

CHAPTER 22  
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Part 1

Authority and Application

§101. General Authority.

1. For the purpose of this Chapter, a subdivision shall be construed to be: 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 any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 1991-5] --

2. It 'shall be unlawful to receive or record any plan required to be approved by the Township Planning Commission in any public office unless the same shall bear thereon the endorsement or otherwise the approval of the Bradford Township Planning Commission. The disapproval of any such plan by the Bradford Township Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed development plan, but shall not impose any duty upon Bradford Township concerning dedication, maintenance or improvement of any streets, highways, alleys or other portions of the same, until the streets meet such additional standards and specifications as the Supervisors may require for public dedication.

3. The Planning Commission shall:

A. Prepare the comprehensive plan for the development of the municipality and present it for consideration of the governing body.

B. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the governing body.

C.' The Planning Commission shall:

(1) Make recommendations to the governing body concerning the adoption or amendment of an official map.

(2) Prepare and 'present to the governing body recommendations on proposed amendments to the Zoning Ordinance [Chapter 27].

(3) Prepare, recommend and administer subdivision and land development and planned residential development regulations as set forth in this Section.

(4) Prepare and present to the Supervisors a building code and housing' code and make recommendations concerning proposed [amendments] thereto.

(5) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this Section.

(6) Prepare and present to the Supervisors an environmental study.

(7) Submit to the Supervisors a recommended capital improvements program.

(8) Prepare for the Supervisors a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin\* commission. The water survey shall be conducted in consultation with the Bradford City Water Authority.

(9) Promote public interest in, and understanding of the comprehensive plan and planning.

(10) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(11) Hold public hearings and meetings. (12) Present testimony before any board.

(13) Require [from] other departments and agencies of the municipality such available information as relates to the work of the Planning Agency.

(14) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

(15) Prepare and present to the Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within" the municipality.

(16) Review the Zoning Ordinance [Chapter 27], this Chapter, official map, and other such ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

(Ord. 1991-5)

4. Appointment, Term and Vacancy.

A. All members of the' Commission shall be appointed and approved by the Township Supervisors.

B. The term of each of the members of the Commission shall be for four (4) years, or until his successor is appointed and qualified. All of the members of the Planning Commission shall be residents of the municipality.

C. The chairman of the Planning Commission shall promptly notify the Supervisors concerning vacancies in the Commission, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this Part.

[Ord. 1991-5]

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\* Ord. 1991-5 read "consolation."

5. Conduct of Business.

A. The Commission shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.

B. The Commission may make and alter by laws and rules and regulations to govern its procedures consistent with the ordinances of the municipality and. the laws of the Commonwealth.

C. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Supervisors. Interim reports may be made as often as may be necessary, or as requested by the Supervisors.

[Ord. 1991-5]

(Ord. 1983-3, 12/12/1983, §101; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991-5, 4/29/1991)

§102. Short Title. This Chapter shall be known and may be cited as the "Bradford Township Subdivision and Land Development ordinance." (~ 1983-3, 12/12/1983, §102)

§103. Jurisdiction of County Planning Agency. Applications for subdivision and land development located within Bradford Township, having adopted a subdivision and land development ordinance, shall be forwarded upon receipt by the municipality to the County Planning Agency for review and report together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Provided, that such municipality shall not approve such applications until the county report is received or until the expiration of thirty (30) days from the date of the application was forwarded to the County. (Ord. 1983-3, 12/12/1983, §103; as amended by Ord. 1991-5, 4/29/1991)

§104. Introduction and General Guidelines to Subdivision and Land Development.

1. General Guidelines -

A. Fill out subdivision and land development application - give name, address and telephone number of the engineer, architect, surveyor and owner;

B. It is recommended that applicants come to the Bradford Township Office with a sketch plan of the land they propose to subdivide for discussion and advice concerning their intentions and procedure for submission of the preliminary plan;

C. For minor subdivision, only a Final Plan is required. Major subdivisions require both a Preliminary Plan and a Final Plan;

D. Final plans shall be on a reproducible material or be clear blackline copies of the original. Dimensions of the plan may vary, as long as they are of such size allowed by the County Recorder of Deeds Office. The recommended scale for final plans is between 1" to 50' and 1" to 100'.

E. The Certified Sewage Enforcement Officer (CSEO) will submit information concerning sewage treatment to the Bradford Township Supervisors. The Supervisors; will forward to DER information for approval on planning modules, CSEO comments, and DER comments or approval on the various lots to be subdivided;

F. A planning commission meeting shall be convened within thirty (30) days of the time that subdivision plans and all supporting data have been submitted to the Supervisors at the Township office.

2. Introduction (Specific Goals) -

A. To promote health, safety, morals: convenience, order, prosperity and welfare of the present and future inhabitants of Bradford Township, McKean County, Pennsylvania;

B. To establish minimum regulations to guide subdividers, architects, landscape architects, land planners, surveyors and engineers in the design and development of subdivisions;

C. To provide adequate light and air by controlling lot size, to provide safety and privacy, and to maintain health;

D. To provide protection for the private investor and the municipal officials for the installation of proper utilities and improvements by the developer;

E. To reduce the waste of excessive amounts of rights-of-way due to poor design or excessive costs of roads; to anticipate drainage or grading of lots by designing the roads to the contour of the land;

F. To secure safety from fire and physical dangers;

G. To make adequate provisions for transportation, water supply, drainage and sanitation;

H. To protect the tax base and promote increased economy in municipal expenditures;

I. Any owner or developer who contemplates subdividing land in Bradford Township should become familiar with the regulations of this Chapter. They are designed to achieve equal treatment for all and to provide clear-cut procedures for the preparation, submission, and review or approval of subdivisions plans. These regulations include design standards and a description of all specific steps necessary for the submission of (1) the preliminary plan, (2) the final plan and (3) recording the approved plan;

J. It will be necessary to have a registered Pennsylvania surveyor prepare final plans.

(Ord. 1983-3, 12/12/1983, pages ii and iv; as amended by Ord. 1-89, 3/13/1989)

§201. Inclusions. As used in these regulations, words in the singular include the plural and words in the plural include the singular and words in the present tense include the future. The word "person" includes a corporation, unincorporated association and partnership, as well as an individual. The word "plat" includes replat, plan, replan, resubdivision and site development. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, land, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The word "shall" is always mandatory; the word "may" is permissive; and the word "should" means a suggested or preferred action. (Ord. 1983-3, 12/12/1983, §201; as amended by Ord. 1991-5, 4/29/1991)

§202. Definition of Special Terms.

ACCELERATED EROSION - the removal of the surface of the land through the combined action of man's activities and the natural process at a rate greater than would occur because of the natural process alone. (Ord. 1991-5]

ALLEY - a minor right-of-way providing secondary access to the side or rear of two or more properties.

APPLICANT - a landowner or developer who has filed an application for development including his heirs, successors and assigns.

AVAILABLE SEWER - a municipal sewer is considered available if it is within one thousand feet (1,000') or less from the nearest point of a subdivision, and a tap-in is permitted by the municipality.

BENCH MARK - a point of known elevation in or near the subdivision tied in with established bench marks in the vicinity that are maintained by the United States Coast and Geodetic Surveyor United States Geologic Survey.

BLOCK - an area bounded by streets, utility, railroad, public facility or other rights-of-way or easement or other definite barrier.

BUILDING LINE - the line parallel to the right-of-way across the lot establishing the minimum open space to be provided between the edge of the legal or required right-of-way and the foremost projection of the building.

CARTWAY - the improved portion of a street or alley used or required for vehicular travel.

CLEAR SITE TRIANGLE - an area of unobstructed vision at intersections defined by lines of sight between points at a given distance from the intersection of the center lines for the intersecting streets.

CLUSTER or GROUP HOUSING DEVELOPMENT - where two (2) or more residential buildings are constructed on a plot of ground not subdivided into the customary lots and streets.

COUNTY - the County of McKean, Pennsylvania.

COVENANT - an agreement or restriction placed on a parcel of land by a previous owner and usually found in the deed.

CUL-DE-SAC - a minor street terminating in a vehicular turn-around.

DETENTION STRUCTURE a vegetated pond, swale, or other structure designed to drain completely after storing runoff only for a given storm event and release it at a predetermine rate. Also known as a dry pond. (Ord. 1991-5]

DEVELOPER - any land owner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

EASEMENT - a right granted by law to a person or persons or the general public for the use of certain land to include the area over, under or through it.

\* ENERGY DISSIPATOR - a device used to slow the velocity of storm water particularly at points of concentrated discharge such as pipe outlets. (Ord. 1991-5]

ENGINEER or SURVEYOR - a person licensed to practice in the Commonwealth of Pennsylvania as a Registered Professional Land Surveyor.

ENVIRONMENTAL IMPACT STATEMENT - a certified inventory of construction activity, including the identification and assessment of impacts to the environment, proposed remediation and required review agency approvals. (Ord. 98-2-2]

FREEBOARD - the difference between the design flow elevation in the emergency spillway and the top of the settled embankment. (Ord. 1991-5]

GOVERNING BODY - the Board of Supervisors of Bradford Township. GRASSED WATERWAY - a natural or man-made drainageway of parabolic or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff. Also known as a swale. (Ord. 1991-5]

IMPROVEMENTS - those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, provision of sidewalks, crosswalks I street signs I monuments, water supply facilities and sewage disposal facilities.

