

DAUGHERTY TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE #89

TABLE OF CONTENTS

1.0 PURPOSE AND AUTHORITY	1
2.0 DEFINITIONS	2
3.0 PROCEDURE	5
4.0 WAIVERS AND MODIFICATION	14
5.0 DESIGN STANDARDS	14
6.0 IMPROVEMENTS	18
7.0 MEDIATION	21
8.0 CONDITIONS OF ACCEPTANCE	22
9.0 FEES	27
10.0 ENACTMENT AND REVIEW BY COUNTY	27
11.0 CERTIFICATES, AFFIDAVITS, APPROVALS, ETC.	28
12.0 ENFORCEMENT REMEDIES AND VALIDITY	36
13.0 ENACTMENT AND EFFECTIVE DATE	38

ORDINANCE #89

An Ordinance of the Township of Daugherty, Beaver County, Pennsylvania, regulating the subdivision and development of land, and the construction, opening and dedication of streets, storm drainage, water supply, sewage disposal, and other facilities in connection therewith. In addition, this Ordinance establishes procedure for review by the County Planning Agency of amendments proposed, for posting of performance surety, for payment of consultants for review and inspection of public improvements and for the recording of approved plats. Further, this Ordinance establishes requirements for land development and adds new terms and definitions as required. Finally, this Ordinance is enacted in place of Ordinance #32 enacted April 14, 1965 which Ordinance is hereby deleted. The Ordinance replacing Ordinance #32, Numbered as Ordinance 89, contains enforcement remedies for the effective application of required standards.

1.0 PURPOSE AND AUTHORITY

1.1 AUTHORITY

This Ordinance is enacted pursuant to the authority contained in Article V of Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170 of December 1988 and all subsequent amendments. Ordinance #32, enacted on April 14, 1965 is hereby deleted in it's entirety and the following provisions enacted in it's place.

1.2 EFFECTIVE DATE

These regulations shall become effective upon signature of the Daugherty Township Board of Supervisors.

1.3 SHORT TITLE

These regulations shall be known and may be cited as "Daugherty Township Subdivision And Land Development Regulations."

1.4 SUBJECT PROPERTIES

No subdivision of any lot, tract or parcel of land shall be permitted; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, no grading of the property shall be commenced except in strict accordance with the provisions of these regulations.

1.5 SALE OF LOTS

No lot in a subdivision may be sold; no permit to erect any structure or building upon land in a subdivision may be issued; and no building may be erected in a subdivision, or grading of the property commenced, unless and until the improvements required by the Township Board of Supervisors in connection therewith have either been constructed or guaranteed as hereinafter provided.

2.0 DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:

Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof". The word "street" includes "road", "drive", "avenue", etc., and "watercourse" includes "drain", "ditch", and "stream". The words "shall" or "will" are mandatory; the word "may" is permissive.

- 2.1 **AVAILABLE SEWER:** A sewer is considered available if:
 - 2.1.1 Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Resources pursuant to the "Pennsylvania Sewage Facilities Act". or
 - 2.1.2 An existing municipal sanitary sewer line, owned by the New Brighton Sanitary Authority or any authority with jurisdiction in Daugherty Township, with sufficient capacity, is located within one thousand (1,000) feet of the nearest point of the lot boundary line of the plat intended for recording.
- 2.2 **BOND: Development -** A bond in cash or with an approved surety company guaranteeing the satisfactory completion of all the improvements to the land in accordance with this chapter, to include irrevocable letters of credit sequestered accounts or cash deposits in accordance with acceptable standards established by the State Banking and Surety Commissions.
- 2.3 **BOND: Maintenance -** A bond in cash or with an approved surety company, guaranteeing repairs and replacement to the improvements for a period of eighteen (18) months from the date the improvements are accepted or taken over by the Township.
- 2.4 **BUILDING:** See Structure.
- 2.5 **BUILDING LINE:** An imaginary line located on the lot at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.
- 2.6 **CARTWAY:** Paved area of right-of-way.
- 2.7 **CLEAR SIGHT TRIANGLE:** The triangular area formed by two (2) intersecting street centerlines and a line interconnecting points established on each centerline,

seventy-five (75) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one-half (3 1/2) feet in elevation from grade level at the intersection of the street centerline.

- 2.8 **CROSS WALK:** A right-of-way, municipally or privately owned at least twelve (12) feet in width which cuts across a block to furnish access for pedestrians to adjacent streets or properties.
- 2.9 **CUL-DE-SAC STREET:** A street having one (1) open end open to traffic and terminated by a vehicular turn-around (cul-de-sac).
- 2.10 **DEAD END STREET:** A street closed at one end.
- 2.11 **DEVELOPER:** Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 2.12 **EASEMENT:** Is a grant or dedication by a property owner or subdivider of a right-of-way or strip of land for a specific purpose, or use, to the general public, a corporation or a certain person.
- 2.13 **ENGINEER:** The Daugherty Township Engineer or Consultant who shall be a Registered Professional Engineer in the Commonwealth of Pennsylvania.
- 2.14 **LAND DEVELOPMENT:** Any of the following activities:
 - 2.14.1 The improvement of one (1) lot or two (2) or more contiguous lots, tract or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; 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, leasehold, condominiums, building groups or other features.
 - 2.14.2 A subdivision of land.
 - 2.14.3 The following exclusions to the phrase "Land Development" are herein included:
 - a. The addition of an accessory structure including farm buildings, subordinate to an existing principal building.
 - b. The conversion of an existing single family detached dwelling (or semi-detached dwelling) into not more than three (3) residential units.
 - c. The addition or conversion of buildings or rides within the confines of an amusement park. An amusement park is defined as a tract of land used prin-

cipally for the permanent location of structure and rides, but including newly acquired acreage by an amusement park.

