

SUBDIVISION and LAND DEVELOPMENT ORDINANCE 91-2  
TOWNSHIP OF HOPEWELL, Beaver County, Pennsylvania

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ORDINANCE NO. 91-2

SUBDIVISION ORDINANCE

of

HOPEWELL TOWNSHIP

BEAVER COUNTY, PENNSYLVANIA

ARTICLE I

PURPOSE AND AUTHORITY

Section 100      ADOPTION

The following rules and regulations for the Subdivision of Land in the Township of Hopewell, Beaver County, Pennsylvania, were adopted by Ordinance No. 91-2 dated November 12, 1991, by the Board of Commissioners pursuant to Article V, Section 501 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

Section 101      GRANT OF POWER

The Township will regulate subdivisions and land development within the municipality by enacting a subdivision and land development ordinance. The ordinance shall require that all subdivision and land development plats of land situated within the Township shall be submitted for approval to the Township or in lieu thereof to the Planning Commission designated in the ordinance for this purpose. All powers granted herein to the Township or the Planning Commission shall be exercised in accordance with the provisions of the subdivision and land development ordinance. In the case of any development governed by the Planned Residential Development provisions, adopted by the Township, however, the applicable provisions of the subdivision

and land development ordinance shall be as modified by such provisions and the procedures which shall be followed in the approval of any plat, and the rights and duties of the parties thereto shall be governed by said Planned Residential Development provisions.

Section 102      EFFECTIVE DATE

This Ordinance shall become effective on \_\_\_\_\_, and shall remain in effect until modified or rescinded by the Board of Commissioners.

Section 103      SHORT TITLE

This Ordinance shall be known and may be cited as "The Hopewell Township Subdivision Ordinance."

Section 104      SUBJECT PROPERTIES

No Subdivision of any lot, tract or parcel of land shall be affected; no grading of the property shall be commenced; no street, sanitary sewer, storm sewer, water main or other facilities and public utilities in connection therewith shall be 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 this Ordinance.

Section 105      SALE OF LOTS

No lot in a Subdivision shall be sold; no permit to erect, alter or repair any building upon land in a Subdivision shall be issued; and no building shall be erected in a Subdivision, unless and until a subdivision Plan has been approved and recorded, and until the improvements required by the Board of Commissioners in connection therewith have either been constructed or guaranteed as hereinafter provided.

## ARTICLE II

### DEFINITIONS

#### Section 200 INTERPRETATION

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future;
- B. Words used in the singular number shall include the plural;
- C. Words used in the plural number shall include the singular;
- D. The word "person" includes a corporation as well as an individual, or an association of individuals;
- E. The words "shall" and "will" are always mandatory; and
- F. The word "may" is permissive.

#### Section 201 ALLEY

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

#### Section 202 APPLICATION FOR DEVELOPMENT

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

#### Section 203 AUTHORITY

A body politic and corporate created pursuant to the act of May 2, 1945 (p.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."



Section 204

AVAILABLE SEWER

A municipal sewer is considered available if:

- A. Connection is recommended and/or required by the regulations of Hopewell Township or any municipal authority incorporated in the Township;
- B. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Resources pursuant to the "Pennsylvania Sewage Facilities Act," Act 537; or
- C. An existing municipal sewer line is located within 1,000 feet of the nearest point of a Subdivision, dependent upon a determination by the Board of Commissioners and/or their agents as to the feasibility thereof.

Section 205

BLOCK

An area bounded by streets, utility, railroad, public facility or other rights-of-way; or easements or other definite barriers.

Section 206

BOARD

The Board of Commissioners of Hopewell Township, Beaver County, Pennsylvania.

Section 207

BUILDING OR STRUCTURE

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

Section 208

BUILDING, FRONTLINE OF

The line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps or patios.

Section 209

BUILDING LINE

The line within the property defining the required minimum distance between any enclosed structure and the adjacent street right-of-way.

