

Cherry Ridge Township

Wayne County, Pennsylvania



Subdivision & Land Development Ordinance

October 6, 2009

<http://www.shepstone.net/CherryRidgeSALDO.pdf>

Chapter 93 – Subdivision and Land Development

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[HISTORY: Adopted by the Board of Supervisors of Cherry Ridge Township as Ordinance No. 20 on 07-05-88. Ordinance No. 20 replaced the first subdivision ordinance which was adopted as Ordinance No. 4 on 12-06-71. Ordinance No. 26 of 04-03-89 added standards for multi-family dwellings. Ordinance No. 5 of 06-10-72 added mobile home park regulations to Ordinance No. 4, and Ordinance No. 14 of 02-06-84 changed the definition of "mobile home." However, these standards were not carried forward to Ordinance No. 20. The mobile home provisions of Ordinance No. 5 and Ordinance No. 6 have been included as part of this Code. [See footnotes for additional amendments, if any.]

Chapter 93 – Subdivision and Land Development

ARTICLE 1 General Provisions

This Subdivision and Land Development Chapter, of the Code of Cherry Ridge Township, Wayne County, Pennsylvania, as adopted herein and as may be duly amended by the Township Board of Supervisors, shall supersede and replace in total the Cherry Ridge Township Subdivision Ordinance of July 5, 1988, as amended, which is hereby repealed and rescinded.

§93-1 Adoption - Authority – Title

THE BOARD OF SUPERVISORS OF CHERRY RIDGE TOWNSHIP, PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED, 53 P.S. 10101 ET SEQ., HEREBY ENACTS AND ORDAINS THE FOLLOWING CHAPTER 93 GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF CHERRY RIDGE TOWNSHIP. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS "THE CHERRY RIDGE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT REGULATIONS."

§93-2 Interpretation

In their interpretation and application, the provisions of this Chapter 93 shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare.

§93-3 Purpose

The purpose is to assure sites suitable for building purposes and human habitation, to provided for the harmonious development of Cherry Ridge Township, to insure adequate open spaces for traffic, recreation, light and air, and to provide the proper distribution of population; and thereby to create conditions favorable to the health, safety and general welfare of the citizens; to establish subdivision and land development regulations, including definitions, design standards, plan requirements, plan processing procedures, improvements and construction requirements, and conditions of acceptance of public improvements by the Township of Cherry Ridge.

§93-4 Scope

These regulations shall not apply to any lot or lots of a subdivision created and recorded prior to the enactment of these regulations, nor is it intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, or ordinances, except those inconsistent with these regulation, or with private restrictions placed upon property deed, covenant, or other private agreement, or with restrictive covenants running with the land to which Cherry Ridge is a party.

§93-5 Exceptions

Divisions by lease of land for agricultural purposes in parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempt from the provisions of this Chapter 93.

§93-6 Authority and Administration

- A. The Board of Supervisors of the Township of Cherry Ridge, by virtue of the provisions of the Pennsylvania Municipalities Planning Code of the Commonwealth of Pennsylvania (Act 247 - August 1968) is authorized, subject to the holding of required public meetings, to adopt rules and regulations covering plans for subdivisions and land developments, and to approve, conditionally approve, or disapprove plans for land falling within their jurisdiction.
- B. The Cherry Ridge Township Planning Commission is hereby designated as the reviewing authority of and for the Township of Cherry Ridge and is charged with the duty of making investigations, reports and recommendations on the design and improvement of proposed subdivisions and land de-

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velopments and shall submit such reports and recommendations to the Board of Supervisors.

§93-7 Jurisdiction and Approval

- A. The provisions of these regulations shall apply to the area within the boundaries of the Township of Cherry Ridge.
- B. No subdivision of any lot, tract or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therein shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these regulations.
- C. Plans of subdivisions shall be submitted to the Planning Commission for review and as a measure to insure compliance with these regulations. The Planning Commission may consult with the applicant, or other interested person, but shall report all findings directly to the Board of Supervisors with recommendations for approval, correction, or disapproval.
- D. Plans of subdivisions shall be subject to approval or disapproval by the Board. If such plan is disapproved, the reasons therefore shall be set forth in writing and given to the applicant. Any party aggrieved by the decision of the Board may appeal to the Court of Common Pleas of Wayne County, as hereinafter provided.
- E. On and after the effective date of these regulations, no lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision or land development shall be given, unless and until a subdivision plat has been approved, and until the improvements required herein in connection therewith have either been constructed or guaranteed.

§93-8 Waivers and Modifications

- A. The Board shall have the power to authorize waivers or modifications to the minimum standards of this ordinance in accordance with Section 512.1 of the Pennsylvania Municipalities Planning Code, when the literal compliance with mandatory provisions is shown to the satisfaction of the Board of Supervisors, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.
- B. Applications for such a waiver or modification shall be submitted in writing by the applicant at the time the preliminary plan is filed for the consideration of the commission. The application shall state fully the grounds for the waiver or modification and all the facts relied upon by the applicant.
- C. Authorization, Procedure: The Board may, at any regular meeting, authorize a waiver or modification of these regulations pursuant to the criteria set forth herein and in Section 512.1 of the Pennsylvania Municipalities Planning Code. Any resolution of the Board authorizing a waiver or modification of this Chapter 93 shall state in it the reasons on which the Board bases its decision.
- D. In authorizing a waiver or modification, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Chapter 93. Waivers or modifications may be granted where the following conditions occur:
 - 1. Strict application of this Chapter 93 would produce an undue hardship, other than financial.
 - 2. The above hardship would be unique and not shared by other properties in the immediate vicinity; and such hardship has not been created by the applicant.
 - 3. The waiver or modification would not change the character of the area and would preserve the purpose and intent of this Chapter 93.
 - 4. The requirements of this Chapter 93 may also be modified whenever a subdivision plan is of

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such wide scope that it proposes the development of a functionally integrated community or neighborhood, such as a conservation subdivision, possibly including some unique design in order to attain an improved character of development; provided that it conforms to the general purpose and intent of this Chapter 93 even though the project does not comply with all its provisions.

5. Where the applicant demonstrates that an alternative proposal will allow for equal or better results, the Township may grant a waiver or modification from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Chapter 93.

§93-9 Appeals

In any case where the Board disapproves a subdivision or land development plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal therefrom by petition to the Court of Common Pleas of Wayne County, which court shall hear the matter do move and after hearing, enter a decree affirming, reversing, or modifying the action of the Board as may appear just in the premises. The Court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the court shall be final.

§93-10 Definitions

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

Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, or parks, or a combination thereof.

Board: The Board of Supervisors of Cherry Ridge Township, Wayne County, Pennsylvania.

Building: Any structure or part thereof, affixed to the land.

Building Line, Front: Building Set-Back Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and the center of the road.

Campground or Recreational Vehicle (RV) Park: See Recreational Subdivision or Land Development.

Cartway: The graded or paved portion of a street used for vehicular travel, including the travelway and shoulders.

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

Commission, Planning Commission: The Planning Commission of Cherry Ridge Township, Wayne County, Pennsylvania.

County: Wayne County, Pennsylvania.

Easement: A grant by the owner of land for the use of all or a portion of such by others, including the public, for a specific purpose or purposes.

Engineer: The Engineer, or Engineering Consultant of the Township of Cherry Ridge Township, Wayne County, Pennsylvania.

Final Plan: Final Plat: The final map of a subdivision which is submitted for approval by the Board and which, if approved, will be filed with the County Recorder of Deeds.

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Financial Guarantee: A surety bond, certified check or other guarantee provided for in the Pennsylvania Municipalities Planning Code - Act 247 and an agreement to the effect that the applicant will install required improvements.

Governing Body: The Board of Supervisors of Cherry Ridge Township, Wayne County, Pennsylvania.

Improvements: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to; grading, pavement, curb, storm and sanitary sewers, gutters, drains and betterments to existing water courses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street names signs, and survey markers.