- 2.15 LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- 2.16 MEDIATION: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- 2.17 PLANNING COMMISSION: The duly constituted Planning Commission of Daugherty Township, Beaver County, Pennsylvania.
- 2.18 PLAT: Final - A complete and exact subdivision plat, prepared for official recording as required by statute, to define property, streets and other improvements.
- 2.19 PLAT: Preliminary - A tentative subdivision plat, in lesser detail than a final plat, showing approximate proposed street and lot layout on a topographic map as a basis for consideration prior to preparation of a final plat.
- 2.20 PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with Act 170 of December 1988.
- 2.21 PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."
- 2.22 PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- 2.23 RIGHT-OF-WAY: That portion of land dedicated to public use for street or utility purposes.
- 2.24 SEWAGE: All lots or parcels shall be served by a Municipal Sanitary Sewer if available or by on-site sewer service both as required by the regulations of the Pennsylvania Department of Environmental Resources pursuant to the "Pennsylvania Sewage Facilities Act."
- 2.25 STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- 2.26 STRUCTURE: Any man-made object having an ascertainable stationary location or on land or in water, whether or not affixed to the land.
- 2.27 SUBDIVIDER: See Developer.
- 2.28 SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including

changes in existing lot lines for the purpose, whether immediate or future, by lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes in parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- 2.29 SUPERVISORS: The word "Supervisors" shall mean the Board of Supervisors of Daugherty Township.
- 2.30 SURFACE DRAINAGE PLAN: Plan showing all present and proposed grades and facilities for water drainage in compliance with "Stormwater Management Act" of 1987, as amended.
- 2.31 SURVEYOR: A Registered Professional Land Surveyor in the Commonwealth of Pennsylvania.
- 2.32 WAIVER OR MODIFICATION: Action by the Planning Commission recommending revisions to stated requirements due to unnecessary hardship. Conditions must be such that in the granting of a waiver or modification, the public interest is served and the intent of the subdivision ordinance is observed.

3.0 **PROCEDURE**

The plat requirements and application procedure shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by the Board of Supervisors.

3.1 **PREAPPLICATION**

Prior to the filing of an application for conditional approval of a preliminary subdivision plat, the subdivider shall submit four (4) copies of the following plans and data to the Planning Commission.

- 3.1.1 General Information - Describe existing covenants, land characteristics, community facilities and utilities; the number of lots and sizes, business areas, playgrounds, utilities and street improvements.
- 3.1.2 Location Map - Map shall show relationship of the proposed subdivision to existing community facilities which serve or influence it and existing facilities, title, scale and north arrow.
- 3.1.3 Sketch Plan - Sketch plan at a scale of one inch (1") equals one hundred (100) feet or larger showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and shall include the following:
 - a. The proposed name of the subdivision.
 - b. Name of the subdivider.

- c. Name of the registered owner.
 - d. North point, scale, and date.
 - e. Name of the surveyor responsible for the map.
 - f. Tract boundaries with bearings and distances.
 - g. Approximate location of watercourses, tree masses, rock out-crops, existing buildings, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.
 - h. Adjacent streets.
- 3.1.4 All required preapplication data shall be submitted to the Planning Commission fifteen (15) days prior to the regular monthly meeting of the Commission.
- 3.1.5 Review - After review and discussion with the Subdivider, the Planning Commission shall indicate the suitability of the plan for development into preliminary plats or as a single non-residential plat.

3.2 PRELIMINARY PLAT

- 3.2.1 Application - The Subdivider shall prepare and submit to the Planning Commission at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission, a completed application on a form provided by Daugherty Township accompanied by the appropriate review fee, twelve (12) copies of the preliminary plats of the total land to be ultimately developed for review by the Planning Commission according to the requirements and standards contained herein. Upon receipt of the Plat, the Planning Commission shall forward six (6) copies to the Beaver County Planning Commission for their review and recommendation within thirty (30) days of receipt.
- 3.2.2 The preliminary plat shall be drawn at a scale of one hundred (100) feet to the inch or greater.
- 3.2.3 The Plat shall show or be accompanied by the following information:
- a. Material required in Section 3.1.
 - b. Names and addresses of the owner or owners of the property.
 - c. Name in which the subdivision or land development will be recorded.
 - d. North point, scale and date.
 - e. Name of registered Surveyor who surveyed the property and prepared the plat.

- f. **Tract boundaries with bearings, distance, total area in acres, and area in square feet of each proposed lot.**
- g. **Contours at vertical intervals as specified by the Township Engineer.**
- h. **Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations and benchmarks.**
- i. **Show all existing watercourses, banks, tree masses, and other significant natural features.**
- j. **Show location and size of all existing buildings, location, size and invert elevation of all sanitary and storm sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission lines, petroleum or petroleum products lines, and other significant man-made features.**
- k. **All existing streets on or adjacent to the tract, including name, right-of-way widths and cartway width and type of improvement material used on the cartway.**
- l. **All existing property lines, easements and rights-of-way, and the purpose for which the easements of right-of-way have been established.**
- m. **Location and width of all proposed streets, rights-of-way and easements, proposed lot lines with approximate dimensions, proposed minimum set back on building lines for each street on lot; playgrounds public buildings, public area and parcels of land proposed to be dedicated or reserved for public use.**
- n. **The preliminary plat shall show the names of owners of all abutting land and the names of all abutting subdivisions.**
- o. **Where the preliminary plat covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout of the remainder of the land and shall be clearly marked "Future Development".**
- p. **A plan of the proposed public water distribution system for review and approval by the appropriate authority or a plan showing the location of individual wells in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.**
- q. **A plan of the proposed sanitary sewerage will be required for review and approval of the appropriate authority or showing the proposed location of on-lot sewerage disposal facilities in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537) as amended.**

- r. Preliminary plat shall show the Zoning boundaries, if any that traverse or are within three hundred (300) feet of the area covered by the plan. The subject parcel or parcels shall also be identified as to zoning classification.
- s. Preliminary plat shall show such street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.
- t. Subsurface condition (whether undermined, etc.) of the tract to be subdivided.
- u. Profiles showing existing ground and proposed street centerline grades.
- v. Typical cross section of roadways showing cartways, water, sanitary and storm sewers, gas, electric and phone utilities, television cable and sidewalks.
- w. The Subdivider shall provide such additional information as may be required by the Planning Commission, Board of Supervisors, Zoning Officer, or Township Engineer, or other Township agency in order to more fully evaluate the proposed subdivision or land development and its effect on adjacent property or the Township as a whole; this may include a final grading plan.
- x. A plan of the proposed gas, electric, telephone and television cable systems for review and approval with written approval from the appropriate utility company.
- y. A grading plan as per Section 615 of this Ordinance and in compliance with Ordinance #87.
- z. A plan for the collection and discharge of all stormwater. The subdivider shall further provide all information and plans necessary to indicate that the existing off-lot watercourse and drainage system is adequate to accommodate the proposed stormwater increase resulting from the proposed subdivision or land development or a plan for improving said system to meet the increase demand.

3.2.4 **Planning Commission Review and Action** - When the plans and completed application are submitted fifteen (15) days prior to the regular monthly meeting the application will be reviewed at the regularly scheduled meeting and if all required data is included the Planning Commission shall notify the subdivider or developer within fifteen (15) days of the meeting in writing as to their action. When plans are not submitted or an application is not completed and fees paid as required, the Commission shall take action at the next month's meeting, provided that action shall be taken within ninety (90) days of the meeting following receipt of formal application.

3.2.5 **Application and Fees** - The subdivider shall make formal application for subdivision or land development approval and pay the required fees established by the Supervisors in the schedule of fees with the preliminary plat.