Section 210      CARTWAY

That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

Section 211      CLEAR SIGHT TRIANGLE

A triangular area of unobstructed vision on corner lots formed by a 100 foot sight line along the centerline of a local street and by a line joining these two sight lines at the greatest distance from their intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one-half feet in elevation from grade level at the intersection of the street centerline.

Section 212      CLUSTER DESIGN OR DEVELOPMENT

A Subdivision in which individual lots are designated in somewhat tighter arrangements than a conventional Subdivision with a significant percentage of the total plot or parcel being dedicated and held as common open space.

Section 213      COMMISSION, PLANNING

The Hopewell Township Planning Commission.

Section 214      COVENANT

An obligation defined by law or agreement, the violation of which can be restrained by court action; these are usually stated in the deed.

Section 215      CUL-DE-SAC

A residential street with one end open to traffic and pedestrian access and permanently terminated by a vehicular turn-around with a minimum right-of-way diameter of 100 feet.

Section 216      DEVELOPER

Any person, individual, firm, partnership, association, corporation, estate trust or any other group or corporation acting as a unit dividing or proposing to divide land, so as to constitute a Subdivision as defined by this Ordinance and including any agent of the Developer.

Section 217      EASEMENT

Grant by a property owner for the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation, or a certain person or persons.

Section 218      ENGINEER

An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering.

Section 219      HALF STREET

A strip of land equal to or less than one-half of the required rights-of-way reserved or proposed for street purposes along the property line. (Half streets are prohibited except to complete another half street.)

Section 220      IMPROVEMENTS

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

Section 221      LAND DEVELOPMENT

Any of the following activities:

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

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. 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.

B. A subdivision of land.

Section 222      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.

Section 223      LOT, CORNER

A lot abutting two or more streets at their intersection, on which the building line for all streets must be observed.

Section 224      LOT DEPTH

The mean horizontal distance between the front lot line and rear lot line.

Section 225      LOT, DOUBLE FRONTAGE

A lot which has access to a public right-of-way from both the front yard and back yard.

Section 226      LOT, REVERSE FRONTAGE

A lot abutting a public right-of-way along both the front and rear yards, having access to only one of the public rights-of-way.

Section 227      LOT WIDTH

The mean horizontal distance across the lot, between the side lot lines, measured at the building line.

Section 228      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.

Section 229      MOBILE HOME

A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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.

Section 230      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.

Section 231      MOBILE HOME PARK

A parcel or contiguous parcels or land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Section 232      MUNICIPAL TOWNSHIP ENGINEER

A professional engineer licensed as such in the Commonwealth of

Pennsylvania duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Section 233      MUNICIPALITY

The Township of Hopewell.

Section 234      OFF-SITE SEWER SERVICE

A sanitary sewage collection system approved by the Township in which sewage is carried from an individual lot or dwelling unit by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

Section 235      OFF-SITE WATER SERVICE

A potable water distribution system approved by the Township in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the limits of the lot being served which may be publicly or privately owned and operated.

Section 236      ON-SITE SEWER SERVICE

A single system of piping, tanks or other facilities approved by the Township serving only a single lot and disposing of sewage in whole or in part into the soil.

Section 237      ON-SITE WATER SERVICE

A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

Section 238      OPEN SPACE

An unoccupied space open to the sky.

Section 239      OWNER

The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or equitable interest in the lot in question.

Section 240      PARKING SPACE

An off-street space having an area of not less than 200 square feet, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one automotive vehicle plus 150 square feet used exclusively for turning and access to the parking stall.

Section 241      PATIO

An outside surfaced area having no roof and no more than three sides walled or fenced.

Section 242      PLAN, COMPREHENSIVE

The Comprehensive Plan of Hopewell Township.

Section 243      PLAN, PRELIMINARY

A tentative Subdivision Plan, in lesser detail than a final plan, showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a final plan.

Section 244      PLAN, FINAL

A complete and exact Subdivision Plan, prepared by a Professional Land Surveyor for official recording as required by statute, to define property rights, proposed streets and all other improvements.

Section 245      PLANNED RESIDENTIAL DEVELOPMENT

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which

does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district.

