Township Engineer. All required permits from PADEP must be obtained prior to issuance of a building permit. No building permit shall be issued without an approved "as-built survey" of all stormwater facilities.
- I. The Developer shall be responsible for completing an "As-Built Survey" of all stormwater management facilities included in the approved Drainage Plan. The As-Built Survey and an explanation of any discrepancies with the design plans shall be submitted to the Township Engineer for final approval. In no case shall the Municipality approve the As-Built Survey until the Municipality receives a copy of an approved Declaration of Adequacy, Highway Occupancy Permit from the PADOT District Office, and any applicable permits from PADEP.

- J. The Municipality's approval of a Drainage Plan shall be valid for a period not to exceed five (5) years. This 5 year time period shall commence on the date that the Municipality signs the approved Drainage Plan. If stormwater management facilities included in the approved Drainage plan have been constructed and an As-Built Survey of these facilities has been approved within this 5 year time period, unless extended by Township Supervisors at time of approval, then the approval shall be valid permanently, otherwise the Municipality may consider the Drainage plan disapproved and may revoke any and all permits. Drainage Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with this Ordinance.
- K. Compliance as a Condition of Preliminary Plan Approval: The Township Supervisors in its consideration of all preliminary plans of subdivision and land development, shall consider the developer will fully comply with all required stormwater management control measures.

SECTION 1204.6 MODIFICATION OF PLANS

A substantial modification to a submitted Drainage Plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the Drainage Plan as determined by the Township Engineer, shall require a resubmission of the modified Drainage Plan consistent with this Ordinance and be subject to review as specified in this Ordinance.

A substantial modification to an already approved or disapproved Drainage Plan shall be submitted to the Municipality, accompanied by the applicable review fee. A modification to a Drainage Plan for which the Municipality has not taken a formal action shall be submitted to the Municipality, accompanied by the applicable Municipality Review Fee.

SECTION 1204.7 RESUBMISSION OF A DISAPPROVED DRAINAGE PLANS

A disapproved Drainage Plan may be resubmitted, with the revisions addressing the Township Engineer's concerns documented in writing, to the Township Engineer in accordance with this Ordinance and be subject to review as specified in this Ordinance. The applicable new Municipality Review Fee must accompany a resubmission of a disapproved Drainage Plan.

SECTION 1205 INSTALLATION INSPECTIONS

SECTION 1205.1 SCHEDULE OF INSTALLATION INSPECTIONS

- A. The Township Engineer or his municipal assignee shall inspect all phases of the installation of the permanent stormwater management facilities including:
- a. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and installation of temporary stormwater management, sediment control, drainage facilities, and erosion control.

- b. Excavation of facility to sub-base and trenches for enclosed storm drainage pipe, concrete structures, and catch basins.
 - c. Completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground cover.
 - d. During placement of structural fill, trench backfill, and embankment construction.
 - e. During construction of permanent storm water facilities.
 - f. Upon completion of final grading, vegetative control measures, fencing and establishment of permanent stabilization, or other site restoration work as done in accordance with approved plans and permits.
 - g. Final inspection upon completion of all stormwater management facilities to determine if completed work is constructed in accordance with the approved plan.
- B. During any stage of the work, if the Township Engineer determines that the permanent stormwater management facilities are not being installed in accordance with this Ordinance, the Municipality shall revoke any existing permits until a revised Drainage Plan is submitted and approved, as specified in tills Ordinance.
- C. The Owner/Developer shall be responsible to reimburse Hazle Township for all inspection costs and shall escrow as estimated monetary amount to cover such fees based on the Township Engineer’s estimate.
- D. It is the responsibility of the applicant, owner, and developer to notify the Board of Supervisors two (2) business days in advance of the completion of each phase of the facility as identified above. If proper notification is not provided and the system is covered over prior to inspection, the Municipality will require the owner to re-excavate the backfill so proper inspection can be conducted.

SECTION 1206 FEES AND EXPENSES

SECTION 1206.1 GENERAL

The fees required by this Ordinance include all Municipal Review Fees. The Municipal Review fee shall be established by the Municipality and shall include all review costs incurred by the Municipality and the Township Engineer. The Applicant shall pay all fees. The Applicant shall also be required to submit all required fees for review and comment to the Luzerne County Planning Commission, the Luzerne County Engineer’s office, and the County Conservation District.

SECTION 1206.2 MUNICIPALITY DRAINAGE PLAN REVIEW FEE

The Municipality shall establish a Review Fee Schedule by resolution of the municipal governing body based on the size of the Regulated Activity and based on the Municipality's costs for reviewing Drainage Plans. The Municipality shall periodically update the Review Fee Schedule to ensure that review costs are adequately reimbursed.