- 3.2.6 Nature of Approval - Approval of a Preliminary Plan for subdivision or land development shall not constitute approval of a Final Plat, but rather an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the Final Plat or land development. Granting of preliminary approval shall not qualify a plat for recording, nor authorize development or the issuance of any building or zoning permit.**

3.3 Final Plat

The final plat shall be submitted to the Planning Commission fifteen (15) days prior to the regular meeting of the Commission and shall include two (2) originals (mylar or linen) plus six (6) copies and include copies of all information used to evaluate the preliminary plat or land development.

- 3.3.1 Specifications for Final Plat - For any subdivision or land development requiring final approval, the plats submitted:**
- a. Shall be drawn and submitted on mylar or linen.**
 - b. Shall include material required in Sections 301 and 302.**
 - c. Shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches over all. It is recommended that as far as practicable final plat sheets be held to the following overall sizes: seventeen (17) inches high by twenty-two (22) inches wide; twenty-two (22) inches high by thirty-four (34) inches wide. There shall be a border of one-half (1/2) inch on all sides except the binding end which shall be one and one-half (1 1/2) inches.**
 - d. Shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.**
 - e. Shall be drawn to a scale of one hundred (100) feet to the inch or larger; more than one (1) sheet may be used for larger tracts and must be indexed and include a match line for continuity from sheet to sheet.**
 - f. Shall contain a title block in the lower right hand corner with the following information:**
 - (1) Name under which the subdivision plat is to be recorded or identified.**
 - (2) North point, scale and date.**
 - (3) Name of the recorded owner and subdivider or developer.**
 - (4) Municipality in which the subdivision or land development is located.**
 - (5) Name, address and seal of the Registered Surveyor preparing the plat or land development.**

- g. Outside of the subdivision all final plats submitted for approval shall be drawn according to the following:**
 - (1) Streets and other ways with medium solid lines.**
 - (2) Property lines of adjacent subdivision by medium dashed and two dotted lines.**
 - (3) Lot line by light dotted lines.**
 - (4) Restriction lines, rights-of-way for utilities, easements, etc., by light dashed lines.**

- h. Within the subdivision all final plats shall be drawn according to the following:**
 - (1) Streets or ways of heavy solid lines.**
 - (2) Perimeter property lines of subdivision by heavy dashed and two (2) dotted lines.**
 - (3) Lot lines of medium solid lines.**
 - (4) Restriction of building lines by medium dashed lines.**

3.3.2 Final Plat - All final plats or land development proposals submitted shall show the following information:

- a. Primary control points, or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearing, and similar data shall be referred.**
- b. Accurate description shown by bearings and dimensions in feet and hundredths of a foot shall be shown on all tract boundary lines, streets, easements and right-of-way lines, property lines of lots, tangent bearings, deflection angles, radii, arc and central angles of all curves and tangent distances between curves. The error of closure for all descriptions subject to approval shall not exceed one (1) foot in ten thousand (10,000) feet.**
- c. Name and right-of-way width of each street.**
- d. Location, dimensions and purpose of all easements in or across the subdivision plat.**
- e. Number to identify each lot, site or parcel of land.**
- f. Purpose for which sites other than residential are to be dedicated.**
- g. Building set back line on all lots and sites.**

- h. **Location and description of survey monuments as required by the Township.**
 - i. **Names of recorded owner of abutting unapproved or unplotted land and the names of all abutting subdivisions.**
 - j. **Certification of Registered Surveyor who prepared the plat certifying to the accuracy of the survey and plat.**
 - k. **Attestation by the applicant showing that the applicant is owner of the tract or land proposed to be subdivided or developed.**
 - l. **Statement by the owner dedicating the streets, the right-of-way, easements and any area for public use.**
 - m. **Such other certificates, bonds, affidavits, endorsements or dedications as may be required in the enforcement of the Ordinance.**
 - n. **Prior to final approval a plat which requires access to a highway under the jurisdiction of the Department of Transportation the plat shall contain a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No 428) known as the "State Highway Law" before driveway access to a state highway is permitted and a Daugherty Township Roadway Opening Permit is required for all driveways with access to Township Roads in compliance with Ordinance #86.**
 - o. **Completion of Improvement or Guarantee Thereof - No plat shall be finally approved until all improvements have been completed or a deposit of surety with the Township in an amount sufficient to cover the costs of the improvements plus ten percent (10%) as required in Section 509 of Act 247 and all amendments thereto.**
 - p. **Recording Plat or Land Development - The developer shall within ninety (90) days of the final approval of the plat record such plat in the office of the Recorder of Deeds of Beaver County as required in Section 513 of Act 247 as amended. Final plats shall be rerecorded when additional easements or rights-of-way are being conveyed. The applicant or developer shall deposit with Daugherty Township a fee, which shall be returned upon receipt of a signed and duly recorded mylar.**
- 3.3.3 **Planning Commission Review and Action - The Planning Commission shall make its report to the Board of Supervisors within seven (7) days after the meeting at which action was taken to recommend approval of a preliminary or final subdivision plan or land development.**
- 3.3.4 **Action of Board of Supervisors - The Board of Supervisors shall render its decision on the Final Plat and communicate its decision to the Subdivider not later than ninety (90) days after the application is filed with the Secretary of**

the Planning Commission counting from the date of the next regularly scheduled Planning Commission meeting.

- a. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the state statute or local ordinance relied upon.**
- b. Failure by the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation or communication shall have like effect.**
- c. From the time a Final Plat or land development application is duly filed as provided in this Ordinance, and while such application is under review, no change or amendment of the Zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a Final Plat or Land Development has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other applicable 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. When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.**
- d. Upon request from the applicant the Board of Supervisors shall provide a resolution indicating approval of a subdivision or land development contingent upon the depositing of appropriate financial security with Daugherty Township. No recording of an approved plat shall occur until such surety has been accepted by the Township.**
- e. The amount of financial security required to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, Daugherty Township may adjust the amount of the financial security by comparing the actual cost**

of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, Daugherty Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. Daugherty Township, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and Daugherty Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by Daugherty Township and the applicant or developer. The estimate certified by their engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by Daugherty Township and the applicant or developer.

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

- f. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from Daugherty Township, financial security to assure proper comple-

tion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

- g. Before acting on any subdivision plat, the Board of Supervisors or the Planning Commission, may hold a public hearing thereon after public notice.

3.4 Re-Subdivision Procedure

For any replatting or re-subdivision of land, the same procedure shall apply as prescribed herein for an original subdivision.