Section 246      PROFESSIONAL LAND SURVEYOR

An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying (Professional Engineer's Registration Law [as amended], 63 P.S. §149-155 [1979]).

Section 247      PUBLIC GROUNDS

Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

Section 248      PUBLIC HEARING

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

Section 249      PUBLIC MEETING

A forum held pursuant to notice under the action of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act".

Section 250      PUBLIC UTILITY

Within the terms of this Ordinance, a public utility shall be defined as gas, electric, and telephone service.

Section 251      RESERVE STRIP

A strip of land adjacent to a street intended to control access to



the street from an adjacent property.

Section 252      RESUBDIVISION OR REPLATTING

The modification of a recorded Subdivision in whole or in part, by a redesign of lots, by change of size, area or by street layout.

Section 253      RIGHT-OF-WAY

Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use; all must be recorded in the Recorder of Deeds Office, Beaver County, Pennsylvania.

Section 254      SEWAGE ENFORCEMENT OFFICER

The designated official of the Township who issues and reviews Sewage Permit Applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act, as amended, and the Rule and Regulations thereunder.

Section 255      STREET CLASSIFICATIONS

The following street classifications shall apply to streets in the Township of Hopewell and shall be applied as defined in the "Comprehensive Plan for Hopewell Township," Beaver County, Pennsylvania, 1977:

- A. Expressway - Expressways are limited access freeways which carry through traffic between major urban centers and to and from points outside of a region with no local interference.
- B. Arterial - Arterials bring traffic to and from an expressway and serve major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service.
- C. Collector - This class of road serves the internal traffic movement with the Township and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The principal difference between collector and arterial roads is the length of trip accommodated. The collector system simultaneously supplies

abutting property with land service and accommodates local internal traffic movements.

- D. Local - The local street's sole function is to provide access to immediately adjacent land. Such streets normally represent a fairly large percentage of the total street mileage, but carry a small portion of the vehicle miles traveled daily.

Section 256      STREET MAINTENANCE

The procedure applied to new or existing streets or streets under construction including but not limited to resurfacing, regarding, drainage improvement, pothole repair, dust prevention practices and snow removal.

Section 257      SUBDIVIDER

The owner, or authorized agent of the owner, of the Subdivision.

Section 258      SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future of lease, partition by the court for distribution to heirs of devisees, transfer of ownership of 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 any residential dwelling shall be exempted.

Section 259      TOPGRAPHIC MAP

A map showing ground elevations by contour lines and the location of important natural, man-made and other features.

Section 260      UTILITY

Within the terms of this Ordinance, a utility shall be defined as sanitary sewer, water and storm sewer facilities.

Section 261      VARIANCE

Relief granted pursuant to the provisions of Articles VI and IX.

Section 262      WATER SURVEY

An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

Section 263      YARD, FRONT

The open space extending the entire width of the lot between the front building line and street right-of-way.

Section 264      YARD, REAR

The required open space extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.

Section 265      YARD, SIDE

The required open space extending from the side of any building along the side lot line through the entire depth of the building.

## ARTICLE III

### PRE-APPLICATION CONFERENCE

#### Section 300      PROCEDURES

- A. All potential Subdividers are required under this Article to present all information and data as indicated in Section 301 for review and discussion with the Planning Commission. The Planning Commission shall provide information to the Subdivider relative to the requirements of this Ordinance as they relate to the specific plan, and shall indicate the general suitability of the proposed plan for refinement into preliminary plans.
- B. In assessing the suitability of the plan, the Planning Commission shall consider the Township's plan of future land use, thoroughfare plan, community facilities plan or any plans of the Planning Commission, including, but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers and school sites.
- C. To be also considered is whether the land is subject to hazards to health, safety, and welfare. Such land shall not be subdivided until such hazards are mitigated. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, excessive erosion, improper drainage, mine subsidence problems, or land unsuited for on-site sewage disposal.