LAND DEVELOPMENT-

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two (2) 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.

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\* Ord. 1991-5 read "story."



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

B. A subdivision of land.

C. Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

[Ord. 98-2-2]

LAND DEVELOPMENT PLAN - a complete set of technical documents and reports for development of land, whether immediate or phased over a period of time, at the appropriate scale, including a completed application, as required for submission to the Township. (Ord. 98-2-2]

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.

LOT - a tract or parcel of land for the purpose of conveyance, transfer, improvement or sale (whether immediate or future).

LOT DEPTH - the average horizontal distance between the front and rear lines of a lot.

LOT WIDTH - the distance between the side lines of a lot measured at the building line.

LOT, DOUBLE FRONTAGE - a lot, the opposite ends of which both abut streets.

LOT, REVERSE FRONTAGE - a lot extending between and having frontage on a major traffic street and a minor street and with vehicular access solely from the latter.

MAJOR SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into five (5) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development. In addition; for the purpose of this Chapter, a major subdivision includes the division or redivision of a lot, tract or parcel of land by any means into four (4) or fewer lots if the division or redivision involves new roads, streets, easements of access and utilities or municipal facilities and services.

MINOR SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into four (4) or fewer lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development and not involving new roads, streets, easements of access or the extension of other municipal utilities or facilities; and not adversely affecting the development potential of the remainder of the tract or parcel and adjoining property.

MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable or 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. [~ 1991-5]

MOBILE HOME LOTS - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupant of the mobile home erected on the lot.,

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. (Ord. 1991-5]

MODIFICATION - when the subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to because of topographical or other conditions peculiar to the site, and where in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may authorize a modification. Any modification thus authorized shall be entered in the minutes of the Planning Commission and the reasoning on which departure was justified.

MONUMENT - a point of known coordinates, established by a civil engineer or registered surveyor, and used to locate property lines, building lines, etc. The monument should be tied in with monuments maintained by the United States Coastal and Geodetic Survey, or the United States Geologic Survey, if the monument is within a distance of one mile.

MUNICIPALITY - Bradford Township.

ON-SITE STORM WATER MANAGEMENT - the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development. (Ord. 1991-5]

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - adopted as Act 247 of 1968, this act enables municipalities to plan for, and regulate, community development with subdivision and land development ordinances. The code also contains guidelines for subdivision and land development ordinance content. For the purpose of this Chapter, the Code is referred to as "Act 247" and is intended to include the current code and any further amendments thereto. (Ord. 1991-5]

PRE-APPLICATION - informal submission of a rough sketch plan of a proposed subdivision to the Planning Commission to show the intent of the developer.

PLAN, PRELIMINARY - a tentative plan showing existing features of the land and proposed street, utility and lot layout within and adjacent to the subdivision.

PLAN, FINAL - a complete and exact subdivision plan, prepared by a registered surveyor for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in anyone (1) district created, from time to time, under the provisions of a municipal zoning ordinance. [Ord. 1991-5]

PLANNING COMMISSION - the Planning Commission of Bradford Township. PLAT - the map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC MEETING - forum held pursuant to notice under the act of July 3, 1986, (P.L. 388, No. 84, known as the "Sunshine Act." [Ord. 1991-5]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 1991-5]

RETENTION STRUCTURE - a pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event. [Ord. 1991-5]

RIGHT-OF-WAY - the total width of any land reserved or dedicated for use as street, alley, or for any public purpose. [Ord. 1991-5]

SEDIMENT BASIN - a temporary dam or barrier constructed across a waterway or at other suitable locations to intercept the runoff and to trap and retain the sediment. [Ord. 1991-5]

SITE IMPROVEMENTS - physical additions or changes to the land that may be necessary to provide usable and desirable lots, including but not limited to, utilities, streets, curbing, sidewalks, street lights and storm water facilities. [Ord. 1991-5]

STORM WATER MANAGEMENT - the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development, the peak rate of discharge leaving the site does not exceed the rate prior to development. [Ord. 1991-5]

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are classified by function as follows:

- A. ARTERIAL STREET - an expressway, controlled access highway or other designation. The street is of considerable continuity which serves, or is to serve, as a major trafficway for travel within the county.

B. COLLECTOR STREET - a street which serves, or is to serve as a trafficway for a community and as a feeder to an arterial street and to facilitate the collection of traffic from minor streets and to provide circulation around the boundary of the residential neighborhood.

C. LOCAL STREETS - used primarily for access to abutting proper-

D. MARGINAL ACCESS - a street parallel and adjacent to arterial or collector streets providing access to abutting properties and control of intersections.

SUBDIVIDER - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development. (Ord. 1991-5]

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 the heirs or devisees, transfer of ownership or building or lot development. Provided, however that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (Ord. 1991-5]

SURVEYOR, REGISTERED - an individual licensed and registered as a professional land surveyor by the Commonwealth of Pennsylvania. (Ord. 1991-5.]

YARD, FRONT - the open space extending across the width of the lot, between front of building line and the street right-of-way.

YARD, REAR - the open space extending from the rear of the main building and along the rear lot line (not a street line) throughout the whole width of the lot.

YARD, SIDE - an open space between the building and the adjacent side line of the lot extending from the front line of the building to the rear line of the building. Corner lots shall have a wide yard equal to or greater than twenty percent (20%) of the lot width.

(Ord. 1983-3, 12/12/1983, §202; as amended by Ord. 1-89, 3/13/1989; by Ord. 1991-5, 4/29/1991; and by Ord. 98-2-2, 2/9/1998, §1)

Part 3

Regulations Governing Minor Subdivisions

§301. Regulations Governing Minor Subdivisions or Land Development.

1. A minor subdivision or land development is defined as the division or redivision of a lot, tract or parcel of land by any means into four (4) or fewer lots, tracts) parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership) building or lot development and not involving new roads, streets, easements of access or the extension of other municipal utilities or facilities; and not adversely affecting the development potential of the remainder of the tract or parcel and adjoining property. Replatting, resubdivision or revision of four (4) lots or less shall be considered a minor subdivision. Multi-family, commercial, industrial and mobilehome park development shall be a major, but not minor, subdivision or land development, regardless of the number of lots or units created. [Ord. 1991-5] -----

2. The Bradford Township Planning Commission shall determine if a proposed subdivision is to be classified as a minor subdivision or other classification as defined in these regulations.

3. The Planning Commission is empowered to review and approve or disapprove minor subdivision plats or land development in accordance with the regulations and procedures of this Chapter. [Ord. 1991-5] (Ord. 1983-3, 12/12/1983, §301; as amended by Ord. 1991-5, 4/29/1991)

§302. Procedure and Requirements. Whenever a minor subdivision or any land development is desired to be effected and has been so classified by the Bradford Township Planning Commission, the following regulations and requirements shall apply:

1. The subdivider shall furnish five (5) subdivision or land development plans of the proposed layout prepared by a registered professional 'land surveyor on a reproducible media, or clear copy from such media, with sheets of such size as allowed by the County Recorder of Deeds Office for recording with 'a margin of one (1) inch on each side and a reasonable scale. It is recommended, but not required, that the scale be between one inch equals fifty feet (1" = 50') and one inch equals one hundred feet (1" = 100') [Ord. 1991-5]

2. The Subdivision Plan shall contain the following information:

- A. Name and address of record owner, the subdivider and name of the municipality where the property is located;
- B. The boundary lines of the lot, tract or parcel to be subdivided, with bearings and distances in feet or meters;
- C. Names of current adjoining property owners;
- D. Street lines, lot lines, rights-of-way and easements;
- E. North point, scale and date;
- F. Draft of protective covenants, if any;

G. Name and seal of a registered professional land surveyor responsible for maps;

H. Bench marks referenced by a monument established by the United States Geological Surveyor the United States Coast and Geodetic Survey, or permanent monuments as established by a registered surveyor or engineer;

I. Reference to the nearest borough or city, major highway or recognizable geographic object.

3. Wherever the minor subdivision or land development purposes to establish lots for building purposes, and the general slope of the site is greater than five (5%) percent, contours at vertical intervals of five (5) feet must be shown on the plot. [Ord. 1991-5]

4. Whenever the minor subdivision or land development proposes to establish lots for residential building purposes and any lot is not served by public sewer, a soils analysis and percolation test shall be performed. The plat shall not be approved by the Bradford Township Planning Commission until the local municipal officials and DER office have approved the lot(s) for sewage disposal. [Ord. 1991-5]

5. 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 land development, applicants shall present evidence to the Planning Commission, that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. [Ord. 1991-5]

6. No plat which will require access to a highway under the jurisdiction of the State Department of Transportation shall be finally approved unless the plat 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. Furthermore, the same requirement shall apply to \ any Bradford Township Road' and Bradford Township 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 of Transportation, or Bradford Township. [Or4. 1991-5]

7. The land development plan shall contain the following information:

A. All the required data as stated above in§302(1-6).

B. Deed book and page number of tract or tracts being developed.

C. All existing buildings, sanitary sewers, water lines, natural gas lines, petroleum or petroleum products lines, abandoned or in use oil and gas wells, electric and telephone lines, and other significant man-made features on or adjacent to the tract, and approximate location of proposed buildings, sanitary sewers, water lines, natural gas lines, petroleum products lines, electric and telephone lines, and other significant man-made features.