4.0 WAIVERS AND MODIFICATION

Where the Planning Commission recommends and the Board of Supervisors finds that extraordinary hardships may result from strict compliance with this Ordinance, they may modify or waive the requirements of this Ordinance so that substantial justice may be done and the public interest secured; provided that such modification or waiver will not have the effect of nullifying the interest and purpose of this Ordinance.

- 4.1 In granting waivers and modifications, the Planning Commission and Board of Supervisors may require such conditions, as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified. The granting of waivers and modifications by the Planning Commission shall be conditional and subject to the final approval of the Board of Supervisors.
- 4.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

5.0 DESIGN STANDARDS

5.1 APPLICATION OF STANDARDS

The following minimum design guidelines and subdivision principles, standards, and requirements will be applied by the Planning Commission and the Board of Supervisors in evaluating the plats or land developments for proposed subdivision.

5.2 LAND REQUIREMENTS

All subdivisions and land developments shall be in compliance with the Daugherty Township Zoning Ordinance No. 90 and as amended.

5.3 STREET REQUIREMENTS

- 5.3.1 Proposed streets shall be properly related to Township, County and State road and highway plans which have been prepared and officially adopted and/or filed as prescribed by law.

- 5.3.2 **Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.**
- 5.3.3 **Local streets shall be so laid out as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.**
- 5.3.4 **Where a subdivision plat abuts or contains an existing or proposed arterial street, the Planning Commission may recommend and Board of Supervisors may require local access streets, reverse frontage lots, or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with arterial streets, and separation of local and through traffic.**
- 5.3.5 **New half or partial streets shall be prohibited.**
- 5.3.6 **Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted and dedicated within such tract.**
- 5.3.7 **Cul-de-sac end streets may be permitted.**
- a. **A turn-around with a paved cartway diameter of eighty (80) feet back of curb to back of curb with a right-of-way diameter of one hundred (100) feet shall be required at the end of all streets.**
- b. **The turn-around right-of-way shall be placed adjacent to a property line, and a right-of-way of the same width as the street minus the turnaround arcs shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract.**
- 5.3.8 **If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.**
- 5.3.9 **Reserve strips, restricting or controlling access to adjacent street or properties shall be prohibited.**
- 5.3.10 **Maximum Allowable Grades - Centerline of Street**
- | | |
|---|-----------------------------|
| Arterial Streets | Six percent (6%) |
| (To which collector streets channel traffic) | |
| Collector Streets | Eight percent (8%) |
| (Which collect traffic from local streets) | |
| Local Streets | Twelve percent (12%) |
| (Which provide access to residential lots) | |
- 5.3.11 **Minimum grades on all streets shall not be less than one percent (1%).**
- 5.3.12 **Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding two percent (2%).**
- 5.3.13 **Alignment**

- a. Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.
- b. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

Arterial Streets	Five hundred feet (500')
Collector Streets	Two hundred feet (200')
Local Streets	One hundred feet (100')

5.3.14 **Widths** - Minimum street rights-of-way widths and cartway (roadway) widths shall be as follows:

<u>Type of Street</u>	<u>Cartway</u> (excluding curbs)	<u>Right-of-Way</u>
Local	22 feet	50 feet
Collector	24 feet	50 feet
Collector (+ 50 lots)	30 feet	50 feet
Arterial	40 feet	60 feet

- a. Additional right-of-way and cartway widths may be required by the Board of Supervisors for the following purposes:
 - (1) To promote public safety and convenience.
 - (2) To provide parking space in commercial districts and in areas of high density residential development.
 - (3) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformity with the above standards may be required.

5.3.15 **Street Intersections**

- a. Curbs shall be installed by the subdivider. The curbs shall be of the type and material as specified and approved by the Board of Supervisors. All curbs at intersections shall be rounded by a minimum radius of twenty (20) feet.
- b. Where the grade of any street at the approach to an intersection exceeds five percent (5%), a leveling area shall be provided with a transitional grade not to exceed two percent (2%) for a distance of twenty-five (25) feet from the nearest right-of-way line of the intersection.
- c. Multiple intersections of more than four (4) roads shall be prohibited.

- 5.3.16 **Street Offsets** - Street offsets of less than one hundred twenty-five (125) feet shall be avoided.
- 5.3.17 **Compound Curves** - compound curves shall be prohibited.
- 5.3.18 **Alleys**
 - a. Prohibited in residential areas.
 - b. Permitted in commercial and industrial areas subject to design approval of the Planning Commission and Board of Supervisors upon recommendation of the Township Engineer.
- 5.3.19 **Driveways**
 - a. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway services, and shall be designed and constructed in accordance with the requirements of the Township and of Ordinance #86.

5.4 LOTS

- 5.4.1 Residential lots shall be subdivided to meet minimum area requirements in accordance with the terms of the Daugherty Township Zoning Ordinance, as amended (#90).
- 5.4.2 The frontage width of lots fronting a cul-de-sac shall be determined as the width at the building line but in no case shall the actual recorded frontage be less than fifty (50) feet. The side yard setback requirements will be calculated from the midpoint of the structure along the average length of both sides of the structure.
- 5.4.3 All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible. All nonradial lines shall be denoted as such on plat.
- 5.4.4 Irregularly shaped lots shall be avoided whenever possible.

5.5 BUILDING LINES

The building lines shall be in accordance with the terms of the Daugherty Township Zoning Ordinance, as amended (#90).

5.6 BLOCKS

- 5.6.1 Block lengths should not exceed twelve hundred (1,200) lineal feet nor be less than five hundred (500) lineal feet in length.
- 5.6.2 Blocks shall be at least two (2) lots in depth except for reverse frontage lots.
- 5.6.3 Where crosswalks are provided they shall have a minimum right-of-way of twelve (12) feet with a five (5) foot paved walk.

5.6.4 The depth-to-width ratio of conforming lot configurations should be at a maximum of two and one-half (2 1/2) depth to one (1) unit of width.

5.7 EASEMENTS

5.7.1 Utility easements shall have a minimum width of ten (10) feet and be placed at the side or rear of lots whenever possible.

5.7.2 Where a subdivision is traversed by a watercourse, there shall be a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such size as to provide sufficient width for maintenance, but in no case less than twenty (20) feet.

5.8 SIDEWALKS

Sidewalks and crosswalks, where required by the Board of Supervisors shall be installed by the subdivider or developer along public streets or where deemed necessary for public safety, as determined by the Board of Supervisors.

5.9 STREET NAMES

The subdivider may choose his street names subject to the approval of the Planning Commission and the Board of Supervisors. No street, other than an extension, may be given the name of an existing street in the Township or postal service areas of which Daugherty Township is a part.

5.10 ACCESS

In subdividing land it shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the allotment.