SECTION 1206.3 EXPENSES COVERED BY FEES

The fees required by this Ordinance shall at a minimum cover:

- A. Administrative Costs.
- B. The review of the Drainage Plan by the Municipality and the Township Engineer.
- C. The site inspections.
- D. The inspection of stormwater management facilities and drainage improvements during construction.
- E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Drainage Plan.
- F. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.
- G. Annual inspection costs performed by the Hazle Township Engineer for a two (2) year period from date of Final Completion and approval of as built drawing.

SECTION 1207 MAINTENANCE RESPONSIBILITIES

SECTION 1207.1 PERFORMANCE GUARANTEE

The applicant should provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as required by this Ordinance.

- A. If the Board of Supervisors determines that improvements indicated on the stormwater management plan are not required to be installed at the time of final approval, an improvement bond or other form of financial security shall be deposited with the Township which shall insure and guarantee the installation and completion of all required improvements as indicated upon the approved stormwater management plan within one year or less from the date of final plan approval.
- B. The developer or lot owner shall provide financial security as a construction guarantee in a form to be approved by the Township Solicitor, in an amount equal to One Hundred and ten Percent (110%) of the full cost to install the facilities required by the approved plan. The cost estimate shall be submitted for by the applicant for review and approval by the Township Engineer. The financial security shall be released only after receipt by the Township of certifications and "As-Built" drawings as required.

SECTION 1207.2 MAINTENANCE RESPONSIBILITIES

- A. The Drainage Plan for the development site shall contain an operation and maintenance plan/program prepared by the developer and approved by the Township Engineer. The operation and maintenance plan shall outline proposed final ownership of facilities, detailed financial responsibility of all required maintenance, required routine maintenance and inspection actions and schedules necessary to insure proper operation of the facility including but not limited to all infiltration systems, retention or detention structures, embankments, discharge, or other approved improvements. The establishment and/or use of a homeowners' association shall not be included within the scope of a maintenance program.
- B. The Drainage Plan for the development site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals.
- C. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater infrastructure (pipe and inlets) in areas of public dedication shall be maintained by the municipality. The municipality will not accept responsibility of maintaining detention/retention ponds.
- D. If a development site is to be maintained in a single ownership and/or Home Owners Association or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities and detention/retention pond shall be the responsibility of the owner or private management entity. A Management Agreement shall be provided with request for Final Approval.
- D. The governing body, upon recommendation of the municipal engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the Drainage Plan. The governing body reserves the right to accept the ownership and operating responsibility for any or all of the stormwater infrastructure (pipes and inlets in public access) but shall not accept responsibility for detention/retention ponds.

SECTION 1207.3 MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STORMWATER FACILITIES

- A. Prior to final approval of the site's stormwater management plan, the property owner shall sign and record a Standard Stormwater Facilities Maintenance and Monitoring Agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:
 - 1. The owner or owner's successors and assigns including owner's vendee(s), shall maintain all facilities in accordance with an approved reasonable maintenance schedule and shall keep all facilities in a safe and attractive manner.

2. The owner or owner's successors and assigns including owner's vendee(s), shall convey to the municipality easements and/or rights-of-way necessary to assure access for periodic inspections by the municipality and maintenance, if required.
 3. The owner or owner's successors and assigns including owner's vendee(s), shall keep in file with the municipality the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the municipality within ten (10) days of the change.
 4. If the owner or owner's successors and assigns including owner's vendee(s), fails to maintain the stormwater control facilities following due notice by the municipality to correct the problem(s), the municipality may perform the necessary maintenance work or corrective work and the owner or owner's successors and assigns including owner's vendee(s), shall reimburse the municipality for all costs.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal solicitor and governing body.

SECTION 1207.4 MUNICIPAL STORMWATER MAINTENANCE FUND

- A. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
1. If the storage facility is to be privately owned and maintained, the deposit shall cover the reasonable cost of periodic inspections performed by the municipality for a period of two (2) years, as estimated by the municipal engineer. After that period of time, inspections will be performed at the expense of the municipality.
 2. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Township Engineer shall determine the present worth equivalents, which shall be subject to the approval of the municipal governing body.
- B. If a storage facility is proposed that also serves as a recreation facility (e.g. ball field, lake), the municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
- C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the municipal cost of overseeing and reviewing the abandoning of the facility and connecting to the storm sewer system or other facility.

- D. Maintenance Guarantees: If any stormwater management facilities are offered for public dedication and accepted by the Township, the developer shall provide a financial security, in a form approved by the Township Solicitor for a maintenance guarantee, equal to fifteen (15%) percent of the total cost of the installation of said facility, used as financial security to guarantee the stability of the newly constructed facility and revegetation for a period of eighteen (18) months.