#### Section 301      PLANS AND DATA

Submission of the following information to the Planning Commission at the pre-application is required:

- A. General Information - Generally describe existing covenants, land characteristics, community facilities and utilities, and information about the proposed Subdivision such as the number of lots, typical lot width and depth, commercial areas, playgrounds, park areas, other public areas, proposed protective covenants proposed utilities and street improvements.
- B. Topographic Map - Existing U.S.G.S. Quadrangle Sheet or other acceptable map showing topographic features.
- C. Sketch Plan - A simple sketch of the tract boundaries, proposed layout of streets, lots, and other features in relation to existing conditions.

ARTICLE IV  
PRELIMINARY PLANS

Section 400      PROCEDURES

- A. Application - The Subdivider shall prepare and submit to the Planning Commission, at least 15 days prior to the regular monthly meeting of the Planning Commission, copies of the preliminary plans, in numbers as required by the Township, of the total land to be ultimately developed. Upon receipt of the plan, the Planning Commission shall forward six copies to the Beaver County Planning Commission for a review and report, together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant: Provided, that the Township shall not approve such application until the County report is received, or until the expiration of 30 days from the date the application was forwarded to the County.
- B. Planning Commission Review - The Planning Commission shall review the plan submitted covering the requirements of this Ordinance point by point, and shall consult with the Township Engineer and officials of any other department or authority that may be concerned.
- C. Planning Commission Action - The Planning Commission will notify the Subdivider of the scheduled meeting, place, date, time and agenda within five days of receipt of the application. Within 30 days of the scheduled meeting, the Planning Commission shall submit written report to the Board of Commissioners on the Subdivision, recommending approval, conditional approval or disapproval, each with reasons for the action.
- D. Action of Board of Commissioners - The Board of Commissioners shall act on the preliminary plan within 30 days of receipt of the Planning Commission report stating its approval, conditional approval or disapproval, giving reasons for each, and shall notify the Subdivider by certified or by registered mail within five days of their decision, disapproval, or if approved or conditionally approved, the authorization to submit a final plan.
- E. Nature of Approval - Approval of a preliminary plan shall not constitute approval of a final plan, but rather an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan.
- F. Adjacent Municipalities and Other Governmental Agencies - The Planning Commission and/or the governing body may solicit review

and reports from adjacent municipalities and other governmental agencies affected by a particular plan.

Section 401

PLANS AND DATA

All applications for preliminary plan approval shall include but not be limited to the following information:

- A. The preliminary plan shall be drawn at a scale of one inch equals 100 feet or greater.
- B. Zoning classification of the land.
- C. Location map.
- D. The plan shall show or be accompanied by the following:
  1. Draft of protective covenants, if any;
  2. Title to include:
    - a. Name by which the Subdivision will be recorded;
    - b. Location by municipality, county and state; and
    - c. Names and addresses of the owner or owners.
    - d. Name of Registered Professional Land Surveyor and, where applicable by law, the Professional Engineer who surveyed the property and prepared the plan;
    - e. North point, date and graphic scale;
  3. Tract boundaries with bearings and distances to the nearest hundredth and area in acres to the nearest ten thousandth;
  4. Existing easements, their mathematically fixed location, width and distance;
  5. Tract closures with an allowable error of not greater than 1:50,000;
  6. Contours at vertical intervals of two feet for land areas with slope of five percent or less and at five foot intervals for land areas with a slope of greater than five percent. Contour lines must extend 100 feet on all sides;
  7. Datum to which contour elevations refer;
  8. Bench marks;
  9. Existing physical features to include:
    - a. Watercourses, culverts, bridges and drains;
    - b. Buildings, sewers, water mains and fire hydrants;
    - c. Streets and alleys on or adjacent to the tract, including name, right-of-way widths and cartway widths; and
    - d. Telephone conduit lines, electric power transmission lines, petroleum product lines and other significant man-made features.
  10. Proposed improvements shall include (in scale dimensions):