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

- A. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building or;
- C. The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For the purposes of this sub-clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

License: Written approval, in whatever form as issued by the Pennsylvania Department of Health, authorizing a person to operate and maintain a Mobile Home Park.

Lot: A parcel of land intended for subdivision or building development, having its full frontage on a street.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. This is not intended to include modular construction housing.

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

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two (2) or more mobile home lots for placement thereon of mobile homes.

Mobile Home Park Service or Recreational Building: A structure in a mobile home park housing op-

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erational, office, recreational, park maintenance and other facilities built to conform to required Township standards.

Mobile Home Site: That part of an individual lot which has been reserved for the placement of the Mobile Home, appurtenant structures or additions.

Municipality: Cherry Ridge Township, Wayne County, Pennsylvania.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter 93.

Preliminary Plan: The preliminary map, drawing or chart indicating the proposed layout of the subdivision.

Recreational Subdivision or Land Development: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

Recreational Vehicle Park: See Recreational Subdivision or Land Development.

Secretary: The secretary of Cherry Ridge Township, Wayne County, Pennsylvania.

Sewer Connection: The sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

Sewage Disposal, Central (Off-Site): A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-Site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Sewer Riser Pipe: The sewer riser pipe is that portion of the sewer lateral which extends vertically to the ground elevation and is terminated at each mobile home space.

Shoulder: The improved portion of a street immediately adjoining the travelway for parking and for access to abutting properties.

Sight Distances: The maximum distance of unobstructed vision in a horizontal or vertical plane as viewed from a vehicle located at any point on a street.

Solicitor: The Solicitor or legal advisor of Cherry Ridge Township, Wayne County, Pennsylvania.

- A. **Street** is a way for vehicular and pedestrian traffic, whether designated as a drive, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
- B. **Alley** is a minor way which is used primarily for service access to the back or the side of properties otherwise abutting on a street.

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- C. **Arterial Street or Major Thoroughfare or Major Street** is a principal or traffic street of considerable continuity and used primarily as a traffic artery for inter-communication.
- D. **Cul-de-Sac or Dead-end-Street** is a minor street with only one outlet.
- E. **Marginal Access Street** is a minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
- F. **Minor Street** is a street used primarily for access to the abutting properties.
- G. **Street Width** is the shortest distance between the lines delineating the right-of-way of a street.

Subdivider/Developer: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Chapter 93 to effect a subdivision or land development hereunder for himself or for another.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tract, parcels or other divisions of land including change in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

- A. **Minor Subdivision:** A subdivision that creates ten (10) lots or less; does not require the construction or extension of any streets or municipal facilities; and creates no public or private community facilities such as, but not limited to, roads, a central water supply, a central sewage disposal system, or stormwater facilities.
- B. **Major Subdivision:** Any subdivision that is not a minor subdivision.
- C. **Lot Improvement Subdivision:** The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Chapter 93 and Chapter 108 and no new lots are created or; the combination or re-allotment of small lots into a larger lot or lots.
- D. **Conservation Subdivision:** A subdivision characterized by compact lots and common open space where the natural features of the land are maintained to the greatest extent possible.

Travelway: The portion of the cartway used for steady movement of vehicles, but not including the shoulders.

Water Connection: The water connection consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Water Riser Pipe: The water riser pipe is that portion of the water service pipe which extends vertically to the ground elevation or terminates at a designated point at each mobile home lot.

Water Service Pipe: The water service pipe consists of all pipe fittings, valves and appurtenances from the water main of the mobile home park distribution system to the water outlet of the distribution system within the mobile home.

Water Supply, Central (Off-Site): A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with the Pennsylvania Department of Environmental Protection (DEP) regulations.

Water Supply, On-Site: A system used for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot and is in compliance with the Pennsylvania DEP if such compliance is required.

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ARTICLE II Procedures

§93-11 Applicability

The requirements of this Article II shall apply to all minor and major subdivisions. Upon request by the applicant, the Board of Supervisors may waive the requirements for the submission of a preliminary plan for minor subdivisions and lot improvement subdivisions.

§93-12 Pre-Application Sketch

Prior to the official act of submitting a plan for review by the Township Planning Commission, and to insure that the applicants understand the provisions of this Chapter 93, a pre-application sketch may be submitted by the potential applicant at any regularly scheduled meeting of the Planning Commission. No fee is required for such pre-applications. Pre-application sketches shall include all natural features that affect site design such as; existing land use, landscape characteristics and water features and shall include all existing and proposed man-made features such as; buildings, stonewalls, utilities and wells.

§93-13 Application for Preliminary Approval

- A. The applicant shall prepare preliminary plans and supportive data as required in this Chapter 93, in accordance with Article 3. Preliminary plans shall be designed by an Engineer, Architect, Land Surveyor or Professional Planner and as may be required by state statute. Preliminary plans shall only be submitted for major subdivision, land development, or conservation subdivision proposals and shall not be submitted for minor subdivision applications. A preliminary plan may not be required for major subdivision applications in cases where no improvements are proposed, such as a major subdivision utilizing public road frontage for each of its proposed lots.
- B. The applicant shall submit an application for approval and five (5) copies of the Preliminary Plans and such fees as are required. The Preliminary Plan shall be considered officially filed after it is received by the Commission and found to contain all the information required under Article II of this Chapter 93.
- C. If the first meeting of the Planning Commission following the date of application submission occurs more than thirty (30) days following the date of submission, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of submission. (This Section provides compliance with §508 of the Pennsylvania Municipalities Planning Code.)

§93-14 Preliminary Plan Review and Approval Schedule

- A. Following receipt of the plan and its acceptance for review in accord with §93-13 of this Code, the Planning Commission shall transmit copies of the preliminary plans to the Board, the County Planning Commission, the Engineer of the Township, and any other such interested persons/agencies as the Planning Commission or Board may from time to time designate.
- B. Within thirty (30) days after receipt of the preliminary plan, the Engineer and officials to whom the plan was distributed, may deliver written reports with recommendations to the Planning Commission. If no such report has been received at the end of the thirty (30) day period from the officials or agency to which the plans were distributed, the Commission may assume that such officials or agency have no comments on the plan. The Commission's written recommendations shall be transmitted to the Board of Supervisors within sixty (60) days after the official filing date unless such time is extended by written agreement with the subdivider. The Board shall consider the recommendations of the Commission and shall within ninety (90) days of the official filing date of the application with the Commission, approve, conditionally approve, or disapprove the application unless such time is extended by mutual written agreement with the applicant. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address, not later than fifteen (15) days following the decision. Failure of the Board

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to render a decision and communicate the decision within the overall ninety (90) day time frame, and in the manner herein required, shall be deemed an approval as set forth in the Pennsylvania Municipalities Planning Code.

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

§93-15 Preliminary Plan: Form and Content

- A. The preliminary plan shall be clearly and legibly drawn at a scale large enough to facilitate understanding. Map sizes shall be convenient to the applicant, but an attempt should be made to show the entire tract to be divided even if only a small portion will be divided in the near future.
- B. The plans shall contain the following information:
 - 1. Proposed name of the subdivision or land development. This name shall not duplicate in spelling or pronunciation any recorded subdivision.
 - 2. Location by name of Municipality, County, and State.
 - 3. North point, date, and graphic scale.
 - 4. Boundaries of the total tract, the acreage contained within, and the relationship of the subdivision to any remaining acreage of the tract.
 - 5. Locations of all existing and proposed man-made features including but not limited to; buildings and their ancillary structures, stonewalls, utilities and wells.
 - 6. Locations of all existing natural features including but not limited to; land use, landscape characteristics and water related features.
 - 7. Location - names and widths of rights-of-way of all streets, widths of utility rights-of-way, parks and public grounds, permanent buildings in, or adjacent to the subdivision or land development which will have an effect on the design and all open space easements.
 - 8. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.
 - 9. Names of owners of abutting properties and lines showing where these properties intersect.
 - 10. Existing contours at intervals of at least every twenty feet. U.S.G.S maps may suffice for the basis of this item.
 - 11. Proposed layout of streets, alleys, and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation.
 - 12. The proposed layout, lot numbering and scaled dimensions and acreage.
 - 13. Parcels to be dedicated to the public, reserved for their use, or to be reserved by covenant for residents shall be shown and marked as such.
 - 14. Building setback lines shall be shown.