SECTION 1207.5 POST-CONSTRUCTION MAINTENANCE INSPECTIONS

- A. Basins should be inspected by the land owner/developer or responsible entity (including the Township Engineer for dedicated facilities) on the following basis:
1. Annually for the first two (2) years.
 2. Once every 3 years thereafter,
 3. During or immediately after the cessation of a 25 year or greater storm event.
- B. After completing each inspection the entity conducting the inspection for the Owner/Developer shall submit a report to the municipality regarding the condition of the facility and recommending necessary repairs or maintenance, if needed.
- C. Maintenance inspection reports shall include but not be limited to: date, name of inspector, condition of facility including status of vegetation, spillways, fences, embankments, reservoir area, outlet channels, swales, rip-rap, sedimentation, underground piping, catch basins, and any other item that may affect the proper operation of the stormwater management facility.

SECTION 1208 ENFORCEMENT AND PENALTIES

SECTION 1208.1 RIGHT-OF-ENTRY

Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

SECTION 1208.2 NOTIFICATION

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the reasonable requirements of any permit issued hereunder, the municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a reasonable time limit for correction of these violations(s). Failure to comply within the time specified shall subject such person to the penalty provision of this Ordinance. All such penalties shall be deemed cumulative and resort by the municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance upon:

- A. Written notification of violation shall be provided by Zoning Officer, Code Enforcement Officer, or designee of the Municipality.
- B. First Class Postage Prepaid United States Mail, Certified or Registered Mail, Contracted Delivery Service (i.e. Fed-Ex or UPS), or Personal Delivery may deliver notification.
- C. Written notice shall be served to Applicant, developer, property manager, or other person responsible for the property or the violation.
- D. Written notification shall require the violation to be corrected in seven (7) days or for such a period deemed necessary, which shall not exceed thirty (30) days.
- E. If after thirty (30) days the violation is not satisfactorily corrected the Township shall provide written notice that the violation has not been corrected and shall have the right to immediately correct the violation. The applicant, owner, and/or property manager shall be responsible for all costs incurred by the municipality plus penalties for failure to comply as herein specified.

SECTION 1208.3 ENFORCEMENT

The municipal governing body is hereby authorized and directed to enforce all of the provisions of this ordinance. All inspections regarding compliance with the drainage plan shall be the responsibility of the Township Engineer or other qualified persons designated by the municipality.

- A. A set of design plans approved by the municipality shall be on file at the site throughout the duration of the construction activity. The municipality or designee may make periodic inspections during construction.
- B. Any portion of the work which does not comply with the approved plan must be corrected by the applicant, owner, and developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development, building construction, or activity until the required corrections have been made.
- C. If at any stage of the work, the Board of Supervisors determines that the soil or other conditions are not as stated or shown in the approved application or plan, it may refuse to approve further work and may revoke existing permits and approvals until a revised plan is submitted and approved in accordance with this Ordinance.
- D. Adherence to Approved Plan:
 - 1. It shall be unlawful for any person, firm or corporation to undertake any regulated activity on any property except as provided for in the approved drainage plan and pursuant to the requirements of this ordinance. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this ordinance or to allow the property to remain in a condition which does not conform to the approved drainage plan.

- E. At the completion of the project, and as a prerequisite for the release of any performance guarantee, the owner or his successors and assigns including owner's vendee (s) shall:
 - 1. Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
 - 2. Provide a set of as built drawings.
- F. After receipt of the certification by the municipality, a final inspection shall be conducted by the governing body or its designee to certify compliance with this ordinance.
- G. Prior to revocation or suspension of a permit, the governing body will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property.
- H. Suspension and revocation of Permits
 - 1. Any permit issued under this ordinance may be suspended or revoked by the governing body for:
 - a. Non-compliance with or failure to implement any provision of the permit.
 - b. A violation of any provision of this ordinance or any other applicable law, ordinance, rule or regulation relating to the project.
 - c. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
 - 2. A suspended permit shall be reinstated by the governing body when:
 - a. The Township Engineer or his designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;
 - b. The governing body is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.
 - 3. An applicant may petition the Municipality to reinstate a revoked permit at a regularly scheduled public meeting. A permit which has been denied reinstatement may apply for a new permit under the procedures outlined in this Ordinance.

SECTION 1208.4 PENALTIES

- A. Anyone violating the provisions of this ordinance shall be guilty of a summary offense, and upon determination of violation by the District Magistrate shall be subject to a fine of not more than \$ 500.00 for each violation, recoverable with costs. Each day that the

violation continues shall be a separate offense. A violation shall be deemed to have occurred as of the date as determined by the District Magistrate.

- B. In addition, the municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

SECTION 1208.5 APPEALS

- A. Any person aggrieved by any action of Hazle Township or its designee may appeal to the municipality's governing body within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Hazle Township governing body may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the municipal decision.