- a. Location name and width of all proposed streets and alleys and paved cartway widths;
  - b. All rights-of-way and easements;
  - c. Lot lines;
  - d. Building lines;
  - e. Reservations of ground for public use;
  - f. General drainage plan for storm water to include proposed flow of storm water in relation to natural channels;
  - g. A plan of the proposed water distribution system or a plan showing the location of individual wells;
  - h. A plan of the proposed sanitary sewerage system or a plan, where required, showing the proposed location of on-lot sewage disposal facilities. This plan shall be in accordance with the: "Pennsylvania Sewage Facilities Act," (Act 537), as amended;
  - i. Proposed land use of the improvements;
  - j. Names and addresses of abutting property owners; and
  - k. 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.
- E. The Subdivider shall provide such additional information as may be required by the Planning Commission, Board of Commissioners, Zoning Officer, or Township Engineer, or other Township agency or organization in order to more fully evaluate the proposed Subdivision and its effect on adjacent property or the Township as a whole. Such information may include:
- 1. Street profiles showing existing ground elevations and proposed centerline street grades;
  - 2. Subsurface condition of the tract;
  - 3. Typical cross sections of roadways and sidewalks;
  - 4. Sizes of water pipes and location of valves and fire hydrants;
  - 5. Location of manholes, invert elevations, grades and sizes of sanitary sewers; and
  - 6. If the proposed Subdivision is located in a designated flood plain, base flood elevation data shall be contained in the plan.

## ARTICLE V

### FINAL PLANS

#### Section 500

#### PROCEDURES

- A. Application - When filing an application for approval of a Final Plan, the Subdivider shall submit to the Planning Commission, at least 15 days prior to the regular meeting of the Planning Commission, an original (Mylar or linen) plus five copies of all plans and information. All final plans and other exhibits required for approval shall be submitted to the Planning Commission within five (5) years after approval of the Preliminary Plan. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.
- B. Disposition of Plans - Two copies of all Final Plans shall be retained by the Planning Commission; six copies shall be forwarded to the Beaver County Planning Commission; one copy shall be retained by the Board of Commissioners; one copy shall be returned to the Subdivider; and the original shall also be returned to the Subdivider after recording, according to Article X, Section 1006.
- C. Planning Commission Review and Action - The Planning Commission shall review the Final Plan and prepare a written report for the Board of Commissioners. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action. Prior to finalization of the written report, the Planning Commission may schedule a special meeting mutually convenient to the Subdivider and the Planning Commission for consideration of the Final Plan. If within 40 days of receipt of the Final Plan, a mutually convenient date for such meeting cannot be established with the Subdivider, consideration of the Final Plan shall be conducted at a regular meeting of the Planning Commission.

The Subdivider and all Planning Commission members shall be given seven days' written notice of such meeting, the notice to contain the time, place, date and schedule. At the Planning Commission meeting, the Subdivider shall be given an opportunity to discuss any matters in the Final Plan which may assist the Planning Commission in making its recommendations to the Board of Commissioners. Unless withdrawn by the Subdivider at the meeting, the Planning Commission shall within five (5) days after the meeting, issue its written report to the Board of Commissioners.



D. Action of Board of Commissioners - The Board of Commiossioners shall render its decision to the Subdivider not later than ninety (90) days after the application is filed.

1. The decision of the Board of Commissioners shall be in writing and shall be communicated to the applicant by certified or regisgered mail at his last known address not later than fifteen (15) days following the decision.
2. 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 the provisions of the Statute or Ordinance relied upon.
3. Failure of the Board of Commissioners to render a decision and communicate it to the applicant within the time and in the manner specified, shall be deemed an approval of the Application, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
4. From the time an Application for approval of a Final Plan is duly filed as provided in this Ordinance, and while such Application is pending approval or disapproval, no change or amendment of the Zoning, Subdivision or other governing Ordinance or plan shall affect the decision on such Application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing Ordinances or plans as they stood at the time the Application was duly filed. However, if an Application is properly and finally denied, any subsequent Applications shall be subject to the intervening change in government regulations. When an Application for approval of a plan has been approved or approved subject to conditions acceptable to the applicant, 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. Where 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 constructed 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.