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15. All drainage easements shall be shown and marked as such.
16. Approximate final grades shall be shown.
17. The following note: It is the responsibility of the landowner and contractor, prior to any construction, to determine if any wetlands exist on any portion of the property and if such wetlands will be affected by the installation of any improvements. The developer and/or the lot purchaser assumes full responsibility for obtaining any state or federal permits and/or approvals relating to wetlands. This subdivision and/or land development approval by the Township Board of Supervisors shall not in any manner be an approval of compliance with statutes or regulations relating to wetlands.
18. Flood zones as shown on the most recent FIA/FEMA mapping.

§93-16 Reserved

§93-17 Supplementary Information

- A. Statement of the proposed use of lots. Indicate any lots designated for uses other than residential.
- B. Proposed covenants and restrictions.
- C. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision or land development, the applicant shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs from test wells by the applicant, or logs from existing wells established by professional well drillers.
- D. In cases where on lot sewage disposal is planned, the submission shall contain soil maps of the tract similar to those prepared by the Soil Conservation Service, U.S. Department of Agriculture. A statement shall accompany each lot as to the suitability of the lot for on site sewage disposal as regulated under Act 537, the Pennsylvania Sewage Facilities Act.
- E. Where central sewage is proposed, the appropriate planning modules as required by the Department of Environmental Protection (DEP) shall be submitted.
- F. The applicant shall present a letter from each utility company servicing the area indicating that the utility company is aware of the proposed development.
- G. Plans of streets (and any other proposed improvement) shall include cross-sections and center line profiles.
- H. A plan for the ownership and maintenance of any open space proposed as part of any subdivision. Said plan shall be approved only upon review and recommendation by the Township Solicitor that the long term ownership and maintenance of the open space will be assured and that the said open space will not become a burden to the public. Said maintenance may be in the form of a property owners association, conservation easement or other form acceptable to the Township.

§93-18 Application for Final Plan Approval

- A. The final plan shall incorporate all changes as agreed upon by the applicant and the Planning Commission and/or the Board. Otherwise it shall conform to the preliminary plan.
- B. Final Plans may be submitted in sections, each covering a portion of the entire proposed subdivision and/or land development as shown on the preliminary plan, and provided the sections are proposed in such sequence that will result in a logical order of development of the subdivision.
 1. Each section in the subdivision and/or land development, except the last section, shall contain

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a minimum of twenty-five (25%) percent of the total number of lots and/or dwelling units as depicted on the preliminary plan except that the Board of Supervisors may approve a lesser percentage based upon a request for waiver.

2. When a final plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries and the order of submission shall be submitted to the Township for approval prior to submission of the first section.
- C. The final plan and associated documents shall be prepared by a PA licensed Engineer, Architect, or Land Surveyor as required by PA statute.
- D. The applicant shall submit an application for approval and eight (8) copies of the final plans and such fees as are required. The final plan shall be considered officially filed after it is received by the Commission and is found to contain all the information required under Article II of this Chapter 93.
- E. If the first meeting of the Planning Commission following the date of application submission occurs more than thirty (30) days following the date of submission, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of submission. (This Section provides compliance with §508 of the Pennsylvania Municipalities Planning Code.)

§93-19 Final Plan Review and Approval Schedule

- A. Following receipt of the plan and its acceptance for review in accord with §93-18 of this Code, the Planning Commission shall transmit copies of the final plans to the Board, the County Planning Commission, the Engineer of the Township, and any other such interested persons/agencies as the Planning Commission or Board may from time to time designate.
- B. Within thirty (30) days after receipt of the final plan, the Engineer and officials to whom the plan was distributed, may deliver written reports with recommendations to the Planning Commission. If no such report has been received at the end of the thirty (30) day period from the officials or agency to which the plans were distributed, the Commission may assume that the said officials or agencies have no comments on the plan. The Commission's written recommendations shall be transmitted to the Board within sixty (60) days after the official filing date unless such time is extended by written agreement with the subdivider. The Board shall consider the recommendations of the Commission and shall within ninety (90) days of the official filing date of the application with the Commission, approve, conditionally approve, or disapprove the application unless such time is extended by mutual written agreement with the applicant. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address, not later than fifteen (15) days following the decision. If approved, the Board shall sign or affix a stamp to the map indicating approval. Failure of the Board to render a decision and communicate the decision within the overall ninety (90) day time period, and in the manner herein required, shall be deemed an approval as set forth in the Pennsylvania Municipalities Planning Code.
- C. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

§93-20 Final Plan - Form and Content

- A. The final plans shall be prepared on one or more sheets of uniform size and scale that coincides with the requirements of the Wayne County Recorder of Deeds.
- B. Content of the final plan:
 1. Name of the subdivider/land developer; location by Municipality, County, and State; and the

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date, north point and graphic scale.

2. Names, and addresses of the subdivider/land developer and the Registered Surveyor or Registered Engineer who prepared the plan.
3. Boundary of Subdivision shown in a heavy line with length of courses in feet and hundredths and bearings to not more than half minutes.
4. Bearings and distances to the nearest established street lines, section corners, or other recognized markers, which shall be accurately described on the plan. Subdivisions abutting state highways shall be referenced to center lines of such highways where this data is available.
5. Exact locations, widths and names of all streets and all crosswalks within the subdivision or land development.
6. Locations of all existing and proposed man-made features including but not limited to; buildings and their ancillary structures, stonewalls, utilities and wells.
7. Locations of all existing natural features including but not limited to; land use, landscape characteristics and water related features.
8. Complete curve data for all curves included in the plan.
9. All easements being provided for services or utilities in the subdivision and any limitations placed on the use of such easements.
10. Accurate outlines of any lot or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon.
11. Building setback lines as required by Chapter 108, shown graphically with dimensions.
12. Accurate location, size, type and material of all monuments and lot markers.
13. The property lines of the original tract or tracts of which the subdivision constitutes the whole or part.
14. The following note: It is the responsibility of the landowner and contractor, prior to any construction, to determine if any wetlands exist on any portion of the property and if such wetlands will be affected by the installation of any improvements. The developer and/or the lot purchaser assumes full responsibility for obtaining any state or federal permits and/or approvals relating to wetlands. This subdivision and/or land development approval by the Township Board of Supervisors shall not in any manner be an approval of compliance with statutes or regulations relating to wetlands.
15. Flood zones as shown on the most recent FIA/FEMA mapping.
16. The following note as applicable: "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420);" or, "Highway occupancy permits are required for access to roads under the jurisdiction of the Township pursuant to Township Road Encroachment Requirements."

§93-21 Supplementary Information:

- A. A list of all restrictions and covenants, if any, the developer intends to place in the deeds to the lot in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.

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- B. A letter of intent by the applicant explaining all aspects of the submission.
- C. The final plan shall contain a certificate signed by the Engineer showing that all improvements have either been installed and approved by the proper officials, or that a financial guarantee insuring their installation has been approved by the Engineer.
- D. Complete final construction plans, profile and typical cross-sections for all installed or proposed new streets.
- E. Complete final construction plans, profile and typical cross-sections for all installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes unless private individual on-lot sewage systems are to be used.
- F. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
- G. In cases where a financial guarantee is to be provided in lieu of completed improvements, the subdivider shall be required to submit an itemized estimate of the cost of all improvements required to be installed.
- H. Evidence, in the form required by the Board, of arrangements that have been made with private utility companies or other agencies for supplying every lot in the subdivision.

§93-22 Recording of Final Plan

The applicant shall record the approved final plan in the office of the Wayne County Recorder of Deeds within ninety (90) days after its approval by the Board of Supervisors, otherwise it shall be considered void.