D. Approximate location of existing watercourses, swamps, wetlands and other significant natural features.

E. Proposed buildings, streets, lot lines (with bearings and distances in feet) .

F. Public buildings, playgrounds, and parcels of land that are to be dedicated or reserved for public use, location or open space, if any.

G. Site data to include proposed use or uses, number of lots total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling units, present zoning classification, including minimum lot area required.

H. Accurate location of all soil test pits for on-lot sewage disposal.

I. Topographic map showing relationship of proposed land development to surrounding area and terrain.

J. Location map showing the proposed land development and adjoining areas sufficient to determine the location in the municipality.

[Ord. 1991-5]

(Ord. 1983-3, 12/12/1983, §302; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991-5, 4/29/1991)

§303. Processing of Plats.

1. All minor subdivision plats and land development plats submitted to the Bradford Township Planning Commission shall be reviewed and acted upon as expeditiously as possible, and its decision shall be rendered and communicated to the applicant not later than ninety (90) days after receipt of the plat. The Planning Commission shall determine whether the plan shall be approved, approved subject to conditions acceptable to the applicant, or disapproved. The Commission shall notify the subdivider in writing of thereof, including if approved with conditions or disapproved and a statement of such action.

2. When minor subdivision or land development plat is not approved as filed, the decision shall specify the defects found in the plat and describe the requirements which have not, been met and shall in such case, cite the provisions of the ordinance relied upon.

3. When the minor subdivision or land development plat is approved subject to certain conditions imposed by the Planning Commission, the decision shall be in writing and specify the conditions of approval. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.

4. The applicant must respond in writing to the Planning Commission within thirty (30) days of receipt of the letter setting forth the conditions of approval, stating his/her acceptance or rejection of the conditions of approval. If a response is not received from the applicant indicating acceptance or rejection of the conditions, within the above specified time frame, approval of the plan shall be rescinded automatically. Plan approval will also be rescinded automatically if the

written response from the applicant indicates rejection of the conditions of approval.

5. All approved minor subdivision and land development plats must bear the authorized signatures of the Bradford Township Planning Commission and the McKean County Planning Commission and appropriate date before they can be recorded.

§304. Recording Plats. Upon the approval of the minor subdivision or land development plat, the subdivider shall, within ninety (90) days of such approval, record the plat in the office of the Recorder of Deeds. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat. (Ord. 1983-3, 12/12/1983, §304j as amended by Ord. 1991-5, 4/29/1991)

§305. Markers. Iron pin markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear and at all angles in property lines of lots. The markers shall consist of steel bars or pipe at least thirty inches (30") long and not less than three-quarters inch (3/4") in diameter. The marker shall be set so the top is at least level with the surface of the surrounding ground. (Ord. 1983-3, 12/12/1983, §305)

§306. Special Consideration for Dividing One Lot into Two.

1. The Planning Commission may approve a division of one (1) piece of property into two (2) pieces requiring the applicant to strictly adhere to the requirements and procedures set forth herein whenever the plat plan submitted to the Planning Commission shows that:

A. Each lot contains the necessary area to comply with any other municipal or State regulations including, but not limited to, sewer regulations.

B. The lot does not block rear access or restrict the development of adjoining property.

2. In addition to the foregoing, the Planning Commission may conditionally exempt an applicant from the necessity of performing any soils analyses and percolation tests otherwise required by this Chapter if the proposed conveyance of a subdivided lot: (i) is made to an adjoining land owner, (ii) is combined, by recorded deed, into one (1) parcel with the existing property of the grantee and (iii) adds no additional dwelling space to the property of the grantee.



Part 4

Regulations Governing Major Subdivisions

§401. Definitions and Authority.

1. A major subdivision is defined as (1) the division or redivision of a lot, tract or parcel of land by any means into five (5) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, or, (2) the division or redivision of a lot, tract or parcel of land by any means into four (4) or fewer lots, tracts, parcels or other divisions of land involving new roads, streets, easements of access and utilities or municipal facilities and services; or where the proposed development has an adverse effect on the development potential or current use of the remainder of the tract or parcel and adjoining property.

2. The Bradford Township Planning Commission shall determine if a proposed subdivision is to be classified as a major subdivision or major land development or other classification as defined in this Chapter.

(Ord. 1983-3, 12/12/1983, §401; as amended by Ord. 1991-5, 4/29/1991)

§402. Pre-Application Plans and Data: Procedure.

1. Prior to the preparation and filing of the Preliminary Plat, the subdivider is encouraged to submit to the Commission the following plans and data and shall ascertain from the Commission those elements which should be considered in the design of the subdivision. These shall include any features of the Township plan of future land use, thoroughfare plan, community facilities plan or of any plans of the Commission, including, but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers and school sites.

2. At this stage the Commission shall so inform the subdivider whether his tract is suitable for the purpose for which it is to be developed.

3. Land subject to hazards of life, health and safety shall not be subdivided until such hazards' have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive or improper fill material or land improperly drained.

§403. Pre-Application Plans and Data. Pre-application plans and data shall include the following:

1. Advisory Meetings: Prior to filing an application for approval of a preliminary plat, a subdivider should, but is not required to, confer with the Planning Commission to discuss his proposal. This step does not require any fee or formal application. The purpose is to afford the subdivider advice and assistance in order to save time and money, suggest professional assistance if needed, and answer any questions the subdivider may have in regard to filing applications or other items required.

2. General Information - The subdivider shall be prepared to discuss with the Planning Commission details of the proposed subdivision, its use, and existing features of the area. This discussion will cover such items as existing covenants, land characteristics, availability of community facilities and utilities and information describing the proposed subdivision, such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities and street improvements.

3. Location Map - A map showing the relationship of the proposed subdivision or land development to existing community facilities which serve or influence it and shall include development name, location of any existing facilities, traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow and date. [Ord. 1991-5] --

4. Topographic Map - The location of the proposed subdivision shall be shown on a U. S. Geological Survey Map or comparable substitute for purposes of relating the subdivision to the existing topography, slope gradient and other physical features. [Ord. 1991-5]

5. Sketch plan, when possible according to the scale of development, drawn on a print of the topographic map, showing in a simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions.

§404. Preliminary Plats: Procedure.

1. The subdivider, ten (10) days prior to the meeting of the Commission at which consideration is desired, shall file with the Commission five (5) copies, one (1) to be a mylar sheet of a preliminary plat of the proposed layout of the subdivision along with the necessary application, fees, and all such other data as is required. The mylar may be filed at final approval. [Ord. 1991-5]

2. In addition to the Preliminary Plat, the subdivider shall provide the approved Planning Module or other appropriate forms indicating municipal and DER approval of all the lots for sewage disposal facilities in conformance with Act 537, the Pennsylvania Sewage Facilities Act.

3. 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 land development, applicants shall present evidence to the Planning Commission, that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. [Ord. 1991-5]

4. No plat which will require access to a highway under the jurisdiction of the State Department of Transportation: shall be finally approved unless the plat 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. A Township road occupancy permit shall also be obtained prior to any construction.

5. Furthermore, Bradford Township 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 of Transportation, or Bradford Township. [Ord. 1991-5] ----

6. The Commission shall determine whether the preliminary plat shall be approved, approved subject to conditions acceptable to the applicant, or disapproved. The Commission shall notify the subdivider in writing thereof, including, if approved with conditions or if disapproved, a statement of reasons for such action. A copy of the preliminary plat shall be returned to the subdivider. [Ord. 1991-5]

7. When the major subdivision or land development is approved subject to certain conditions imposed by the Planning Commission, the decision shall be in writing and specify the conditions of approval. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision. [Ord. 1991-5]

8. The applicant must respond in writing to the Planning Commission within thirty (30) days of receipt of the letter setting forth the conditions of approval, stating his/her acceptance or rejection of the conditions of approval. If a response is not received from the applicant indicating acceptance or rejection of the conditions, within the specified time frame, approval of the plan shall be rescinded automatically. Plan approval will also be rescinded automatically if the written response from the applicant indicates rejection of the conditions of approval. [Ord. 1991-5] ----

9. Before taking final action on any submitted plat the Commission may- submit copies of the Preliminary Plat and accompanying data to the local offices of the Soil Conservation Service and the Department of Environmental Resources for their comments as to the suitability of the proposed development. [Ord. 1991-5]

10. Approval of the Preliminary Plat shall not constitute approval of the Final Subdivision Plat by the Planning Commission. [Ord. 1991-5]

11. The developer, after official notification by the Planning Commission of approval of the preliminary plan and the changes, if any to be made therein, shall within six (6) months thereafter, prepare and submit to the Planning Commission the final or record subdivision plat. Unless an extension of time is granted by the Planning Commission, the preliminary approval shall expire and become null and void after the six (6) months period herein specified. [Ord. 1991-5]

(Ord. 1983-3, 12/12/1983~ §404; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991-5, 4/29/1991)

§405. Preliminary Plans and Data: Specifications.