5. Before acting on any Subdivision Plan, the Board of Commissioners may hold a public hearing thereon after public notice and may notify surrounding property owners of such public hearing.
  6. The Board of Commissioners shall not give their final approval to the Final Plan until the Beaver County Planning Commission report is received, or until the expiration of 30 days from the date the Preliminary Plan Application was forwarded to the County.
- E. Nature of Approval - Approval of a Final Plan shall not constitute authorization to commence construction. Prior to construction start, all necessary permits, approvals, agreements and sureties must be secured by the Developer.
- F. Title Certificate - No Final Plan shall be approved by the Board of Commissioners unless the Subdivider provides a certificate of title or other proof of a proprietary interest in the land to the Board of Commissioners.
- G. Conditional Approval - The approval of a plat, whether preliminary or final, may be made subject to conditions acceptable to the applicant submitted to the applicant in writing by the governing body. The approval of a plat bearing conditions imposed by the Planning Commission or the governing body shall be rescinded automatically upon the applicant's failure to accept or reject such conditions within fifteen (15) days.

#### Section 501

#### PLANS AND DATA

All Applications for Final Plan approval shall include but not be limited to the following information:

- A. Shall be drawn on Mylar, linen, or other comparable permanent material and shall be on sheets of at least 17 inches x 22 inches and not larger than 24 inches x 36 inches including a border of one-half inch on all sides except the binding edge which shall be one inch. More than one sheet may be used for larger tracts and must be of the same scale and indexed.
- B. Shall be drawn with waterproof black ink and all records, data, entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing, except that contour lines when shown, shall be drawn with waterproof brown ink or with diluted waterproof black ink, so that the said contour lines will be shown faintly on a print made from the said plan.

- C. Shall be drawn to a scale of one inch equals 100 feet or greater and shall be of sufficient size to clearly show all notations, dimensions and entries. All dimensions shall be shown in feet and decimals of a foot.
- D. Shall contain a title block in the lower right corner with the following:
1. Name under which the Subdivision is to be recorded;
  2. Date of plan, graphic scale and location of Subdivision;
  3. Name of Subdivision owner; and
  4. Name and address of the Registered Professional Land Surveyor and, where applicable by law, the Registered Professional Engineer.
- E. All final plans submitted shall be drawn according to the following:
- Outside of Subdivision:
1. Streets and other ways by medium dashed and three (3) dotted lines;
  2. Property lines of adjacent Subdivisions by medium dashed and two dotted lines;
  3. Lot lines by light dashed and two (2) dotted lines;
  4. Restriction lines, easements, etc., by light dashed lines.
- Within Subdivision:
1. Streets and other ways by heavy dashed and three (3) dotted lines;
  2. Perimetered property lines of Subdivision by heavy dashed and two dotted lines;
  3. Lot lines by medium dashed and two (2) dotted lines;
  4. Restriction of building lines by medium dashed lines; and
  5. Easements or other reserved areas by light dotted lines.
- F. The Final Plan shall show:
1. Primary control points, or benchmarks, approved by the Township Engineer or description and ties to which all dimensions, angles, bearings, and similar data shall be referred;
  2. Acreage of each lot or parcel;
  3. Tract boundary lines, right-of-way lines of streets, and easements and their purpose, and other rights-of-way and property lines of lots and other sites with accurate dimensions, bearings or deflection angles, radii, arcs and central angles of all curves;
  4. Name and right-of-way width of each street or right-of-way;
  5. Mathematically fixed location, dimensions, and purpose of all easements;
  6. Number to identify each lot or site;
  7. Purpose for which sites other than residential are to be