6.0 IMPROVEMENTS

6.1 GRADING IN RIGHTS-OF-WAY

6.1.1 Streets shall be graded to grades and cross sections as presented with the preliminary plats and street profiles and as approved by the Township Board of Supervisors on the final plat or land development.

6.1.2 Streets shall be graded to the full width of the right-of-way and slopes of a minimum to two (2) feet of rise to one (1) foot of run shall be constructed commencing at the street right-of-way and extending onto the lots of properties adjoining the street right-of-way. This applies to both cut and fill sections.

6.1.3 Subgrade of street shall be brought to the proper grade and cross section as approved by the Township Engineer and shall be rolled with a ten (10) ton roller. All soft spots shall be removed. These soft spots shall be recompact with a suitable material approved by the Board of Supervisors upon

recommendation by the Township Engineer before the placing of any base material.

- 6.1.4 No base course shall be placed until sub-grade has been inspected and approved by the Township Engineer.

6.2 UNDER DRAINAGE

- 6.2.1 In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Pennsylvania Department of Transportation Specifications, Form 408, subject to approval of drawings and design and materials by the Township Board of Supervisors.
- 6.2.2 If during construction unknown poor drainage conditions are encountered by the Owner, he shall notify the Township Engineer and correct such conditions encountered at the direction of the Board of Supervisors upon recommendation of the Township Engineer to their complete satisfaction.

6.3 CURBING

- 6.3.1 The type of curb used and location shall be determined by the Township Board of Supervisors and subject to their approval upon the recommendation of the Township Engineer before installation of the same.

6.4 BASE COURSE

- 6.4.1 The base course shall be constructed to the lines, grades and cross sections as given final approval with all materials used and all construction requirements performed in conformity with current Pennsylvania Department of Transportation, Form 408 and be one of the following approved types of base course material:
 - a. A Crushed Aggregate Base Course with a compacted thickness of not less than eight (8) inches in depth.
 - b. A Bituminous Concrete Base Course with a compacted thickness of not less than five (5) inches in depth.
- 6.4.2 A subbase shall be constructed when required by the Township of a crushed aggregate material as approved by the Township Engineer where soil or traffic conditions warrant its use with a compacted thickness of not less than three (3) inches in depth.

6.5 SURFACE COURSE

- 6.5.1 The surface course shall be constructed to the lines, grades and cross sections as given final approval with all materials used and all construction requirements performed in compliance with current Pennsylvania Department of Transportation Form 408 specification and be one of the following types of materials:

- a. **A Bituminous Surface Course (1D-2) with a compacted thickness of not less than two and one-half (2 1/2) inches in depth shall be placed on a Crushed Aggregate Base Course. The binder course shall be one and one-half (1/2) inches in depth and the Wearing Course shall be one (1) inch in depth.**
- b. **A Bituminous Wearing Course (ID-2) with a compacted thickness of not less than one (1) inch in depth, shall be placed on a Bituminous Concrete Base Course.**

6.6 SIDEWALKS & DRIVEWAYS

Sidewalks shall be constructed of concrete four (4) inches in thickness except at driveways where they shall be minimum of six (6) inches in thickness. Sidewalk shall be a minimum of sixty (60) inches in width.

6.7 STORM SEWERS AND FACILITIES

- 6.7.1 **Storm sewers shall be located in the street right-of-way or in a drainage easement.**
- 6.7.2 **Storm sewers shall be made of reinforced concrete and have a minimum diameter of fifteen (15) inches and a minimum grade of 0.50 percent.**
- 6.7.3 **Manholes shall be placed at all changes in alignment and at all changes in grade.**
- 6.7.4 **Inlets may be substituted for manholes when approved by the Township Board of Supervisors.**
- 6.7.5 **Inlets (of the size and design specified by the Board of Supervisors) shall be constructed as required to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area to be drained.**
- 6.7.6 **In the design of storm sewer installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water run-off over adjacent properties including release or discharge of storm water onto and across adjacent land when required.**
- 6.7.7 **Drainage plans shall be submitted for approval with Preliminary Plat or land development application and shall be approved by the Township Engineer.**

6.8 WATER SUPPLY

- 6.8.1 **If a public water supply is available or planned for the area, then provisions shall be made for its immediate and eventual use.**
- 6.8.2 **A water supply shall be in compliance with the rules and regulations of the Authority supplying the water subject to the approval of the Board of Supervisors.**
- 6.8.3 **Fire hydrants shall be established by the Municipal Authority having jurisdiction and installed as approved by the Board of Supervisors upon recom-**

mentation of the Township Volunteer Fire Company and Township Engineer.

6.9 MONUMENTS

Monuments shall be placed at all block corners, angle points, points of curves in streets, and intermediate points as determined by the Township Board of Supervisors upon recommendation of the Township Engineer. Same shall be of such size, length and material as approved by the Township Board of Supervisors.

6.10 STREET TREES

Should the subdivider or applicant plan to provide trees, they are to be placed inside the recorded property lines.

6.11 EXISTING NATURAL CONDITIONS

In wooded areas or where other natural conditions exist in such a manner that their presence adds to the desirability of a subdivision or land development, the Board of Supervisors shall require that the subdivider or applicant preserve as much of the original stands of trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required in the construction of the improvements in accordance with the improvement standards included herein and approved by the Board of Supervisors.

6.12 GRADING PLAN AND EROSION CONTROL

At the time of submission of a subdivision for final approval a grading plan shall be presented subject to and in accordance with the requirement of Ordinance #87.

7.0 MEDIATION

During the review of subdivision and land development applications it may be necessary to utilize mediation as an aid in completing the approval proceedings. Mediation shall supplement, not replace the procedures outlined in this Ordinance and shall not be interpreted as expanding or limiting municipal police powers. Participation by the applicant or the Township shall be voluntary based on their willingness to negotiate. Terms and conditions of mediation are as follows:

- 7.1 Parties must establish a method of funding of the mediation;
- 7.2 The selected mediator shall have a working knowledge of Municipal Subdivision and Land Development procedures and demonstrate skills in mediation;
- 7.3 A time limit for completion or for suspending mediation must be agreed upon;
- 7.4 Suspension of time limits otherwise authorized by this article, provided there is written consent by the mediating parties and by the applicant or municipal decisionmaking body if either is not a party at the mediation, may be agreed upon;

- 7.5 All parties must be identified and afforded an opportunity to participate;
- 7.6 Subject to legal restraints parties shall determine whether some or all mediation sessions are open or closed to the public;
- 7.7 Mediated solutions shall be in writing, signed by participating parties and become subject to review and approval by the Zoning Hearing Board pursuant to procedures set forth in this Article;
- 7.8 No offers or statements made in other than the final written mediated agreement shall be admissible as evidence in any subsequent judicial or administrative proceedings.