§93-23 Lot Improvement Plans

Lot improvement subdivisions shall require a new subdivision map and shall be processed in the manner set forth in §93-19; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. A note setting forth the terms of the lot improvement shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee and shall also be made binding on the combined parcel(s) of the grantee via a "Declaration of Restrictive Covenants."

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Board of Supervisors with the recommendation of the Township Solicitor; and said documents shall be recorded by the applicant. The fee for lot improvement subdivisions shall be established by Resolution of the Board of Supervisors in accord with this Chapter 93 and shall include the costs of recording, as applicable.

The plan requirements set forth in §93-20 shall also apply to Lot Improvement Subdivisions. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot improvements on the approved plans; and said deeds shall be recorded along with the approved plans.

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ARTICLE III Design Standards

§93-24 Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to this §93-24 and to the Cherry Ridge Township Road requirements, Chapter 74 of this Code.

A. Plans

1. Plans shall include such details as may be required to adequately reflect the land conditions in, over or upon which the proposed road will be constructed, opened or dedicated.
2. Roads accessing all nonresidential subdivisions or land developments and residential subdivision containing ten (10) or more lots (whether initially proposed or cumulatively developed) shall connect directly to a non-dead end street.
3. Plans shall include but shall not be limited to the following details:
 - a. The width of the road throughout its entire course including intersections and turn about areas.
 - b. Plans and specifications for proposed bridges.
 - c. The course, capacity and structure of drainage facilities.
 - d. The profile of the road and typical cross-sections, including specifications for any cut or fill activities.
 - e. Identification of the markers which will indicate on the ground the location of courses or property lines or other items shown on the map.
 - f. A certification regarding the identity of each property owner along all sides of the right-of-way of the roadway together with an indication as to whether such property owner joins in the submission for approval of the plans and releases any right to assert any claim such property owner might otherwise have against Cherry Ridge Township or any person, persons, partnership, or corporation by reason of the construction, opening, dedication, maintenance, or use of such roadway. Such certification shall be made by or on behalf of the person, persons, partnership, or corporation requesting approval of the plans and shall be supported by appropriate evidence of the authority pursuant to which the certification is made.
 - g. If the road opens onto a State highway, a copy of the application for a State highway occupancy permit shall be provided prior to final approval of the plans or in the case of a Township road, a copy of an occupancy permit issued by the Township shall be provided.
4. Final approval of any subdivision or land development proposal that proposes the construction of any street shall be contingent upon; the streets being in place and constructed to the specifications set forth in all applicable sections of the Cherry Ridge Township Code or a financial guarantee being in place that holds the developer responsible for the construction of the proposed roads to meet Township specifications.
5. Standards of construction for shared driveways servicing up to three (3) single-family dwellings on a State highway or five (5) single-family dwellings on a Township highway may be modified provided;

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- a. the deed for each lot (a copy of which shall be submitted) contains appropriate restrictive covenants and a maintenance agreement meeting the requirements of this section,
- b. the driveway meets the following minimum design standards:

Minimum Right-of-Way	25 feet
Minimum Pavement Width	16 feet
Minimum Shoulder Width	4 feet

- c. pavement consists of an all-weather surface, and
- d. applicants proposing driveways of this nature shall not be required to submit detailed data (e.g. profiles, grade analyses, etc.) in conjunction with the submission but driveways shall be subject to inspection by Township representatives to determine compliance with these standards.

B. Performance Guarantee

Approval of the plans by the Supervisors may be made contingent upon the filing of a performance guarantee in accord with Article V of this Chapter 93.

C. Minimum Requirements

All proposed roads shall be constructed to the following minimum requirements, provided that modifications of these requirements, as they apply to existing rights-of-way and roads, may be approved by the Township Board of Supervisors under § 93-8 of this Chapter:

1. A fifty (50) foot wide legal right-of-way; "legal right-of-way" shall mean the width released or dedicated to road purposes which may be greater than (but not less than) the area actually used as a traveled portion and shoulders of the road and drainage facilities adjoining the same. The right-of-way area shall be cleared only to the extent necessary for the construction of the road and associated drainage, cuts and fill.
2. The travelway of the road shall be, at a minimum, eighteen (18) feet wide ~~and~~ provided the Township Board of Supervisors on the advice of the Township Engineer may require additional width pursuant to the Pennsylvania Department of Transportation's "Guidelines for Design of Local Roads and Streets." The Department's guidelines shall be a basis for review of typical cross-section and modification of plans insofar as grading or cuts and fills are concerned.
3. A four (4) foot wide shoulder plus an additional four (4) feet for ditching shall be provided on each side of the traveled portion of the road.
4. On all dead-end roads a turn about area with a one hundred (100) foot diameter right-of-way and ninety (90) foot diameter traveled portion shall be provided.
5. The traveled portion of the roadway must have one of the following:
 - a. An eight inch (8") rolled base of red shale or gravel with a two and one half (2.5") inch ID bituminous top, or
 - b. A suitable subgrade with a four inch (4") bituminous black base topped by a one inch (1") wearing surface, or
 - c. Suitable materials of demonstrated quality equal to or better than is specified in (1) or (2) above. Such material shall be subject to approval of the Township Engineer and the

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Township Supervisors. The Township may obtain the advice of the Pennsylvania Department of Transportation in regards to suitability.

- d. The entire width of the travel way shall be graded and suitably prepared and shall be free of sod, vegetation matter, or other similar material.
6. No road grade shall exceed twelve (12) percent. Streets shall have a grade not to exceed three (3) percent for a distance within twenty five (25) feet of the street right-of-way of any intersecting street.
7. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Streets entering opposite sides of another street shall be laid out directly opposite on another.
8. Street and driveway intersections in subdivisions shall not be so numerous, nor so close to each other as to impede the flow of traffic or cause an increase of stormwater on the road.
9. Clear sight triangles shall measure a minimum distance of seventy-five (75) feet along street center lines from their point of junction at all intersections; no structures, or other obstructions to vision shall be permitted.
10. At each point where the roadway is intersected by a driveway which requires that surface drainage water be carried under the intersection of the driveway and the road, a smooth (inside) plastic sluice pipe of not less than eighteen (18") inches in diameter that conforms to Pennsylvania Department of Transportation requirements shall be installed across the width of the driveway and at such depth as drainage and soil conditions may require at that location, the depth and manner of installation to be subject to approval of the Supervisors in each case.
11. At such points along the road as may require cross drains a smooth (inside) plastic pipe of not less than eighteen (18") inches in diameter that conforms to Pennsylvania Department of Transportation requirements shall be buried to the depth and in such manner as subsoil and drainage conditions may require at that location, the depth and manner of installation to be subject to approval of the Supervisors in each case.
12. In additions to the requirements of this Chapter 93, any road constructed, opened or dedicated in Cherry Ridge Township must satisfy requirements of the Commonwealth of Pennsylvania Department of Transportation as set forth in "Form 408 Specifications" and in "Form 409 Specifications" (and any amendment or additions subsequent thereto) to the extent that such Commonwealth of Pennsylvania requirements may be necessary to qualify the Township to receive reimbursement from the Commonwealth for the subject road under such laws of the Commonwealth of Pennsylvania for the construction or reconstruction or maintenance, or repair of roads located within such Pennsylvania municipal subdivisions.
13. Sidewalks and curbs, constructed in accord with accepted engineering standards approved by the Township, may be required as a condition of approving any road plan submission or accepting the dedication of any road.
14. Any road which is to be dedicated to Cherry Ridge Township shall be greater than one (1) mile in length.
15. All drainage systems connected with any road construction in Cherry Ridge Township shall otherwise be designed and approved in accordance with the stormwater management requirements of Pennsylvania law, the Pennsylvania Department of Environmental Protection, including but not limited to Chapter 106 of the regulations of such Department, and all applicable stormwater management requirements in effect for Wayne County or Cherry Ridge Township at the time.