- used;
8. Building setback line on all lots and sites;
  9. Location and description of survey monuments;
  10. Names of recorded owners of adjoining unplotted land and zoning classification;
  11. Certification of Professional Land Surveyor and, where applicable by law, the Professional Engineer showing name, address, registration, number and seal;
  12. Statement by the owner dedicating streets, rights-of-way and sites for public use;
  13. Protective covenants, if any, in form for recording;
  14. Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance;
  15. Certification blocks for the appropriate governing and planning bodies; and
  16. No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242 No. 428), known as the "State Highway Law", before driveway access to a state highway is permitted.
  17. The approval of the governing body and review by the County Planning Agency, if one exists.
- G. Submitted with the Final Plan shall be the following additional information:
1. Profiles showing existing ground and proposed centerline street grades;
  2. Typical cross sections of roadways and sidewalks;
  3. A plan showing the size of water pipes and location of valves and fire hydrants;
  4. A plan showing the location of manholes, invert elevations, grades and sizes of sanitary sewers;
  5. A final grading plan;
  6. A sedimentation and erosion control plan approved by the Beaver County Conservation District under authority of the Pennsylvania Department of Environmental Resources Rules and Regulations, Title 25, Chapter 102, Erosion Control, if needed;
  7. A sewage disposal plan approved by the Pennsylvania Department of Environmental Resources pursuant to the "Pennsylvania Sewage Facilities Act," (Act 537), as amended, and all supplemental documentation which may be required to update the municipality's sewage facilities plan required under said Act;
  8. A plan for placement of gas, electric, telephone and cable television service lines, as applicable, pursuant to the rules and regulations of the Pennsylvania Public Utilities

Commission;

9. If the proposed Subdivision is located in a designation flood plain, base flood elevation data shall be contained on the plan.
  10. A complete drainage plan for the Subdivision including all storm sewers and appurtenances along with method of disposal of all storm water collected and method of drainage for adjacent territory. The drainage plan and design calculations shall be based on a ten (10) year storm frequency, unless otherwise determined by the Township Engineer and the Board of Commissioners.
  11. Street profile data showing existing ground elevations and proposed centerline street grades.
  12. Existing topographic features including, but not limited to buildings, drives, utilities, etc.
- Mediation Option

Section 502

- A. As an aid in completing plat approval proceedings as set forth herein, parties may utilize mediation.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
  1. Funding mediation.
  2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  3. Completing mediation, including time limits for such completion.
  4. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decisionmaking body if either is not a party to the mediation.
  5. Identifying all parties and affording them the opportunity to participate.
  6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
  7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in the other sections of this act.

- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## ARTICLE VI

### SUBDIVISIONS OF THREE LOTS OR LESS

#### Section 600      PROCEDURES

The Planning Commission may waive the requirements of Articles IV and V for Subdivisions of three lots or less requiring no additional streets or street openings upon Application of the Subdivider for waiver of said requirements. In the case where a waiver is granted, an Application for Final Plan approval shall be filed with the Planning Commission along with the plans and data required in Section 601, and shall be processed according to Article V, Section 500.

#### Section 601      PLANS AND DATA

Plans approved for waiver under Section 600 of this Ordinance shall include but not be limited to the following information:

- A. The proposed plan shall be drawn at a scale of one inch equals 100 feet or greater.
- B. The proposed plan shall be legibly drawn on Mylar, linen or comparable permanent material of at least 17 inches x 22 inches and not to exceed 24 inches x 36 inches.
- C. Location map.
- D. The plan shall show or be accompanied by the following:
  1. Description of covenants;
  2. Title to include:
    - a. Location by municipality, county and state;
    - b. Names and addresses of the owner or owners;
    - c. Names and addresses of Registered Professional Land Surveyor, and, where applicable by law, the Registered Professional Engineer who prepared the plan;
    - d. North point, date and graphic scale;
  3. Proposed use of the land;
  4. Lot lines, dimensions and land area of proposed lot;
  5. Existing and proposed streets, alleys and/or easements adjacent to the tract;
  6. Available utilities (if public sewer and water, source and

- sewage disposal system should be indicated);
  - 7. Names of abutting property owners;
  - 8. Statement by the owner dedicating streets, rights-of-way, and sites for public use; and
  - 9. Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance.
- E. The following additional data shall be submitted upon request by the Planning Commission;
- 1. Subsurface and drainage conditions of the tract; and
  - 2. Any other data pertinent to the plan.