- 1. Topographic Map - A map drawn to an appropriate scale, preferably between 1" = 50' and 1" = 100'.
  - A. The proposed name of the subdivision;
  - B. Name of the subdivider;

- C. Name of the registered owners;
- D. North point, scale and date;
- E. Name of the registered professional land surveyor;
- F. Tract boundaries with bearings and distances;
- G. Contour lines to show the general slope of the land; to include contour intervals of five feet (5') if the general slope of the land to be developed exceeds five percent (5%);
- H. Approximate location of watercourses, tree masses, rock outcrops, existing buildings and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades;
- I. Adjacent streets.

2. The preliminary plan shall be drawn to an appropriate scale, preferably between 1" = 50' and 1" = 100'.

3. The plan shall show or be accompanied by the following:

- A. Material required in §403;
- B. Names and addresses of the current owner or owners;
- C. Name by which the subdivision will be recorded;
- D. Draft of protective covenants, if any;
- E. North point, scale and date;
- F. Name and seal of registered professional land surveyor who surveyed the property and prepared the plan;
- G. Tract boundaries with bearings, distance and area in acres;
- H. Names of current abutting property owners; and distance to nearest city, borough, or significant geographical object;
- I. Bench marks as established by the United States Geological Surveyor permanent monuments as established by a registered surveyor authorized to practice in the Commonwealth of Pennsylvania;
- J. Existing watercourses, banks and other significant natural features;
- K. Datum to which contour elevations refer;
- L. All existing buildings, sewers, water mains, culverts, bridges and other significant man-made features;
- M. All existing streets on or adjacent to the tract, including name, right-of-way and cartway width;
- N. Location and width of all proposed streets and paved cartways, alleys, sidewalks, rights-of-way and easements; lot lines with dimensions and bearings, building lines and reservations of ground for public use;
- O. Utilities, existing and planned, together with possible connections thereto.

4. Proposed improvements may include:

- A. Location, name and right-of-way widths of all proposed streets and alleys, paved cartway widths and approximate grade and gradients;
  - B. Sidewalks and crosswalks;
  - C. All easements and other rights-of-way;
  - D. Typical cross-section of roadways and sidewalks;
  - E. Lot lines with bearings and dimensions;
  - F. Building lines;
  - G. Reservations of grounds for public or semi-public use;
  - H. General drainage plan for storm water in relation to natural channels;
  - I. A plan of the proposed water distribution system or a plan showing the location of individual wells, including the size of water pipes and the location of valves and fire hydrants;
  - J. A plan of the proposed sanitary sewerage, system or a plan, where required, showing the proposed location of on-lot sewage disposal facilities.
5. Additional Data -' The following data shall be submitted when requested by the Commission:
- A. Profiles showing existing ground and proposed centerline street grades;
  - B. Location of manholes, invert elevations, grades and sizes of sanitary sewers and storm sewers.
6. The land development plan shall contain the following information:
- A. All the required data as stated above in §405(1-5).
  - B. Deed book and page number of tract or tracts being developed.
  - C. Proposed buildings, streets, lot lines (with bearings and distance in feet).
  - D. Public buildings, playgrounds, and parcels of land that are to be dedicated or reserved for public use, location of open space if any.
  - E. Site data to include proposed use or uses, number of lots, total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling units, present zoning classification, including minimum lot area required.
  - F. Accurate location of all soils test pits for on-lot sewage disposal.

[Ord. 1991-5]

(Ord. 1983-3, 12/12/1983, §405; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991-5, 4/29/1991)

§406. Final Plan: Procedure.

1. The final plan and supporting data shall be submitted within six (6) months after the Planning Commission's report on the preliminary plan and shall conform to their recommended changes and alterations, if any.

2. The subdivision plan submitted for final approval and subsequent recording shall be clearly and legibly drawn on suitable reproducible material. If more than two (2) sheets are required, a key map shall show the relationship between the drawings. All drawings shall be on sheets of such size to be acceptable to the County Recorder of Deeds Office with a margin of one inch on each side and at a reasonable scale. It is recommended that the scale be between 1" = 50' and 1" = 100'.

3. The developer shall submit to the Planning Commission a reproducible tracing along with three (3) prints or four (4) prints of the original, and supporting data.

This reproducible tracing or print shall bear the necessary signatures and all certificates, affidavits and approvals as requested for recording.

4. The Planning Commission will approve or reject this final plan at a regular meeting and within fifteen (15) days after approval or rejection of this plan, the Secretary of the municipality in which the subdivision is located and also the developer will be notified in writing of the Planning Commission's action. All approved major subdivision or land development plats must bear the authorized signatures of the Bradford Township Planning Commission and the McKean County Planning Commission and appropriate date before they can be recorded. [Ord. 1991-5]

5. Within ninety (90) days, should the final approval plan of the subdivision fail to be recorded, said approval and acceptance of the plan shall be null and void, unless an extension of time is granted upon written request.

(Ord. 1983-3, 12/12/1983, §406; as amended by Ord. 1-89, 3/13/1989; as amended by Ord. 1991-5, 4/29/1991)

§407. Final Plan: Specifications.

1. Final plans, which shall be drawn to a reasonable scale, preferably between 1" = 50' and 1" = 100' shall consist of the following:

A. Proposed subdivision name or identifying title, the name of the municipality wherein it is situated, the name of the owner or subdivider; registration number and impression seal or stamp of the professional registered engineer or surveyor;

B. The boundaries of the property and north point;

A. The full plan of development, proposed for recording, including street lines, building lines, easements and open spaces; any limitation of the easements shall be noted on the plan;

D. The name of current adjoining property owners or subdivisions, and distance to the nearest city, borough or significant geographical object;

E. Any existing public lands, all open spaces for which offers of dedication are included; and all other areas within the subdivision to which title is reserved by the owner;

F. Sufficient data to determine readily the location, bearing and length of every boundary line, street line and lot line and to reproduce such lines upon the ground;

G. Whenever the centerline of a proposed street or its right-ofway follows a curve, the following data compute~ according to the arc definition, shall be shown on the map: radius, arc length, chord length and chord bearing;

H. Each lot within the subdivision by number;

I. All other details which shall be considered sufficient to provide for proper construction of all public improvements.

2. The land development plan shall contain the, following information:

A. All the required data as stated above in §407.

B. Deed book and page number of tract or tracts being developed.

C. All existing buildings, sanitary sewers, water lines, natural gas lines, petroleum or petroleum products lines, gas and oil wells in use or abandoned, electric and telephone lines, and other significant man-made f ea tures on or adj acen t to the tract, and the approximate location of proposed buildings, sanitary sewers, water lines, natural gas lines, petroleum or petroleum lines, gas and oil wells in use or abandoned, electric and telephone lines, and other significant man-made features.

D. Approximate location of existing watercourses, swamps, wetlands and other significant natural features.

E. Proposed buildings, streets, lot lines (with bearings and distances in feet).

F. Public buildings, playgrounds, and parcels of land that are to be dedicated or reserved for public use, location of open space, if any.

G. Site data to include proposed use or uses, number of lots, total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling units, present zoning classification including minimum lot area required.

H. H.. Accurate location of all soils test pits for on-lot sewage disposal.

[Ord . 199 1- 5 ]

(Ord. 1983-3, 12/12/1983, §407; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991- 5 , 4/2 9 /1991 )

§408. Land Development Plan Review.

1. Land Development Plan Review Criteria. Any developer or owner of property in Bradford Township who proposes to construct a new nonresidential building, a group of two (2) or more residential buildings, to enlarge an existing nonresidential building, change an existing use or to develop a parcel, except for the construction of a single-family dwelling, where permitted, shall provide the Planning Commission with six (6) copies of plans as described in this Section. Where an owner or developer proposes to enlarge

or relocate parking areas, access drives or to erect signs or other permanent features or improvements on a lot or tract of land, he shall provide the Planning Commission with six (6) copies of site plans with supporting drawings to sufficiently illustrate the proposal.

2. Conditional Uses. If a developer or owner proposes a use listed as a conditional use in the Bradford Township Zoning Ordinance [Chapter 27], which requires that a public hearing be held by the Township Planning Commission, he shall first or simultaneously receive approval of his proposal as required by the Township Zoning Ordinance [Chapter 27] before proceeding to satisfy the requirements of this Section.

3. Procedure for Consideration and Approval.

A. The developer or owner shall submit all required plans to the Township Planning Commission for action within the prescribed time requirements and to the McKean County Planning Commission thirty (30) days prior to the next regularly scheduled Township Planning Commission meeting.

B. At its next regularly scheduled meeting following the submission of plans, the Planning Commission shall begin a review of said plans for conformity with this Section, the physical appearance and arrangement of the structures on the property, vehicular access and circulation into and within the property, parking layout, pedestrian walks, likely points of congestion or other dangerous conditions that may be created by the proposed development on adjacent roads, stormwater drainage systems, signs, outdoor lighting, landscaping and other features of the proposal that may be pertinent to the public health and safety. Said ninety (90) day review period shall commence on the date of the Planning Commission meeting after which a complete application was received. The developer or owner is urged to attend this meeting.

C. The Planning commission may approve, approve with conditions or deny the proposal as presented. The developer or owner may make revisions as suggested by the Planning Commission and resubmit plans to the Township for reconsideration. Where the reconsideration and review will extend beyond the ninety (90) day period authorized, the Planning Commission or Township Board of Supervisors may request an extension of time from the applicant. Where no extension is granted, action shall be taken' as prescribed.