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16. A cul-de-sac or dead-end road shall be limited to serving a maximum of twenty-five (25) dwelling units and not exceed 2,000 feet in length. Additional lots or street length shall require an additional ingress and egress.
- D. Exceptions to the paving requirements of this Chapter 93, may be made under the following conditions:
1. The road shall be maintained as a private thoroughfare for the use of owners of adjacent lots and their guests. The applicant shall so certify this condition of private maintenance in a form satisfactory to the Township Solicitor.
 2. The following statement appears on the subdivision map and road plans: “The road shown hereon is private, is intended to remain so, cannot be dedicated to or accepted by the Township in its present condition and the developer does not intend to make such improvements for dedication requirements”. The developer shall also incorporate a statement to this effect as a restrictive covenant to the lot purchaser's deeds.

§93-25 Blocks and Lots

A. Blocks:

1. Where a subdivision adjoins a major highway, the greater dimension of the block shall front along such major highway and marginal access streets shall be introduced to minimize the number of points of ingress and egress.
2. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where they back up to a railroad, highway, creek or other natural barrier.

B. Lots:

1. Land shall be suited to the purpose for which it is to be subdivided whether for residential, business or industrial use.
2. Land unsuited for development, which would entail hazards to life, health or property, or would be uneconomical to provide with public services shall not be subdivided. Major land areas having slopes of sixteen (16%) percent or more and land subject to flooding shall not be subdivided unless such deficiencies can be minimized through design of the project.
3. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding developments.
4. All side lines of lots shall be at approximate right angles to straight street lines.
5. Lots shall be laid out so as to provide the possibility of positive drainage away from buildings, water wells and sewage disposal fields when developed.
6. In cases of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, larger lot widths and lot areas may be required in excess of the minimum set by Chapter 108, Zoning, of this Code.
7. No corner lot shall have a width at the building line of less than one hundred fifty (150) feet of frontage. Either of the two (2) sides of a corner lot fronting on a street may be designated the front of a lot, provided the rear yard shall always be opposite the frontage so designated.
8. All corner lots, whether they are located at the intersection of the rights-of-way of two streets or of an alley and a street, shall have a curve with a minimum radius of ten (10) feet joining

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the two intersecting right-of-way lines.

9. Lot sizes shall be governed by Chapter 108, Zoning, of this Code.
10. Regardless of any other provisions(s) of this Chapter 93, the following lot width requirement shall apply: A minimum of fifty (50) feet of road frontage and one hundred fifty (150) feet of width at the building setback line shall be required for all lots in all zoning districts. In the case where central (off-site) water and central (off-site) sewer are provided, a minimum of fifty (50) feet of road frontage and one hundred (100) feet of width at the building setback line shall be required for all lots in all zoning districts. Chapter 108, Zoning, establishes additional lot size requirements for certain uses; see §108-13 of this Code for additional information.
11. The ratio of lot depth to lot width shall not exceed 4:1.

§93-26 Building Setback Lines and Easements

- A. Building setback lines shall be governed by Chapter 108, Zoning, of this Code.
- B. Utility easements shall be provided on each side of all rear lot lines and along the side lot lines at a minimum of ten (10) feet.
- C. Whenever any stream or important surface drainage course is located in the area being subdivided, the subdivider shall provide an adequate easement) not less than ten [10] feet) along each side of the stream or drainage course for the purpose of widening, deepening, relocating or protecting the stream for drainage or public use.

§93-27 Public Sites and Open Spaces

Not less than 10% of the gross area of any major subdivision or land development, exclusive of lakes or ponds, shall be designated as common open space for the enjoyment of the residents of that subdivision, except where such area would be less than one acre. Such areas shall be suitable for any intended recreational uses. In providing any such open space or facilities, the developer shall also provide for the continued ownership and maintenance of the same in accord with the requirements for development improvements. These requirements may be waived or modified in instances where less than 25 lots are involved. The subdivider and the Township may also agree to otherwise provide recreational facilities for the use of residents through improvements or financial contributions to the improvement of existing facilities that would serve such residents. The Township shall ~~not~~, however, be under no obligation to accept any open space or recreation facilities for dedication to the public.

§93-28 Water Supply

All subdivisions, land developments, mobile home parks and campgrounds shall be provided with a safe and adequate water supply meeting Township, state, and federal standards; and generally accepted engineering standards.

- A. Where public water supply is available as determined by the Township, the subdivider or developer shall construct a system of water mains and connect with such public water supply and provide a connection for each lot. Water mains shall be extended to the subdivision boundary when required by the Township.
- B. In cases where off-site water is proposed, said system shall comply with all applicable state and federal regulations. Fire hydrants shall be installed for fire fighting purposes. Every lot in the subdivision shall be within six hundred (600) feet of a fire hydrant.
- C. Individual private wells shall be located and installed in accord with the applicable PA DEP regulations.

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- D. In cases where fire hydrants are not provided and the total number of lots exceeds twenty (20), the developer shall submit a fire protection plan. The said plan may include the use of ponds, holding tanks or other means approved by the Township.

§93-29 Sewage Disposal

All subdivisions, land developments, mobile home parks and campgrounds shall be provided with adequate sewage disposal. Sewage disposal facilities shall be consistent with the Township Sewage Facilities Plan and shall comply with all applicable Township and PA DEP regulations and generally accepted engineering standards. If a subdivision and/or land development can be reasonably served by the extension of an existing public sanitary sewer, the subdivider or developer shall provide a system of sanitary sewer mains and shall provide lateral connections for each lot. In cases where on-site sewage disposal is proposed, each lot shall include a site suitable for the same.

§93-30 Survey Markers

Survey markers shall consist of iron pipes or iron or steel bars at least fifteen (15) inches long and not less than one-half (1/2) inch in diameter. Markers shall be set at the corner of each lot.

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ARTICLE IV Improvements

§93-31 General

No project shall be considered in compliance with this Chapter 93 until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Chapter 93.

No final plan shall be signed by the Township for recording in the office of the Wayne County Recorder of Deeds until:

- A. All improvements required by this Chapter 93 are installed to the specifications contained in Article IV of this Chapter 93 and other Township requirements and such improvements are certified by the Township Engineer or
- B. An Improvements Construction Guarantee in accord with §93-33 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by the Township.

Any approval granted by the Board of Supervisors for any improvement required by this Chapter 93 shall be for subdivision approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

§93-32 Sections/Stages

In cases where final plan approval is proposed in sections or stages, the Township shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

§93-33 Improvement Construction Guarantees

All financial guarantees relating to the construction of improvements in any subdivision or land development and the administration of such financial guarantees shall comply with the requirements of Sections 509-511 of the Pennsylvania Municipalities Planning Code.

93-34 Improvements Construction

This §93-34 shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

A. Construction Plans and Drawings

Prior to the initiation of construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Township for approval, final construction plans which have not previously been submitted and approved detailing the design and installation of all improvements and documenting compliance with this Chapter 93.

B. Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

C. Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty

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(30) days of receipt of the said construction schedule, the Township Engineer shall prepare a Township Inspection Schedule to assure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., back filling of sewer or water line trenches). This may require a full-time inspector and may include but not be limited to such tests as pressure testing of conveyance lines or vacuum testing.

D. Notice

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to provide time for an inspection required by the Township Inspection Schedule.

E. Cost

The cost of all inspections conducted by the Township shall be borne by the Developer.

§93-35 Improvement Maintenance Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount determined by the Board of Supervisors but not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in §93-33.A and shall guarantee that the Developer shall maintain all improvements in good condition during the twenty-four (24) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the twenty-four (24) month period, the Township may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said twenty-four (24) month period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.
- B. After the expiration of the twenty-four (24) months from the date of the final approval of the subject improvements and if all improvements are certified by the Township Engineer to be in good condition, the Township shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

§93-36 Continued Ownership and Maintenance of Improvements

The Developer shall provide for the approval of the Township and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements and/or common areas.

A. Private Operation and Maintenance

1. Land Developments

In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements and common areas with the owner of the land development.