8.0 CONDITIONS OF ACCEPTANCE

8.1 PERFORMANCE REQUIREMENTS

- 8.1.1 Before approving any subdivision plan, the Board of Supervisors shall require a written agreement that necessary grading, paving and street improvements, stormwater inlets, catch basins and road drains, sidewalks, street lights, fire hydrants, water mains and sanitary sewers, etc. as may be required by the Township, shall be installed by the subdivider in strict accordance with the design standards and specifications of the Township, within a specified time period.
- 8.1.2 All "Conditions of Acceptance" in regard to sanitary sewers, water supply, utilities and other similar construction shall be as determined by the Authority or utility company having jurisdiction and a letter stating that agreement has been concluded between the parties shall be submitted to the Board of Supervisors from each Authority, utility etc. prior to final approval.

8.2 PERFORMANCE GUARANTEES

The Board of Supervisors shall insure, through receipt of certificates of compliance submitted and attested by the Township Engineer that required improvements have been installed according to the Specifications of the final plat, or alternately require the posting of adequate surety to cover the cost for such improvements. The Board of Supervisors shall specify one of the following alternatives for guaranteeing compliance with the requirements of this Section for the developer requesting final approval of a plat. Decision of which alternative shall be required is that of the Board of Supervisors and final approval of a plat shall not be granted until the surety required is fully provided and accepted by the Board. The costs for inspecting all such required public improvements shall be borne by the applicant.

- 8.2.1 Completion of Improvements Prior to Final Approval - Prior to final plat approval, the subdivider shall complete, in a manner satisfactory to the Board of Supervisors and the Township Engineer, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Board of Supervisors and shall dedicate same for public use in accordance with these regulations. Final plat approval shall not be granted until the de-

dition of said improvements has been accepted by the Board of Supervisors.

8.2.2 Guarantee of Future Performance - In lieu of requiring the completion of all improvements prior to final plat approval, the Township may, at its discretion, enter into a contract or operating agreement with the subdivider or applicant for land development approval whereby the subdivider shall guarantee to complete all improvements required by this Ordinance, or otherwise specified by the Board of Supervisors in a manner satisfactory to the Board of Supervisors. To secure this contract, the subdivider shall provide, subject to the approval of the Board of Supervisors, one of the following guarantees:

- a. **Surety Bond:** The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Township and shall be in an amount sufficient to cover the entire cost, as estimated by the subdivider or applicant for land development approval and approved by the Township Engineer plus ten percent (10%), or installing all improvements. The duration of the bond shall extend to such time as the improvements are accepted by the Township in accordance with the requirements of this Ordinance. If said improvements are not installed within the prescribed time limit an extension shall be required of the surety issued, sufficient to assure that completion.
- b. **Escrow Account:** The subdivider or applicant for land development approval shall deposit cash, or other instrument readily convertible into cash at face value, either with the Township or in escrow with an established bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Board of Supervisors. The amount of the deposit shall be at least equal to the cost of installing all required improvements, as estimated by the subdivider or applicant plus ten percent (10%) and approved by the Township Engineer. In the case of an escrow account, the subdivider or applicant shall file with the Board of Supervisors an agreement between the financial bank and himself guaranteeing the following:
 - (1) That the funds of said escrow shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the subdivider or applicant as security in any other matter during the period;
 - (2) And that in the case of a failure on the part of the subdivider or applicant to complete said improvements, the bank shall immediately make the funds in said account available to the Township for use in the completion of those improvements, upon notice of such failure from the Board of Supervisors.

8.3 RELEASE FROM IMPROVEMENT BOND

8.3.1 Procedure

- a. **When the developer has completed all of the required improvements the cost of which shall be borne by the subdivider or applicant, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the Township Engineer.**
- b. **The Board of Supervisors shall within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer, shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof. Said report shall contain a statement of reasons for such nonapproval or rejection.**
- c. **The Board of Supervisors shall notify the developer, in writing by certified or registered mail, of the action of said Board of Supervisors with relation thereto.**
- d. **If the Board of Supervisors or Township Engineer fails to comply within the time limitation provisions contained herein, all improvements will be deemed to have been approved and the subdivider or developer shall be released from all liability, pursuant to its performance guaranty bond or other surety accepted by the Board of Supervisors.**
- e. **If any portion of the required improvements shall not be approved or shall be rejected by the Board of Supervisors, the subdivider or developer shall proceed to complete the same upon notice to do so and, upon completion, the same procedure of notification, as outlined herein, shall be followed.**
- f. **Nothing herein, however, shall be construed in limitation of the subdivider's or developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.**

8.4 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- 8.4.1 **In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this Ordinance and the requirements of the Board of Supervisors or in accord with the approved final plan, the Board of Supervisors shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.**
- 8.4.2 **If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors, may at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary**

to complete the remainder of the improvements within a reasonable period of time.

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

8.5 MAINTENANCE BOND

- 8.5.1 Before the Township Engineer shall issue to the Board of Supervisors a written certification that all public improvements specified and required have been satisfactorily completed in accordance with the aforementioned agreement or contract and requirements relative to the subdivision or land development and in compliance with the specifications, standards, Ordinances and requirements of the Township, the subdivider or developer shall be required to deposit with the Township, a Maintenance Bond, in such amount, under such conditions, in such form and with approved surety as shall be required by the Board of Supervisors. Said Maintenance Bond to guarantee the repairs and maintenance by the subdivider or developer of the streets, roads, pavement, sidewalks, curbs, gutters, storm drains and drainage facilities, and any other improvements constructed and installed in the subdivision or development, for a period of eighteen (18) months from the date of final and official acceptance of the above said improvements and facilities by the Board of Supervisors.

- 8.5.2 The repairs and maintenance required to be performed by the subdivider or developer shall extend only to making good any inherent defects which become manifested in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the subdivider or developer has no control.

8.6 HIGHER STANDARDS

- 8.6.1 No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Township. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as a minimum and the Board of Supervisors may as it deems advisable revise said specifications and requirements to secure a higher standard of improvement and community development.

- 8.6.2 No storm water drainage facilities or any other facilities or improvements shall be accepted as a part of the Township's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Township and so approved prior to recording.