D. Immediately after the Planning Commission has made its decision or after the developer or owner proposes no further revisions, the plans shall be submitted to the Township Board of Supervisors which shall review them at its next regular meeting along with the Planning Commission's actions. The Board of Supervisors shall acknowledge the action of the Planning Commission, including conditions of approval, which shall be attached to any permit issued for any construction on the property within the ninety (90) day review period authorized. The decision of the Planning commission shall be in writing and shall be communicated to the applicant personally or mailed no later than fifteen (15) days following the decision.



E. After final approval by the Township Planning Commission, no change shall be made in a plan unless changes are first reviewed and approved by the Planning Commission. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change or phase of development.

F. Separate building permits shall be required for each building to be erected as part of an approved group of buildings on a site in the C-Commercial District or the I-Industrial District regardless of the proposed timing of the construction of each. Site development work including, but not limited to, paving, stormwater drainage structure and landscaping shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the building. Earth disturbance activities and stormwater management and design standards for said facilities shall be in compliance with Part 6.

G. At least ten (10) percent of the gross area of any property to be developed shall be landscaped per the approval of the Planning Commission. Not less than five (5) percent of the total property area shall be landscaped in that portion lying between the principal structure on the property and the abutting street right-of-way. Landscaping shall include all of the following elements: grassed areas, shrubbery, low trees, ground cover, mulching materials or other features and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location.

H. To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas or screened from view by use of appropriate landscaping materials, fencing or earth mounding or any combination of these.

#### 4. Contents of Land Development Plan Submission.

A. The land development plan shall be presented in six (6) prints at a scale not smaller than one (1) inch equals fifty (50) feet. A location map at a scale of not less than one (1) inch equals two thousand (2,000) feet shall also be provided, on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.

B. The land development plan shall contain at least the following information as prepared by a registered professional engineer, surveyor or architect, unless otherwise specified. Additional information may be required by the Planning Commission at its discretion. For existing structures where only the use is changing, design requirements may be waived by the Township Planning Commission.

(1) Bearings and distances of all property lines and area of property in square feet as prepared by a registered land surveyor.

(2) Location of adjacent road curbs or edge of paving and existing and proposed curb cuts.

(3) Public sanitary sewer, water supply stormwater management, gas, electric, telephone and other utility lines overhead or

underground, existing and proposed, in street rights-of-way or in easements, inside the property or within fifty (50) feet of a boundary.

(4) Existing contours, slopes in excess of twenty-five (25) percent and proposed regrading at two (2) foot intervals or spot elevations fifty (50) feet apart in two (2) directions over the property where there are less than four (4) percent slopes.

(5) Location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline.

(6) Distances between all proposed structures or additions and property lines.

(7) Paving including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system and devices to retard stormwater drainage.

(8) Areas with mature trees or forests as defined herein. (9) Proposed landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, outdoor lighting, etc.

(10) Proposed signs showing elevation view and noting height of the top of the sign above the ground below and dimensions of sign faces and distances from property lines.

(11) Areas subject to soil erosion, landslide prone soils, natural watercourses or drainageways and wetlands.

(12) Elevation of each wall of each proposed structure showing architectural treatment or, optionally, a rendered perspective drawing of a structure showing two (2) walls at least one (1) facing the access street.

(13) The name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan.

(14) North arrow, graphic scale, title and date of submit-

(15) A narrative describing the present and proposed use of the property.

(16) A traffic impact study shall be required if the proposed use or uses generates fifty (50) a.m. or p.m. peak hour trips or more.

(17) Environmental impact statements as specified in subsection (5) of this section.

(18) Certification by the owner of the tract of land proposed to be subdivided that there are no restrictions or covenants in place which would affect any future development or which limits any existing development.

5. Environmental Impact Statement.

A. Environmental Impact Statement Requirements. Where a combination of two (2) or more of the following site characteristics are present, the Planning Commission may require that an environmental impact statement be submitted as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental Protection and shall be received by the Township Planning Commission at least ten (10) days prior to a scheduled review.

(1) Construction activity in undermined areas with less than one hundred (100) feet of overburden, as designated by the Bureau of Mining and Reclamation.

(2) Construction activity or encroachment involving a natural stream, watercourse or wetland.

(3) Construction activity within a landslide-prone areas as delineated on landslide susceptibility maps as maintained by the Pennsylvania Geological Surveyor as prepared by recognized experts acceptable to the Township Engineer.

(4) Construction activity involving the removal of ten (10,000) square feet or more of earth or activity involving the removal of natural vegetation or forest of three (3) acres or more in area.

(5) Construction activity within one hundred (100) feet of any wetland.

B. Environmental Impact Statement Content.

(1) A description of the project. A map indicating:

(a) Limit of the following slope areas:

- 1) a - 15 percent
- 2) 15 - 25 percent
- 3) over 25 percent

(b) All natural watercourses and wetlands

(c) Undermined areas with less than one hundred (100) feet of overburden.

(d) Landslide-prone soils. (e) All forested areas.

(2) An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in this subsection.

(3) A list of all licenses, permits and other approvals required by Municipal, County, State and Federal law and the status

of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval, stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.

(4) A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of watercourses, protection of air resources and noise control are some factors to be considered.

(5) Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landsliding problems, etc.

C. Waiver of Environmental Report Requirement. The Planning Commission may waive the requirement for an environmental impact statement if an applicant requests said waiver in writing, and further, provided said development meets all the standards of the Zoning Ordinance [Chapter 27], does not involve the relocation, improvement or alteration of any streamway and no portion of the site is located within a flood hazard or flood-prone area as delineated on the FEMA map for Bradford Township.

D. Waiver of Requirements. Provided the land development plan application is in conformance with all applicable provisions of this Section, that the applicant has requested such in writing, the Township Planning Commission may waive, alter or reduce any requirement of standards of this Section as it relates to a land development plan application, under the following circumstances:

(1) Suitable Alternative \_ Whenever a proposal is offered which presents an alternative which conforms to the spirit and intention of this Section.

(2) Unusual Site Characteristics. Whenever a physical feature exists on or adjacent to the site which prevents a literal conformance to requirements or standards.

E. Modifications. The Bradford Township Planning Commission may grant a modification of the requirements of one (1) or more provisions of this Section 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 Section is observed.

(1) All requests for modification shall be in writing and shall accompany and be part of the application for land development or subdivision approval. The request shall state in full the grounds and the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

(2) The Planning Commission shall forward a copy of their decision on such requests for modification to the Board of Supervisors.

F. Request for Additional Information. Whenever it is determined by the Planning Commission at the outset of the review that additional information is needed in order to make an informed recommendation related to the land development plan application, the Planning Commission will notify the applicant of such and said information shall be provided at the applicant's expense before the application will be considered complete.

6. Preventative Remedies.

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

B. 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 any ordinance adopted pursuant to this section. This 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 such 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.

C. As a additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the 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.

(Ord. 1983-3, 12/12/1983; as added by Ord. 98-2-2, 2/9/1998, SII)

§409. Resubdivision or Replatting. When the combination or recombination of lots or portions of previously plotted lots results in increases in street frontage and total area size, that reaches or exceeds the standards of these regulations and the street pattern is in conformity to municipal comprehensive plan; then the procedure and regulations heretofore described shall be followed except as they may be modified on application to the Planning commission. (Ord. 1983-3, 12/12/1983, §408; as amended by Ord. 981-1, 2/9/1998, §II)

§410. Notation to Appear on Final Subdivision Map. The following notation must appear on all subdivision maps before final approval by the Planning Commission: [Ord. 1991-5]

"No building permit for construction of any lot in this subdivision will be issued if the width of the lot or lot area is less than that indicated on this subdivision map, unless a change in lot size is approved by the Planning Commission. Furthermore, the lot must be in compliance with all provisions of the Bradford Township Zoning Ordinance."

(Ord. 1983-3, 12/12/1983, §409; as amended by Ord. 1991-5, 4/29/1991; and by Ord. 98-2-2, 2/9/1998, §II)

## Part 5

## Design Standards

§501. Application of Standards. The following land subdivision principles, standards and requirements shall be applied by the Planning Commission in evaluating the plans for proposed Major Subdivisions and shall be considered ,minimum requirements. (Ord. 1983-3, 12/12/1983, §501)

§502. Land Requirements.

1. Land shall be suited for the purpose for. which it is to be subdivided.
2. Land subject to hazards of life, health and safety shall not be subdivided until such hazards have been removed.

§503. Street System.

- A. The street layout shall be related to the' topography.
- B. Where the center lines of local streets opening into opposite sides of a major street are within one hundred fifty feet (150') of each other, they shall be made to coincide if possible.
- C. Cul-de-sacs shall normally not exceed five hundred feet (500') in length and must have a right-of-way radius of fifty feet (50') and a cartway radius of forty feet (40').

1. Street Alignment -

A. the minimum radius at the center line for curves on arterial streets shall be five hundred feet (500'), for collector streets three hundred feet (300'), and for local streets it shall be two hundred feet (200').