2. Residential Developments

In the case of subdivisions, cluster developments, multi-family housing projects and other residen-

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tial developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association to assume the ultimate ownership of all development improvements and common areas and responsibility for maintenance of such improvements and common areas which are not dedicated to the Township. Membership in the Property Owners Association shall be mandatory for all property owners in the development.

3. Any Improvements ~~Which~~ That Will Remain Private

In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §93-33 A. to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Township and shall be in an amount of not less than fifteen (15) percent of the cost of system construction as required by the Township.

4. Stormwater management system maintenance.

- a. The stormwater management plan for any major subdivision shall contain an operation and maintenance plan prepared by the applicant and approved by the Township Engineer. (Installation, maintenance, and operation of stormwater management facilities shall be subject to any applicable requirements of a Township Stormwater Management Ordinance or Wayne County Stormwater Management Plan that happens to be effect at the time.) The operation and maintenance plan shall establish responsibilities for the continued operation and maintenance of all common stormwater management improvements, which shall include all stormwater management improvements designed to serve more than a single lot or dwelling. All such facilities associated with the approved subdivision plan shall be owned and maintained by a property owner's association (POA) or such other entity as may be approved by the Township Board of Supervisors. The POA or other approved entity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the requirements of this law. Sediment shall, at a minimum, be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- b. Prior to approval of any subdivision plan where common stormwater management improvements are required, the property owner, POA or other approved entity shall sign and record a maintenance agreement covering all common stormwater management facilities. Such maintenance agreement shall be subject to the review and approval of the Board of Supervisors and be referenced on the Preliminary and recorded Final Plans.
- c. Stormwater detention and retention basins or facilities shall be inspected annually for the first five years, once every three years thereafter and within 30 days following the cessation of a 100-year or greater storm event, by a professional engineer licensed in the Commonwealth of Pennsylvania on behalf of the applicant or responsible entity. The professional engineer conducting the inspection shall be required to submit a written report to the POA or other approved entity, with a copy to the Township, within one month following completion of the inspection. The report will present documentation and include pictures regarding the condition of the facility and recommend necessary repairs, if needed. Any needed repairs shall be implemented by the POA or other approved entity within three months of the report issuance date.
- d. The Township may require that a major subdivision plan include a set of best management practices (BMP's) from which the owner of any individual lot must choose in implementing stormwater management measures in conjunction with property development. Such BMP's shall be fully specified in the subdivision plans and imposed by restrictive deed covenant making reference to such plans. No person shall modify, remove, fill, landscape or alter any such on-lot stormwater management improvements or

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drainage easement, unless it is part of an approved maintenance program, without the written approval of the POA or other approved entity. The Township may also require that curb cuts be limited or consolidated to reduce stormwater flows and facilitate future stormwater management.

B. Dedication to Township

The offer of dedication to the Township and the acceptance by the Township of any roads or associated drainage facilities shall be governed by Chapter 74 of this Code, as amended. The Township may accept only roads and associated drainage facilities, but shall not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements. However, this shall not preclude Township acceptance of ownership of certain sewage collection, conveyance and treatment facilities in accord with the Township Official Wastewater Facilities Plan.

§93-37 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Chapter 93 shall, prior to final plan approval by the Board of Supervisors, and if so directed by the Board of Supervisors, enter into a legally binding development agreement with the Township of Cherry Ridge guaranteeing the installation of the required improvements in accord with the approved plan and all Township requirements. The development agreement shall be in a form suitable for execution by the Board of Supervisors and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Township to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within twenty-four (24) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Dedication of any improvements.

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- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Township.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

The final plan shall not be approved by the Board of Supervisors prior to the execution of this agreement, if so required by the Board of Supervisors.

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ARTICLE V Fees

§93-38 Resolution

Fees shall be established by Resolution of the Board of Supervisors. Such fees shall include, but not be limited to, application fees, plat approval fees and permit fees.

§93-39 Supplemental Fees

Prior to approval of the Preliminary application, the developer shall also pay to the Township a supplemental fee sufficient to cover the cost of engineering services, County Planning Commission fees and fees for other related consulting services incurred by the Township. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

§93-40 Final Fees

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

- A. Reviewing engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or re-inspection on completion of installation of required improvements.
- F. Fees charged by the County Planning Commission and fees for other related consulting services.

§93-41 Adjustment

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

§93-42 Disputes

Disputes between the applicant and the township regarding fees shall be settled pursuant to §503(i) and §510(g) of the Pennsylvania Municipalities Planning Code.

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ARTICLE VI Mobile Home Parks

§93-43 Permits

A. Permits Required

It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the limits of Cherry Ridge Township, unless they hold a valid permit issued by Cherry Ridge Township hereunder.

B. Applications

All applications for permits shall be made by the owner of the mobile home park or his authorized representative in accord with this Chapter 93.

C. Application -- Subdivision Approval

A request for a permit to operate a mobile home park shall be attached to the application for a subdivision approval.

D. Inspection of Park and Issuance of Permit

After receiving preliminary approval and prior to receiving final approval, the Township Planning Commission shall be notified that the park is ready for inspection and that all improvements are in and duly inspected as called for in this Chapter 93. The Planning Commission or their duly appointed representative shall within five (5) days inspect the park to determine compliance with all the provisions necessary for final approval. After such determination, the Planning Commission, or their duly appointed representative, shall notify the developer of any noted discrepancies or violation, or finding none, shall notify the Township Supervisors that the park meets all requirements and is eligible to receive an operator's permit. The Supervisors shall issue such permit within five (5) days after receipt of the notice. Operators' permits shall be issued in the name of the applicant only and shall not be transferable, nor shall they be valid for a period longer than one (1) calendar year or the next immediate renewal date whichever is the shortest time period.

E. Renewal Permits

Renewal permits shall be issued by the Cherry Ridge Township Board of Supervisors upon furnishing proof by the applicant that his park continued to meet the standards of this Chapter 93. All permits shall be subject to renewal by the first (1st) day of November of each year.

F. Existing Parks

All minimal standards prescribed herein shall be applicable only to those parks which are constructed or expanded after the effective date hereof.

§93-44 Registration

A. Every person holding a permit shall file notice in writing to the Planning Commission of Cherry Ridge Township within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Operators' permits are not transferable. Each new owner must apply to the Planning Commission for his own Operator's permit.

B. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provisions of this Chapter 93, or of any regulations adopted pursuant thereto, the Planning Commission shall give notice in writing in accordance herewith to the person to whom the permit was issued within a reasonable period of time specified in the notice, the

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permit to operate in Cherry Ridge Township shall be suspended. At the end of such period, such mobile home park shall be re-inspected and, if such conditions or practices have not been corrected, the Planning Commission shall suspend the permit and give notice in writing of such suspension to the person to whom the permit is issued.

§93-45 Inspection of Mobile Home Park

A representative of the Cherry Ridge Township Planning Commission may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Chapter 93.

§93-46 Environmental, Open Space and Access Requirements

A. Site Location

The location of all mobile home parks shall comply with the following minimum requirements:

1. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
2. Not subject to flooding.
3. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

B. Site Drainage Requirements

1. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
2. 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 Pennsylvania Department of Environmental Protection.
3. Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.

C. Soil and Ground Cover Requirements

1. 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.
2. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests harmful to man.

D. Park Areas for Non-Residential Uses

1. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
2. Nothing contained in this Chapter 93 shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to a pertinent utility.

E. Required Site Sizes, Setbacks, Buffer Strips and Screening

1. All mobile homes shall be located at least seventy-five (75) feet from any park property

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boundary line abutting upon a public street or highway and at least fifty (50) feet from other park property boundary lines.

2. There shall be a minimum distance of twenty (20) feet between an individual mobile home, including accessory structures, and adjoining pavement of a park street, or common parking area or other common areas and structures.
3. All mobile home parks located adjacent to industrial commercial land uses may be required to provide screening such as fences, or natural growth along the property boundary line separating the park and such adjacent non-residential uses.