8.7 RECORDING

- 8.7.1** Within ninety (90) days after the date of approval of the final plat, the subdivider shall record an approved duplicate copy of same in the office of the County Recorder of Deeds, and file with the Secretary of the Township, a Recorders Certificate that the approved plat has been recorded, with the Plan Book and page numbers indicated, and approval shall not become final and effective until such certificates have been filed. The subdivider or applicant for land development approval shall provide a duplicate tracing of the officially recorded plan to the Township Secretary for Township files.
- 8.7.2** After an approved subdivision plan or land development within which boundary lines, public improvements, easements or rights-of-way have been dedicated for public use, has been officially recorded, the streets, parks, and other public improvements shown thereon shall be so considered to be a part of the official plan of the Township.
- 8.7.3** Streets, parks and other public improvements shown on a subdivision plan or land development proposal to be recorded may be offered for dedication to the Township by formal notation thereof on the Plan, or the Owner may note on such plan that any improvements have not been offered for dedication to the Township. If the Board of Supervisors does not accept said dedications the plat or development may still be recorded with the appropriate statements as herein noted.

8.8 RECONSIDERATION

Any subdivider or applicant for land development approval aggrieved by a finding, decision or recommendation of the Daugherty Township Planning Commission or the Township Board of Supervisors or who does not accept conditions placed upon such subdivision or land development application approval by the Planning Commission or Board of Supervisors, may present additional relevant information and request reconsideration of the original findings, decision or recommendation upon written request within thirty (30) days of notification of the Planning Commission or Board of Supervisors decision. The Planning Commission and Board of Supervisors shall consider such additional information or revised drawings as it deems appropriate within sixty (60) days of notice to the subdivider or applicant that a reconsideration is appropriate. The decision of this reconsideration within sixty (60) days shall be final and mediation may be used to aid in the procedure.

8.9 APPROVAL REFUSED BY SUPERVISORS

- 8.9.1** In any case where the Board of Supervisors shall refuse to approve any plats or land developments submitted to them in accordance with this Subdivision Ordinance, any person aggrieved by the action of the Supervisors may appeal as provided by law.

8.10 NO RESPONSIBILITY OF TOWNSHIP WHERE PLANS NOT APPROVED

If any road or drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plats approved and recorded as herein provided, neither the Board of Supervisors nor any public water and sewer authorities shall place, construct, or operate any sewer, drain, water pipe or other facilities, or do any work of any kind, in or upon such road; and neither the Township Supervisors nor any other public authorities, shall have any responsibility of any kind with respect to any such road or drainage facilities or maintenance thereof, notwithstanding any use of the same by the public. Provided, however, that nothing herein contained shall prevent the laying of sanitary sewers, drainage facilities or water or mains, if required by engineering necessity for the accommodating of other land within the jurisdiction of Daugherty Township for the preservation of public health and welfare.

9.0 FEES

9.1 FEE TO ACCOMPANY APPLICATION FOR REVIEW AND APPROVAL OF PLANS

- 9.1.1 All applications submitted for the review and approval of plans of subdivision and plans of land development prepared in preliminary or final form shall be accompanied by a fee in accordance with a schedule of fees and charges adopted by resolution of the Board of Supervisors to defray or to help defray any cost that may be incurred by the Township in viewing, and inspecting the site of the subdivision, or land development and reviewing the application, data and the plans submitted relative to the same.
- 9.1.2 The schedule of fees and charges established may vary, and be regulated in accordance with the scope and complexity of the plan of subdivision and land development project, such as (a) number of parcels or lots in plan, (b) site development plans, (c) utility development plans, (d) applicants plan of construction and development of the land, structures and facilities thereon, and appurtenant thereto, (e) number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.
- 9.1.3 Where a plan of subdivision or land development for any reason has been rejected by the Township Planning Commission and/or Board of Supervisors, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Township's schedule of fees and charges for such submittals.
- 9.1.4 All fees shall be made payable to and delivered to the Township Secretary of Daugherty. All fees submitted are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee submitted.

10.0 ENACTMENT AND REVIEW BY COUNTY

- 10.1 Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice. The Planning

Commission shall make recommendations to the Board of Supervisors on amendments not prepared by them, within thirty (30) days prior to the date of the public hearing.

- 10.2 At least thirty (30) days prior to the date of the Public Hearing on an amendment to this Ordinance, a copy of the proposed amendment shall be forwarded to the Beaver County Planning Commission for review and recommendation.
- 10.3 Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of any amendment to this Ordinance to the Beaver County Planning Commission for their files.
- 10.4 Proposed subdivision and land development ordinance amendments texts may be examined at a place designated by the Board of Supervisors prior to their passage. Notice of said Ordinance provisions and a summary thereof shall be published not more than sixty (60) days nor less than seven (7) days prior to passage.
- 10.5 When an application for approval of a plat whether preliminary or final has been approved or when an application for land development has been approved and the applicant accepts the conditions of approval, no change in the Subdivision and Land Development Ordinance or Zoning Ordinance of Daugherty Township shall adversely effect the applicants' right to complete any finally approved aspect of the proposed development within five (5) years from such approval.

11.0 CERTIFICATES, AFFIDAVITS, APPROVALS, ETC.

The certificates quoted below shall be inscribed on the plan as quoted, and shall be properly signed and attested when the plan is submitted to the Planning Commission, and the Board of Supervisors. All certificates shall be placed on final plan in an arrangement suitable for placement of all required seals.

OWNERS ADOPTION

Know All Men By These Presents, that (I or We) _____
of the _____

(Name of Owner or Owners)

(City, Borough, Township) of _____, County of _____,
Commonwealth of (or State) _____, for (myself, ourselves), (my, our) heirs, execu-
tors, administrators and assign, do hereby adopt this as (my, our) Plan of Subdivision of (my,
our) property, situate in the Township of Daugherty, County of Beaver, Commonwealth of
Pennsylvania, and for divers advantages accruing to (me, us) do hereby dedicate forever, for
public use for highway, drainage, sewage and utility purposes, all drives, roads, lands, rights-
of-way, easements, ways and other public ways shown upon the plan, with the same force and
effect as if the same had been opened through legal proceedings and in consideration of the ap-
proval of said plan and any future acceptance of said public highways, rights-of-way and ease-
ments by said County of Beaver or Township of Daugherty (I or We), _____

_____, hereby agree

(Name of Owner or Owners)

to and by these presents do release and forever discharge said County of Beaver or said Town-
ship of Daugherty, their successors or assigns from any liability for damages arising and to
arise from the appropriation of said ground for public highways, and other public uses and the
physical grading thereof to any grades that may be established. This dedication and release
shall be binding upon _____

(Name of Owner or Owners)

and assigns and purchasers of lots in this plan.

IN WITNESS WHEREOF, (I or We) hereunto set (my, our) hands(s) and seal(s) this ____ day
of _____, A.D., 19__.

ATTEST:

(Owner or Owners)

(Owner or Owners)

The foregoing adoption and dedication is made by _____

(Name of Individual)

with the full understanding and agreement that _____

(Owner or Owners)

the approval of the Board of Supervisors of the Township of Daugherty, if hereto attached, will
become null and void unless this plan is recorded in the Recorder of Deeds Office of Beaver
county, County Courthouse, Beaver Pennsylvania within ninety (90) days of said approval.