B. between reverse curves a tangent of not less than the following dimensions shall be provided:

- Arterial Streets - two hundred feet (200')
- Collector Streets - one hundred feet (100')
- Local Streets - fifty feet (50')

C. Vertical curves shall be installed on all street grade changes exceeding one percent (1%) to provide for the minimum sight distances required. The minimum sight distances required are as follows:

- Arterial Streets - five hundred feet (500')
- Collector Streets - three hundred feet (300')
- Local Streets - one hundred feet (100')

2. Street Grades - There shall be a minimum grade of at least one percent (1%) on all streets; a maximum grade of five percent (5%) on arterial, maximum of eight percent (8%) for collector streets and twelve percent (12%) on local streets for distances of twelve hundred feet (1,200) maximum.

A. Street Rights-of-Way and Cartway Widths minimum street right-of-way widths and cartway widths shall be as follows:

Type of Street	Type of Development	Paving Requirements	Cartway	Cartway With On-Street Parking	Right-Of-Ways
Local and Marginal Access	Single family lots 100' or more in width or plan of less than 20 lots	6" Base, Gravel Surface	20 feet	--	50 feet
	Single family lots 70' to 100' in width	6" Base, Gravel Surface	20 feet	--	50 feet
	Single family lots under 70' in width or multi-family residential	6" Base, Gravel Surface	20 feet	40 feet	50 feet
Collector	Commercial or Industrial	8" Base, Gravel Surface	20 feet	40 feet	50 feet
	Single family lots 133' in width or over	8" Base, 2 1/2" Bituminous Surface	20 feet	--	50 feet
	Single family lots 100' to 133' in width	8" Base, 2 1/2" Bituminous Surface	20 feet	--	50 feet
	Single family lots under 100' in width, multi-family, commercial or industrial	8" Base, 2 1/2" Bituminous Surface	20 feet	40 feet	50 feet
Arterial	All Types	As prescribed by the Pennsylvania Department of Transportation			

B. dedication of additional right-of-way may be required by the Bradford Township Planning Commission.

3. Blocks-

A. Block lengths shall not exceed sixteen hundred feet (1,600') nor be less than five hundred feet (500').

B. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial street are used.



C. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of twelve feet (12') and a four foot (4') paved walk.

D. The depth-to-width ratio of usable lot length shall be at a maximum of two and one-half (2½) to one (1).

4. Lots and Lot Sizes - Lot dimensions and areas shall comply with the provisions of the Bradford Township Zoning Ordinance [Chapter 27 of this Code].

5. Lots Abutting Arterial Highways -

A. Reverse frontage lots and marginal access streets should be used along all arterial streets.

B. Where reverse frontage lots are used, they shall provide a rear yard of at least sixty feet (60'), measured to the right-of-way line of the arterial street or railroad.

6. Utility Easements and Alleys

A. Utility Easements -

(1) an easement for utilities where required, shall be twelve feet (12') in width or at least six feet (6') along each side of a lot line to provide sewer, water, gas, electric or telephone services;

(2) drainage easements with a minimum of twenty feet (20') width shall be provided where deemed necessary;

(3) there shall be a minimum distance of fifty feet (50'), measured in the shortest distance, between each proposed dwelling unit and any petroleum, petroleum products or natural gas transmission, high pressure line or high tension electric line which may traverse the subdivision;

(4) to the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines;

(5) where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

B. Alleys-

(1) alleys are prohibited from residential development;

(2) in commercial or industrial districts without expressly designed loading areas, alleys with a minimum width of twenty feet (20') shall be required.

(Ord. 1983-3, 12/12/1983, §503)

§504. Sidewalks. Sidewalks and crosswalks, where required, shall be installed by the subdivider along public streets or where deemed necessary for public safety, as determined by the Planning Commission.

(Ord. 1983-3, 12/12/1983, §504)

§505. Street Names. The subdivider may choose his street name subject to the approval of the Planning Commission. No street, other than an extension, may be given the name of; an existing street in the municipality. (Ord. 1983-3, 12/12/1983, §505)

## Part 6

## Improvement and Construction Requirements

The construction of improvements in a subdivision is the responsibility of the subdivider since it is his property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas. Such improvements increase the livability and usability of abutting lots and when properly constructed, contribute direct savings to the community through lower maintenance costs. Once the subdivider disposes of the lots and the improvements are accepted by the local government, the responsibility of maintaining such improvements and correcting any construction errors falls on the public.

Any or all of the following improvements as may be required by the Commission, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code and amendments thereto, considering the needs of the area in which the proposed subdivision is located, must have been completed in accordance with the requirements of the responsible public authority affected, public officials or municipal engineer for that portion included in the final plat.

If the improvements are not completed, then satisfactory arrangements must have been made with the Commission to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plat.

(ord. 1983-3, 12/12/1983, Article VI)

§601. Monuments. Permanent reference monuments of precast concrete or a durable stone, at least thirty inches (30") by six inches (6"), with forty-five degree (45°) beveled edges, or a four inch (4") iron pipe filled with concrete, shall be set at final grade at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, and such intermediate points as may be required. All lot corner markers shall be at least a three-quarter inch (3/4") metal pin with a minimum length of thirty inches (30"), permanently located in the ground to final grade. (ord. 1983-3" 12/12/1983, §601)

§602. Utility and Street Improvements. Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedules. (ord. 1983-3, 12/12/1983, §602)

§603. Water Supply. The subdivider shall construct a system of water for the development, approved by D.E.R. Such approval shall be based upon satisfactory compliance with construction standards for water supplies approved by the Department. The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Department. Unapproved water supply shall be made inaccessible to the public in a manner deemed satisfactory to the Department. (ord. 1983-3, 12/12/1983, §603)

§604. Storm Sewers.

1. A drainage system adequate to serve the needs of the proposed new streets or the entire subdivision will normally be required in new subdivisions. When a public storm sewer main is available at the plat boundary or within one thousand feet (1,000'), the subdivider shall; construct a storm sewer system and connect with such storm sewer main.
2. Bridges or culverts shall be designed and constructed by the subdivider where natural drainage intersect any street right-of-way.
3. Where open watercourses are planned, adequate safety, erosion control, drainage (stagnant water), protection of capacity and appearance measures shall be taken by both the subdivider and the Planning Commission to insure proper, safe, healthful disposal of storm water.
4. Minimum grade of drainage courses shall be designed to create a cleaning effect (velocity of five feet (5') per second) except that a minimum cleaning effect (velocity of three feet (3') per second) may be permitted by the municipal engineer where greater grade cannot be achieved.
5. At intersecting streets, water in gutters and ditches shall be placed in adequate culverts.
6. Location of storm sewers shall be in accordance with existing systems or in accordance with standards suitable to the municipal engineer.
7. Storm sewers shall have a minimum diameter of fifteen inches (15") and a minimum grade of one-half of one percent (1%).
8. Manholes shall normally be spaced three hundred feet (300') apart where pipe sizes of twenty-four inches (24") or less are used and not over four hundred fifty feet (450') where larger sizes are installed. Inlets may, if approved by the municipal engineer, be substituted for manholes.
9. Special sections of ten (10) to fifteen feet (15') radii shall be installed where abrupt changes in direction are made.
10. Pipe culverts shall normally be required under driveways and shall not be less than fifteen inches (15") in diameter and sixteen feet (16') in length. Reinforced concrete or corrugated metal pipe may also be used and shall be laid so as to maintain the flowline of the open ditch.
11. All phases of construction of open ditches, gutters or storm sewers including width, depth, shape, erosion control, minimum grade, size and area shall be in accordance with the requirements of these regulations and all storm drainage facilities shall be inspected and certified by the municipal engineer prior to being covered.

§605. Sanitary Sewers.

1. The subdivider shall construct a sanitary sewer system and connect with such sewer main and provide lateral connections for each lot where a public sanitary sewer main is available at plat boundary or within a reasonable distance thereto (one thousand feet (1,000')) of subdivision.

2. If a public sanitary sewer main is not available under the conditions stated above, the subdivision or area may be considered as one where it is necessary to construct a public or community disposal system, an interim plant or septic tank system and cap sewer or other satisfactory method in accordance with the Pennsylvania Sewage Facilities Act (Act 537) and amendments thereto and approved by the local sewage enforcement officer, municipal engineer and/or State Department of Environmental Resources.

3. If, in the Opinion of the State Department of Environmental Resources, the municipal engineer and/or the Commission, factors exist which would create a public health and sanitation problem if a certain area is platted, the Commission will not approve the subdivision and platting of such area until such factors are corrected by an adequate sanitary sewer system or other method.

4. All sanitary sewers shall be constructed and installed according to the standards of the authority of municipal department operating such sewers.

5. All phases of construction, including excavation, trench, pipe size, grade, backfill and manholes shall be in accordance with approved construction drawings, State Department of Environmental Resources and inspected by the municipal engineer, his authorized representative, authority representative or health officer during the entire construction period.

(Ord. 1983-3, 12/12/1983, §605)

§606. Streets, Curbs, Base and Pavement.

1. Streets shall be designed and constructed to such a condition that the streets are passable for vehicles which are intended to use such streets. Bradford Township shall not be required to accept such streets for public dedication until the streets meet such additional standards and specifications as the municipality may require for public dedication. No plat shall be finally approved until the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition.