F. Required Separation Between Mobile Homes

In no case shall a mobile home be closer to another mobile home or any attached accessory structure than twenty (20) feet, regardless of how spaced or arranged on the site.

G. Park Street System

1. General Requirements

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

2. Access

The entrance road connecting the park streets with a public street or road or highway shall have a minimum road pavement width of thirty-four (34) feet for a distance of at least one hundred (100) feet off of a public road right-of-way into the park.

3. Internal Streets

Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

- a. Where parking is permitted on both sides, a minimum width of thirty-four (34) feet.
- b. A minimum road pavement width of twenty-eight (28) feet where parking is limited to one side of the street.
- c. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet.

4. Required Illumination of Park Street Systems

All parks shall be furnished with lighting units spaced not more than five hundred (500) feet distance between each light and eighteen (18) feet high from the ground for the safe movement of pedestrians and vehicles at night. These lights to be operated by photo-electric switching and be directed downward below the horizontal to minimize light pollution.

5. 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.

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b. Grades

Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight (8%) percent. Short runs with a maximum grade of ten (10%) percent may be permitted, provided traffic safety is assured by appropriate surfacing, adequate leveling areas and avoidance of lateral curves.

c. Intersections

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

H. Off-Street Parking Areas

1. Off-street parking areas must be provided in all mobile home parks for the use of park occupants and guests.
2. Required vehicle parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve, however, spaces may be grouped into separate parking areas.

I. Mobile Home Stands-Construction

1. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, and in such a position to provide for required setbacks.
2. The mobile home stand shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration or other forces acting on the superstructure.

J. Mobile Home Stands - Minimum Area

1. Each mobile home shall have an average minimum lot area of not less than eight thousand (8,000) square feet for a single-wide mobile home and fifteen thousand (15,000) square feet for a double-wide mobile home and an average minimum width of one hundred (100) feet. Said lots shall be specifically shown on the plan and located on the park site.
2. No sites shall be designed for or occupied by recreational vehicles of any nature.
3. Each site shall have plumbing and electrical connection that will allow a mobile home the use of the site independent of any other mobile home.

K. Mobile Home Skirting

Each mobile home will be required to have appropriate skirting around the base of the mobile home when more than six (6) inches off ground. This to be completed within three (3) months after placement on mobile home site, weather permitting, but in no case later than June 1 of the following year.

§93-47 Water Supply

A. General Requirements

An adequate supply of water shall be provided for mobile homes, service buildings, and other accessory facilities as required by this Chapter 93. Where a public water supply system of satisfactory

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quantity quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, a private, community (off-site) water supply system shall be provided in accord with the requirements of this Chapter 93.

B. Individual Water-Riser Pipes and Connections

1. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position there by insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
2. The water-riser pipe shall have a minimum inside diameter of three quarter (3/4) inch and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the site.
3. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
4. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home site. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved.

§93-48 Sewage Disposal

A. General Requirements

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with Township and Pennsylvania Department of Environmental Protection regulations and generally accepted engineering standards..

B. Individual Sewer Connections

1. Each mobile home stand shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
2. The sewer connection (see definition) shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. All joints shall be watertight.
3. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
4. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half (1/2) inch above ground elevation.

§93-49 Electrical Distribution System

A. General Requirements

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

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B. Power Distribution Lines

1. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building or other structure.
2. All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for their purpose. Such conductors shall be located not less than one foot in radial distance from water, sewer, gas or communication lines.

C. Individual Electrical Connections

1. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
2. The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.
3. Where the calculated load of the mobile home is more than 100 amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

D. Required Grounding

All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

§93-50 Service Buildings and Other Community Service Facilities

A. Applicability

The requirements of this §93-50 shall apply to service buildings, recreation buildings and other community service facilities when constructed, such as:

1. Management offices, repair shops and storage areas;
2. Laundry facilities;
3. Indoor recreation areas; and
4. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

B. Structural Requirements for Buildings

1. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
2. All rooms containing laundry facilities shall:
 - a. Have sound resistant walls extending to the ceiling between male and female sanitary

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facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, water-proof material or covered with moisture-resistant material.

- b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them.
 - c. Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.
3. Toilets shall be located in separate compartments equipped with self-closing doors.

§93-51 Refuse Handling

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with applicable Pennsylvania Department of Environmental Protection regulations.

§93-52 Insect and Rodent Control

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Pennsylvania Department of Environmental Protection.

§93-53 Fuel Supply and Storage

A. Natural Gas System

1. Natural gas piping systems, when installed in Mobile Home Parks, shall be maintained in conformity with accepted engineering practices.
2. Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

B. Liquefied Petroleum Gas Systems

Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the authority having jurisdiction and shall include the following:

1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
2. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
3. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
4. Vessels of more than twelve and less than sixty (12 and less than 60) U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely but not permanent fastened to prevent accidental overturning.
5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile

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home or any other structure unless such installations are specially approved by the authority having jurisdiction.

C. Fuel Oil Supply Systems

1. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.
2. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
3. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.
4. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home exit.
5. Storage tanks located in areas subject to traffic shall be protected against physical damage.

§93-54 Fire Protection

- A. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
- B. Portable fire extinguisher of a type approved by the Fire Prevention Authority shall be kept in public service buildings under park control.
- C. Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the following requirements:
 1. The water supply source shall permit the operation of a minimum of two (2), one and one half (1 1/2) inch hose streams.
 2. Each of the two nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.
- D. Fire hydrants, if provided, shall be located within six hundred (600) feet of any mobile home, service building or other structure in the park.

§93-55 Miscellaneous Requirements

- A. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Chapter 93 and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.
- C. The park management shall give the Township free access to all mobile home lots, service buildings and other community facilities for the purpose of inspection.

§93-56 Notices, Hearings, and Orders -- Mobile Home Parks

- A. Whenever the Cherry Ridge Township Planning Commission determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter 93, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the

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person to whom the permit was issued, as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or their agent as the case may require; provided however, such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter 93 or any part thereof, and with the regulations adopted pursuant thereto.

- B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter 93, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township Planning Commission, provided, that such person shall file in the office of the Township a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within the ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension except in the case of any order issued under §93-56,E. Upon receipt of such petition, the Township Planning Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Township Planning Commission may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.
- C. After such hearing the Township Planning Commission shall make findings as to compliance with the provisions of this Chapter 93 and regulations issued thereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in §93-56,A. Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile home park affected by the order shall be revoked.
- D. The proceedings at such a hearing, including the findings and decision of the authority, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the health or municipal authority but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the health or municipal authority may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.
- E. Whenever the authority finds that an emergency exists which requires immediate action to protect the public health, they may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that action be taken as may be deemed necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Code such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

§93-57 Revocation or Suspension of Permit

Upon repeated violation by the same permittee, their right to the issuance of a permit, or to continued operation under a permit, may be suspended for a fixed term or permanently revoked after notice and hearing by the Cherry Ridge Township Planning Commission, subject to the right of appeal to the Wayne County Common Pleas Court in accordance with appropriate regulations.

§93-58 Reserved

§93-59 Reserved

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ARTICLE VII Campgrounds and Recreational Vehicle Parks

§93-60 Definition

Recreational vehicle parks and campgrounds are defined by this Chapter 93 as Recreational Subdivisions or Land Developments (RSLD) and shall be governed by the standards provided in this Chapter 93. A campsite is a site within either a campground or a recreational vehicle park and, for the purposes of this Chapter 93 reference to "recreational vehicle", shall include "tent."

§93-61 Density

The minimum area of any campsite in an RSLD shall be five thousand (5,000) square feet and the gross density shall be no greater than eight (8) campsites per acre. No recreation vehicle shall, when complete on a site, exceed four hundred and fifty (450) square feet in area, including push-out sections which are a factory manufactured part of the recreational vehicle. Each campsite shall be limited to one (1) recreational vehicle.