_____(SEAL)

INDIVIDUAL ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA }

} ss:

COUNTY OF BEAVER }

Before me, the subscriber, a Notary Public in and for said County and Commonwealth, personally appeared the above named _____

(Owner or Owners)

who acknowledged the foregoing release and dedication and plan of subdivision to be (his, her, their) act and deed and desired the same to be recorded as such:

WITNESS MY HAND AND NOTARIAL SEAL this ____ day of _____, 19__

(SEAL)

(Notary Public)

My Commission Expires the ____ day of _____, 19__.

CORPORATION ADOPTION

KNOW ALL MEN BY THESE PRESENTS:

That _____, by virtue of a Resolution
(Name of Corporation)

of the Board of Directors, thereof does hereby adopt this as its Plan of Subdivision of its Property situate in the Township of Daugherty, County of Beaver, Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, streets, lanes, rights-of-way, easements, ways and other public ways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings and in consideration of the approval of said plan and any future acceptance of said public highways, rights-of-way and easements by said County of Beaver or Township of Daugherty _____, hereby covenants and
(Name of Corporation)

agrees to and by these presents does release and forever discharge said County of Beaver or said Township of Daugherty, their successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____, its
(Name of Corporation)

successors and assigns and purchasers of lots in this plan.

In Witness whereof, the said Corporation has caused its Corporate Seal to be affixed by the hand of its President and same to be attested by its secretary, this ____ day of _____ A.D. 19__.

(Name of Corporation) (SEAL)

ATTEST:

(Secretary) (SEAL) (President) (SEAL)

The foregoing Adoption and Dedication is made by _____
(Name of Corporation)

with full understanding and agreement that the approval of the Board of Supervisors of the Township of Daugherty, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds of Beaver County, Courthouse, Beaver, Pennsylvania, within ninety (90) days of date of said approval.

(Name of Corporation) (SEAL)

(President) (SEAL)

CORPORATION ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA }

}ss:

COUNTY OF BEAVER }

On this ___ day of _____ A.D. 19__ before me, a Notary Public in and for said County and Commonwealth, personally appeared

(Name and Title of Officer)

(Name of Corporation)

who being duly sworn, deposeth and saith that he was personally present at the execution of the adoption, release and dedication and saw the common and corporate seal of the said Corporation duly signed and sealed by and as for the act and deed of the said _____,

(Name of Corporation)

for the uses and purposes therein mentioned, and that the name of this deponent subscribed to the said release and dedication as _____

(Title of Officer)

of _____ in attestation of the

(Name of Corporation)

due execution and delivery of said release and dedication of this deponent's own and proper and respective handwriting.

_____(SEAL)

(Name of Officer)

(Title of Officer)

Sworn to and subscribed before me the day and date above written.

WITNESS MY HAND AND NOTARIAL SEAL this ___ day of _____ A. D., 19__.

_____(SEAL)

(Notary Public)

My commission expires the ___ day of _____ A.D., 19__.

TOWNSHIP PLANNING COMMISSION APPROVAL

This plat of subdivision has been approved by the Planning Commission of the Township of Daugherty, Beaver County, Pennsylvania on this _____ day of _____, 19__.

ATTEST:

(Secretary)

(Chairman)

APPROVAL BY TOWNSHIP OF DAUGHERTY

The Board of Supervisors of the Township of Daugherty, Beaver County, Pennsylvania, hereby gives public notice that it is approving this plan of subdivision for recording purposes only. The approval of this subdivision plat by the Township of Daugherty does not constitute an acceptance of the roads, streets, alleys, storm water and sanitary sewage drainage facilities, easements or rights-of-way, water mains or any other services or improvements shown on this plan nor an assumption of maintenance responsibility, nor will the same be accepted or maintained until constructed in accordance with all Township Specifications and requirements and officially accepted by action of the Board of Supervisors.

This plat of subdivision approved by resolution of the Board of Supervisors of the Township of Daugherty, Beaver County, Pennsylvania on this _____ day of _____, 19__.

ATTEST:

(Secretary of Board)

(Chairman of Board)

SEAL:

SURVEYOR'S CERTIFICATE

I, _____, a Registered Professional Land Surveyor of the Commonwealth of Pennsylvania, do hereby certify that this plan correctly represents the lots, lands, streets, alleys rights-of-way and highways as surveyed and plotted by me for the Owners, developers or agents.

(SEAL)

(SEAL)

(Surveyor)

(Registration Number)

(Date)

12.0 ENFORCEMENT REMEDIES AND VALIDITY

12.1 VIOLATIONS

Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting hereon, or who sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code (Act 247) and all amendments thereto, and of the regulations adopted hereunder and thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation, upon being found liable thereof in a civil enforcement proceeding commenced by Daugherty Township, pay a judgment not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation.

- 12.1.1 No judgment shall commence or be imposed or payable until the District Justice having jurisdiction determines the date of violation.
- 12.1.2 If the defendant neither pays nor timely appeals the judgment, the Township shall enforce the judgment pursuant to the rules of civil procedure.
- 12.1.3 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Daugherty Township the right to commence any action for enforcement.
- 12.1.4 Any fines or judgements collected shall be deposited in the Daugherty Township General Fund.

12.2 PREVENTATIVE REMEDIES

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

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

- a. The owner of record at the time of such violation.
- b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

12.3 VALIDITY

12.3.1 Should any section, clause, provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of this Ordinance.

12.3.2 It is hereby declared to be the intent of the Supervisors of Daugherty Township that this Ordinance would have been adopted by the Township had such invalid or unconstitutional provisions not been included herein, and the remaining portions of this Ordinance shall remain in effect as though the portion declared invalid or unconstitutional had never been a part hereof.

12.4 REPEALER

All Resolutions, Ordinances, or amendments to ordinance or part of Resolutions or Ordinances inconsistent herewith are hereby repealed as stated or deleted in their entirety in Section 1.1 of this Ordinance amendment.

12.5 DAUGHERTY TOWNSHIP ZONING ORDINANCE

Nothing herein contained shall be interpreted to permit any waiver or modification of the restrictions or requirements of the Daugherty Township Zoning Ordinance, as amended.

13.0 ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the Daugherty Township Board of Supervisors.

ENACTED AND ORDAINED this 10 day of June, 1992.

TOWNSHIP OF DAUGHERTY BOARD OF SUPERVISORS

George J. Roscick
Chairman

Thomas Albanese

Frank W. Romanchak

ATTEST:

Frank W. Romanchak
Secretary