2. All streets shall be graded to the full width of the cartway and the adjacent side slopes graded to blend with the natural lay of the land or in accordance with the cross-section presented, to the satisfaction of the municipal engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with the standards established by the municipality concerned. A slope of two (2) horizontal to one (1) vertical foot beyond the right-of-way line shall be the maximum allowable slope.

3. Street cross-section for local and secondary streets shall be in accordance with the standards established in the municipality involved. Where alternatives are available, the Planning Commission may designate the cross-sections to be used on the advice of the municipal engineer. All details of the cross-section, crowns, curbs, pavement, sub-grade and roadside ditches, shall conform to the designated cross-section. Arterial street cross-sections shall conform to the designated cross-section.

Arterial street cross-sections shall be as designated by the municipal engineer and approved by the Planning Commission. (State approval required where necessary).

4. Curbing shall be concrete or of a bituminous mix, either straight, battered or rolled.

5. The requirement of curbs or curbs and gutters will vary in accordance with the character of the area and density of development

A. Curbs shall ordinarily be required where:

(1) streets are designed to serve areas in which the net residential density of the area surrounding the proposed subdivision equals or exceeds three (3) families per acre.

(2) lot frontages are less than seventy-five feet (75'). (3) commercial development or other similar intensive urban uses exist.

B. The supervisors may require curbs and gutters to be installed on arterial, collector or local streets or on highways if such construction is deemed necessary for public safety, control of water runoff for clearly defined driving and parking areas.

6. Streets shall be constructed with eight inch (8") thick (rolled measurement) native stone, limestone or crushed slag properly graded and meeting the requirements of the current specifications of the Pennsylvania Department of Transportation and subject to their complete tests. Lesser base courses, to a minimum of six inches (6") may be authorized by the Bradford Township Supervisors on the advice of the municipal engineer on smaller streets where the character of the drainage of the subgrade, the size of the subdivision and nature of the traffic warrants.

7. A two and one-half inch (2 1/2") bituminous plant mixed surface shall be placed on the prepared base to meet the requirements of the specifications of the Pennsylvania Department of Transportation. Where a six inch (6") base is authorized, a bituminous surface treatment in accordance with an AT-1 specification complying with the Pennsylvania Department of Transportation may be used.

8. Where concrete pavement is used, the standard requirements of the Pennsylvania Department of Transportation shall govern and all work shall be performed in the manner prescribed in the standard specifications for road construction of said department, and shall be approved by the engineer. Local streets shall be at least six inches (6") in thickness and conform to other specifications of the Pennsylvania Department of Transportation.

9. Either 1 type of pavement listed above must be approved by the Bradford Township Supervisors before application. Said installation shall be under the direct supervision of the municipal engineer.

(Ord. 1983-3, 12/12/1983, §606)

§607. Sidewalks.

1. Sidewalks shall be provided when considered necessary by the Supervisors for protection of the public or wherever it is determined that the potential volume of pedestrian traffic or safety consideration required.

2. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one (1) or both sides.

3. Sidewalks will be normally required on both sides of the street except that the Supervisors may authorize sidewalks on one (1) side only of U-shaped streets, cul-de-sacs or where character of use does not require pedestrian access on both sides of the street.

4. The minimum width for sidewalks shall be four feet (4'), but the Supervisors may require a greater width in the vicinity of shopping centers, schools and recreation facilities or where similar intensive urban uses exist.

5. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, two and one-half feet (2~') from the edge thereof. Sidewalks should line up with walks in adjoining subdivisions.

6. Sidewalks shall be of portland cement concrete, a minimum four inches (4") thick, except that they should be six inches (6") thick at driveway crossings and a minimum two percent (2%) transverse slope from property line to curb to facilitate drainage.

7. All phases of construction, subgrade, concrete, forms, grade and thickness shall be in accordance with the requirements of these regulations; the forms shall be inspected prior to pouring and finished walks shall be inspected and certified by the Supervisors.

(Ord. 1983-3, 12/12/1983, §606)

§608. Existing Natural Conditions (Trees and Streams). In wooded areas or where other natural conditions exist, in such a manner that their presence adds to the desirability of a subdivision, the Planning Commission shall require that the subdivider preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required for the construction of the improvements in accordance with the improvement standards included herein. (Ord. 1983-3, 12/12/1983, §608)

§609. Performance Guarantees.

1. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

A. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Chapter and any walkways, curbs, gutter, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any

improvements required as a condition for the final approval of a plat including improvements or fees required pursuant to §609 (I), this Chapter shall provide for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreation facilities, open space improvements, or buffer or screen plantings which may be required.

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

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

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

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

F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the municipality 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 for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality 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 accordance with this subsection.

G. The amount of financial security required shall be base upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such



engineer to be a fair and reasonable estimate of such cost. The municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate ~or good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, than the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.

H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from posting of 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 about the expiration of the preceding one (1) year period by using the above bidding procedure.

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

J. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payments to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body [and the governing body] shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, 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.

K. When the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in

this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

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

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

## 2. Release from Improvement Bond.

A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten (10) days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer and planning commission by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt of the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such non-approval or rejection.

B. The municipal governing body shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the action of said municipal governing body with relation thereto.

C. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security.

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

E. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.

F. Where herein reference is made to the municipal engineer, he shall be as a consultant thereto.

G. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.

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

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

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

(4) In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within thirty (30) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of

the judicial district in which the municipality is located shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five (5) years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1, 000. 00) or more, the municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

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

(Ord. 1983-3, 12/12/1983, §609; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991-5, 4/29/1991)

Part 7

Mobile Home Regulations and Mobile Home Park Standards

§701. Mobile Home Regulations. Regulations for individual mobile homes on subdivided lots under separate ownership in districts where permitted:

1. A mobile home used as a dwelling is required to be on rigid supports (blocks) with the wheels removed, and is required to have an opaque material (skirting) extending from the lower edge of the exterior of the mobile home to the ground around the circumference of the outside of the mobile home.

2. A planted visual barrier, or landscaped screen that covers the skirting year round shall be provided and maintained by the owner along the exterior of the mobile home which faces the public right-of-way providing access to the lot. The adequacy of this screen shall be determined by the Zoning Officer.

Mobile Home Park Standards - This Part 7 sets forth Uniform Standards governing mobile home parks, establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and regulated utilities, and facilities.

The development of a mobile home park will be considered as a subdivision and handled as such in the application of previous provisions of these regulations. The rules and regulations on mobile home parks contained in this Part are in addition to the parts previously mentioned.

(Ord. 1983-3, 12/12/198~, §701)

§702. Site and Lot Design Standards for Mobile Home Parks.

1. Site Location - The location of all mobile home parks shall comply with the following minimum requirements. The site shall:

A. Be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.

B. Not be subject to flooding (per Flood Hazard Map issued by PIA of FEMA).

C. Not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

2. Land Requirements and Lot Size -

A. If a mobile home park is served by both individual wells and on-lot sewage facilities (which shall meet DER requirements), then the lot area and minimum dimensions shall be the same as required for residential lots as set forth in Part, §503(4).

B. If a mobile home park is served by either individual well or individual on-lot sewage facilities (which shall meet DER requirements), then the lot area and minimum dimensions shall be the same as required in Part 5, §503(4).

C. On land laid out as a mobile home park, served by both public or central water and public or central sanitary sewers, the following requirements shall apply:

(1) mobile home lots within the park shall have a minimum area of five thousand (5,000) square feet; and a minimum lot width of fifty feet (50'). However, the total number of lots in a park shall not exceed an average density of six (6) per acre.

(2) each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home and to insure that the mobile home remain level and stable and free from structural damage.

(3) each mobile home lot shall be provided with anchoring systems to resist overturning or lateral movement of mobile homes from wind forces. Specifications for construction of anchoring systems are in accordance with the Standards for the Installation of Mobile Homes including Mobile Home Park Requirements NFPA No. 501A-1974 (ANSI A119.3-1975), as sponsored by Manufactured Housing Institute, National Fire Protection Association, and Trailer Coach Association.

(4) it is recommended, but not required, that mobile home lots be designed with a skew of approximately twenty (20) to thirty (30) degrees away from a line perpendicular to the street.

3. Required Setbacks and Minimum Distances -

A. All mobile homes shall be located at least twenty-five feet (25') from any park property boundary line abutting upon a public street or highway and at least twenty-five feet (25') from other park property boundary lines. [Ord. 1-89, 3/13/1989]

B. A mobile home, including its accessory building shall be a minimum distance of twenty feet (20') from the pavement of an adjoining park street, common parking area, or other common areas and structures.

C. Mobile homes shall be separated from each other and from other buildings and structures at least fifteen feet (15') on all sides. A mobile home accessory building shall not be closer than three feet (3') from a mobile home it services, or closer than fifteen feet (15') from a mobile home on an adjacent lot.

(Ord. 1983-3, 12/12/1983, §702'; as amended by Ord. 1-89, 3/13/1989)

§703. Mobile Home Lot Appearance.

1. Skirting and Screening - [Ord. 1-89, 3/13/1989]

A. A planted visual barrier, or landscaped screen, shall be provided and maintained by the owner or lessee of a property between any district and contiguous residentially zoned districts, except where natural or physical man-made barriers exist. This screen shall be developed in a manner approved by the Zoning Officer. All plants not surviving one year after planting must be replaced.