The total number of campsites permitted on a project parcel shall be determined by deducting the following areas from the total acreage of the project parcel:

- A. Land contained within public *road* rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as forty [40] feet wide); and areas used for improvements;
- C. The area of waterbodies including lakes, ponds and streams (measured to the normal high water mark on each side);
- D. Fifty (50) percent of the area of wetlands;
- E. Land contained within the buffer area required by §93-62.

and then multiplying by eight (8) units per acre.

§93-62 Buffer -- Setbacks -- Lot Coverage

- A. No campsite shall be located less than one hundred and fifty (150) feet from any exterior property line or public road right-of-way.
- B. Each recreational vehicle placed on an RSLD site shall be at least:
 1. Fifteen (15) feet from the front boundary of the site,
 2. Ten (10) feet from the back boundary of the site,
 3. Ten (10) feet from each side boundary of the site,
 4. Fifty (50) feet from any body of water using the high water mark as a point of reference,
 5. Twenty (20) feet from any other recreational vehicle.
- C. Lot coverage of individual sites shall not exceed thirty (30) percent. §93-63 Campsite Width

The minimum width for each RSLD site shall be fifty (50) feet and the minimum lot frontage shall be forty (40) feet.

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§93-64 Streets and Drainage Systems

All RSLD sites shall be provided with adequate and safe vehicular access. Such access shall also be provided for common properties requiring regular maintenance. Streets shall comply with the requirements for minor roads and drainage systems shall comply with the standards set forth in this Chapter 93.

§93-65 Reserved

§93-66 Occupancy

No campsite shall be used as a permanent residence. In order to prevent permanent occupancy and limit maintenance and policing problems, occupancy of any campsite by one party, vehicle or tent shall be limited to seven (7) months per year. All recreational vehicles in the RSLD shall be maintained in a transportable condition. Additions to any recreational vehicle shall be limited to push-out sections which are a factory manufactured part of the recreational vehicle which can be easily removed for transport.

§93-67 Records

The management of every RSLD shall be responsible for maintaining accurate records concerning the occupancy of all campsites, recording in a bound book the dates when campsites are occupied. All such records shall be open at any time to inspection by Township officials. The term "management" shall include associations of property owners when such are responsible for maintenance of common facilities. The Township Board of Supervisors shall have the authority when any provision of this Chapter 93 is violated to prohibit the occupancy of any or all campsites in the recreational vehicle park or campground until the owners and/or management provide evidence of compliance with these provisions. Any recreational vehicle or tent which remains occupied for seven (7) or more days following a Township order prohibiting occupancy, may be removed to a storage area by order of the Supervisors and at the expense of the individual occupant.

§93-68 Sewage and Water Supply

No individual on-site sewage or water supplies shall be permitted and all systems for the common use of occupants shall fully comply, as evidenced by approved plans, with the standard imposed by the Pennsylvania Department of Environmental Protection and the Township. All RSLD shall be provided with a central sewage disposal system and water supply system to provide safe and convenient service to all campsites. No owner or occupant of any RSLD shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. If there has been installed upon a campsite an apparatus for connection to the central sewage disposal system constructed within the development, plumbing fixtures within the recreational vehicle placed upon the campsite shall be connected to that sewage disposal system. In the alternative, "blue boys" (small portable holding tanks) may be employed.

§93-69 Nuisances

No noxious or offensive activities or nuisances shall be permitted on any campsite.

§93-70 Animals

No animals shall be kept or maintained on any campsite except the usual household pets., such as dogs, cats and the like. Pets shall be kept confined so as not to become a nuisance.

§93-71 Garbage and Refuse Disposal

No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in approved receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite.

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§93-72 Camping Accessories

Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds no larger than ninety (90) square feet, fire boxes or fireplaces and similar items of personal property on a campsite shall be maintained in good condition so as not to become unsightly. No storage shed shall be permitted on a permanent foundation and all required setbacks shall be maintained.

§93-73 Drilling and Mining

No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any campsite.

§93-74 Vehicle Parking

No recreation vehicle shall be parked on any street or roadway within the development.

§93-75 Design and Construction of Decks and Screened Enclosures For Recreational Vehicles

No additions which require external support shall be permitted on any recreational vehicle. The only additions to any recreational vehicle which shall be permitted are push-out sections which are a factory manufactured part of the recreational vehicle which are fully supported by attachment to the recreational vehicle and which can be easily removed for transport.

Unattached decks and screened enclosures shall be permitted in accord with this §93.75, and the setbacks in §93-62 shall be maintained.

- A. The floor shall be constructed of deck lumber, and sheet material, such as plywood, shall not be permitted.
- B. No floor covering except for outdoor or indoor/outdoor carpeting, shall be permitted.
- C. One side of any screened enclosure or deck shall be directly adjacent to the recreational vehicle.
- D. The roof of any screened enclosure shall:
 1. not exceed a height of eight (8) inches over the outside surface of the recreational vehicle roof;
 2. not exceed eight (8) feet from the top of the roof to the floor of the deck, measured from the point where the roof abuts the recreational vehicle; or
 3. pitch downward from the recreational vehicle side with a maximum roof overhang of twelve (12) inches.
- E. Kick plates shall be permitted provided that such plates:
 1. do not exceed twenty-four (24) inches from the top of the deck and
 2. do not extend down from the top of the deck below the face plate. Sheeting material used for a kick plate shall be attached to the outside of support posts and shall be Texture 111 or 1/2" plywood with vinyl siding or similar construction.
- F. All railings shall be of open design.
- G. Screening shall be the only enclosure design material permitted, except for allowable kick plates.
- H. The deck and/or screened enclosure shall not exceed the following limits:

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1. length of trailer to a maximum of thirty (30) feet;
 2. Ten (10) feet wide; or
 3. maximum area of three hundred (300) square feet including the step platforms.
- I. Only fully screened doors shall be permitted.
- J. The underside of the deck may be open, screened, or latticed.

§93-76 Permits and Other Administrative Actions

Permits; registration; inspection; notices, hearings and orders; and permit revocation and suspension for RSLD shall be governed by the same requirements for mobile home parks pursuant to §93-43, §93-44, §93-45, §93-56, and §93.57 of this Chapter.

§93-77 Reserved

§93-78 Reserved

§93-79 Reserved

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ARTICLE VIII Enforcement

§93-80 Recording of Final Plat

No final plat of any subdivision shall be entitled to be recorded in the Wayne County Office or the Recorder of Deeds or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plan is recorded, it shall be considered invalid and the governing body shall institute proceedings to have the plan stricken from the records of the County.

§93-81 Sale of Land in a Subdivision

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this Chapter 93 is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Chapter 93.

§93-82 Permits

- A. Building or repair permits shall not be issued for any structure on a lot in a subdivision for which a plan has not been approved and recorded in the manner prescribed herein.
- B. No owner or agent of the owner of any land shall be entitled to a permit for the installation of sewage disposal systems upon any lot(s) in a subdivision for which a plan has not been approved and recorded in the manner prescribed herein.

§93-83 Revision of Plan After Approval

No changes, erasures, modifications or revisions shall be made on any final plat of a subdivision after approval has been given and endorsed in writing on the plan, unless the said plan is first resubmitted to the Commission and Board of Supervisors.

§93-84 Penalties and Severability

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

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

Nothing contained in this §93-84 shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this §93-84.

- B. In addition to any penalty therein provided, any person, persons, firm, partnership or corporation

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who or which shall violate any provision of this Chapter 93 shall be subject to any law or laws, of the Commonwealth of Pennsylvania, which affords a remedy for such violation in any court of the Commonwealth.

- C. All clauses and provisions of this Chapter 93 are severable; and if any clause or provision should be declared invalid, illegal, or unconstitutional for any reason whatsoever, such decision shall not affect or impair the remaining clauses or provisions. It is hereby declared to be the intent that this Chapter 93 would have been adopted had such unconstitutional, illegal, or invalid clause, or provision not been included herein: all clauses and provisions are declared to be severable.