B. All visual barriers, or landscape screens, shall be in accordance with the following minimum widths. Such areas shall not be counted as part of the required open spaces or yard areas.

(1) in all Commercial Districts - 10 feet.

(2) in Industrial Districts - 20 feet.

C. Any existing business affected by these regulations at the time of passage of this Chapter, shall not be required to comply with the above screening requirements, except in case of enlargement or major alteration of such business. Similarly, .for any zoning district boundary change after the passage of this .Chapter initiated by a residential developer abutting a Commercial or Industrial zoned district property for which these regulations apply, these screening requirements shall not be imposed upon such Commercial or Industrial property.

2. Landscaping-

A. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.

B. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Department of Environmental Resources.

C. In mobile home parks where surface drainage slopes towards rear lots, there shall be a drainage easement of ten feet (10').

D. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

E. Trees, shrubs and/or other decorative vegetation shall be planted at strategic locations in order to provide an aesthetically pleasing appearance of the park and the lots within.

(Ord. 198373, 12/12/1983, §703; as amended by Ord. 1-89, 3/13/1989)

§704. Street System and Design.

1. Park Street System -

A. General Requirements - A safe and convenient vehicular access shall be provided from abutting public streets or roads.

B. Access - The entrance road, or area, connecting the park with a public street or road shall have a minimum pavement width of thirty feet (30') and a right-of-way width of fifty feet (50'). [Ord. 1-89, 3/13/1989]J

C. Internal Streets - Surface roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements.

(1) a minimum cartway width of twenty feet (20') will be required.

(2) cul-de-sac or dead-end streets shall be provided at the closed end with a turnaround having a roadway radius of at least thirty feet (30').

(3) speed control bumps shall be constructed each one hundred fifty feet (150') on internal streets.

2. Street Construction and Design Standards -

A. Streets - All streets shall be provided with a smooth, hard and dust-free surface which shall be durable and well drained under normal use and weather conditions.

B. Grades - Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight percent (8%). Short runs with a maximum grade of fifteen percent (15%) may be permitted, provided traffic safety is assured by appropriate surfacing and adequate leveling areas.

C. Intersections - Within one hundred feet (100') of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty feet (150') shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be avoided.

3. Parking Areas - It shall be required that all parking within a mobile home park be located off-street to insure greater safety and convenience of the pedestrian and traffic.

A. There shall be a minimum area of two (2) parking spaces per mobile home lot;

B. Or one (1) parking space per mobile home lot and parking compounds to accommodate the remainder of spaces per unit which shall be located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred feet (200') from the mobile home that it is intended to serve.

§705. Park" Utilities and Services.

1. Utilities - In every park consisting of five (5) or more lots:

A. All utilities shall be located underground and extended through all the lots so that they will be within the confined area of the mobile home stand at a point where all utility connections will approximate a vertical position for hookup, thereby insuring the shortest connection possible and decreasing susceptibility to freezing and exposure to weather and other elements.

B. All utilities shall be installed and maintained in accordance to specifications as required by the local utility companies and the Department of Environmental Resources, whoever regulates such systems.

C. Water supply regulations are the same as stated in §603 of this Chapter.



2. Lighting - Streets and walkways designed for the general use of the mobile home park residents shall be lighted during the hours of darkness. Such lighting shall not be under the control of the mobile home occupant. Outdoor lighting placed on lots for individual lot illumination may be under the control of the occupant.

3. Service Buildings and Other Community Service Facilities - All mobile home parks which, upon the owner's discretion, will provide service buildings or facilities, such as laundry facilities, repair shops, storage areas, indoor recreation areas, etc., shall be constructed in accordance to the regulations and specifications of the Department of Environmental Resources.

§706. Recreation Areas. Not less than ten (10) percent of the gross area of the mobile home park shall be set aside for usable recreation areas for use by all park residents. The recreation area shall not be included in the calculations to determine the number of mobile homes allowed.

Land reserved for recreation purposes shall be ,of a character and location suitable for use as a playground, playfield, or other recreation purposes, and shall be level and dry.

(Ord. 1983-3, 12/12/1983, §706; as amended by Ord. 1-89, 3/13/1989)

## Part 8

## Conditions of Acceptance

§801. Recording. Within ninety (90) days after the date of approval of, the subdivision or land development, the subdivider shall record two (2) approved duplicate copies of the map, one (1) to be mylar, in the office of the county Recorder of Deeds, and file with the respective Planning Commission, a Recorder's Certificate that the approved plan or land development has been recorded, with the Plan Book and Page Number indicated. Approval shall not become final and, effective until such certificate has been filed. [Ord. 1991-5]

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

2. Streets, parks and other public improvements shown on a subdivision or land development plan to be recorded may be offered for dedication to the local municipality by formal notation thereof on the plan or the owner may note on such plan any improvements which have not been offered for dedication to the local municipality. [Ord. 1991-5]

3. Every street, park or other improvement shown on a subdivision or land development plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the local municipality and accepted by ordinance or resolution or until it shall have been condemned for use as a public street, park or other improvement. [Ord. 1991-5]

(Ord. 1983-3, 12/12/1983~ §801; as amended by Ord. 1991-5, 4/29/1991)

§802. General Conditions.

1. The Bradford Township Planning Commission shall have jurisdiction and control of the subdivision of land and land development located within the Township' limits. All plans, plots and reports of land laid out in building lots, and the streets, highways, alleys or other portions of same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon, or adjacent thereto, located within the Township limits, shall be submitted to the Township Planning Commission and approved by it before they shall be recorded, as provided by this Chapter, and Article V, Pennsylvania Municipalities Planning Code (Act 247), as amended by Act 170, and amendments thereto. The Planning Commission shall not approve any subdivision plan except in conformance with the provisions of these regulations. In discharging this responsibility, the Planning Commission may: [Ord. 1991-5]

A. Request specific alterations, changes or modifications in keeping with the best interests of unified and efficient subdivision design and the general welfare;

B. Arrange a public hearing prior to approving any subdivision plan after giving such notice as may be deemed desirable;

C. Require a written agreement, prior to approving any sub-

division plan stating that necessary grading, paving and street improvements, sidewalks, monuments, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the local municipality, shall be installed in strict accordance with the standards and specifications by the subdivider within a specified reasonable time. The written agreement shall include a bond, deposit of funds or other securities sufficient in amount as shall be determined by the engineer to cover the cost of such improvements. If the improvements shall not have been installed within the time required or agreed upon and in accordance with the standards and specifications, such deposit shall be forfeited to the appropriate local municipality. Upon written certification by the engineer that such improvements have not been satisfactorily completed, the deposit shall be forfeited to the appropriate local municipality. Upon written certification by the engineer that such improvements have been satisfactorily completed, the deposit shall be returned to the subdivider. [Ord. 1-89, 3/13/1989]

2. Before the approval of a plat by the Township, it shall transmit a copy of the proposed plat to the County Planning Commission and the Commission shall make a report thereon to the Township. Pending receipt and consideration of such report, the Township shall defer action thereon, but if such report is not received by the Township within forty-five (45) days after the submission of the plat to the County Planning Commission or within such further time as may be agreed upon by the Township, the Township may proceed to final action thereon, (Article V Pennsylvania Municipalities Planning Code (Act 247) and amendments thereto).

(Ord. 1983-3, 12/12/1983, §80Z; as amended by Ord~ 1-89, 3/13/1989; as amended by Ord. 1991-5, 4/29/1991)

Part 9

Administration and Modification

The Bradford Township Supervisors may, from time to time, revise, modify and amend these regulations by appropriate action taken at a scheduled meeting and in accordance with the Pennsylvania Municipalities Planning Code Act 247) and amendments thereto. (Ord. 1983-3, 12/12/1983, Article IX)

§901. Modifications.

1. Where the Planning commission finds that literal enforcement of the regulations will exact undue hardship because of peculiar conditions pertaining to the land in question, it may grant 'a modification of the requirements of one (1) or more provisions, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed. [Ord. 1991-5]

2. All requests for a modification shall be in writing and shall accompany and be part of the application for the subdivision or land development. The request shall state in full the ground and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary. [Ord. 1991-5]

3. Where a modification is allowed it must be presented at a public hearing of the Planning Commission.

(Ord. 1983-3, 12/12/1983, §901; as amended by Ord. 1-89, 3/13/1989; and by Ord. 1991-5, 4/29/1991)

§902. Certificates, Affidavits and Approval. Certificates, Owner's Adoption and Affidavits as required by the Planning Commission shall be inscribed on the plan and shall be properly signed and attested when the plan is submitted to the Planning Commission. (Ord. 1983-3, 12/12/1983, §902)

§903. Preventive Remedies.

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

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

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

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of violation.

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

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

(Ord. 1983-3, 12/12/1983, §903; as amended by Ord. 1991-5, 4/29/1991)

§904. Jurisdiction. The district justices shall have initial jurisdiction in the proceedings brought under §905. (Ord. 1991-5, 4/29/1991)

§905. Penalty. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Ord. 1991-5, 4/29/1991; as amended by Ord. 6-96-1, 6/17/1996, §1; and by Ord. 4/15/1997, §1)

5. Should any part of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as whole or any part thereof.

(Ord. 1991-5, 4/29/1991)