Section 602

RESUBDIVIDING OR REPLATTING

In the combination or recombination of lots or portions of previously plotted lots, when the resultant lots are increased in street frontage and total area size so that they reach or exceed the standards of this Ordinance, and the street pattern is in conformity to the Township Comprehensive Plan, the procedures and regulations heretofore described shall be followed except as they may be modified on application to the Planning Commission and approved by the Board of Commissioners.



ARTICLE VII  
DESIGN STANDARDS

Section 700      APPLICATION OF STANDARDS

The following minimum Subdivision principles, standards, and requirements will be applied by the Planning Commission and the Board of Commissioners in evaluating the plans for a proposed Subdivision.

Section 701      LAND REQUIREMENTS

- A. Land shall be suited for the purpose for which it is to be subdivided.
- B. Land subject to hazards of life, health, and safety such as strip mine land, quarry land, open ditches and land subject to flooding or subsidence shall not be subdivided for residential purposes until all such hazards have been eliminated, or unless guarantee is given that adequate safeguards against such hazards are provided by the Subdivision Plan.

Section 702      STREET REQUIREMENTS

- A. 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.
- B. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- C. 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.
- D. Where a Subdivision Plan abuts or contains an existing or proposed arterial street, the Planning Commission and the Board of Commissioners 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.
- E. New half of partial streets will not be permitted, except where essential to reasonable Subdivision of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

- F. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- G. Cul-de-sac end streets may be permitted when it is clear that through traffic at such a street end is not essential to the street system in that district, or to the development of adjacent properties in the area, or the topography of the ground prohibits the future extension of the streets.
1. A turn-around with a cartway diameter of 80 feet with a right-of-way diameter of 100 feet shall be required at the end of all streets; and
  2. Unless future extension is clearly impracticable or undesirable, 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 shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract.
- H. If lots resulting from original Subdivision are large enough to permit Subdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further Subdivision shall be provided as necessary.
- I. Reserve strips, restricting or controlling access to adjacent streets or properties shall be prohibited.
- J. Maximum Allowable Grades - Centerline of Streets
- |                   |                |
|-------------------|----------------|
| Arterial Streets  | Six percent    |
| Collector Streets | Six percent    |
| Local Streets     | Twelve percent |
- K. Minimum grades on all streets shall not be less than 1.00 percent.
- L. Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding one percent. All changes in street grades above 1% for local streets shall be connected by a vertical curve having a minimum length of not less than one hundred (100) feet. Changes of street grade for collector streets shall be connected by a vertical curve having a minimum length of not less than two hundred (200) feet, while changes of street grade for major streets shall be connected by a vertical curve having a minimum length of not less than four hundred (400) feet. Minimum site distances for vertical curves shall be not less than 100' for local streets, 200' for collector streets, and 400' for arterial streets.

M. Alignment

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

Arterial Streets	500 feet
Collector Streets	200 feet
Local Streets	100 feet

N. Widths - Minimum street right-of-way widths and cartway widths shall be as follows:

<u>Type of Street</u>	<u>Cartway</u>	<u>Right-of-way</u>
Local	24 feet	50 feet
Collector	24 feet	50 feet
Collector (Serving more than 50 lots)	30 feet	50 feet
Arterial	40 feet	60 feet

1. Additional right-of-way and cartway widths may be required by the Board of Commissioners for the following purposes:
  - a. To promote public safety and convenience;
  - b. To provide parking space in commercial districts and in areas of high density residential development; and
  - c. Where a Subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards may be required.

O. Street Intersections

1. Curbs, where required, shall be installed by the Subdivider along the streets or where deemed necessary for public safety as determined by the Board of Commissioners. The curbs shall be of the type and material as specified and approved by the Board of Commissioners. All curbs at intersections shall be rounded by a minimum radius of 25 feet (local to local) and 35 feet (all others).
2. Where the grade of any street at the approach to an intersection exceeds five percent, a leveling area shall be provided with a transitional grade not to exceed two percent for a distance of 25 feet from the nearest right-of-way line of the intersection.
3. Multiple intersections of more than four roads shall be prohibited.
4. Minimum street intersection angles shall not be less than 60

degrees.

P. Street Offsets - Street offsets of less than 125 feet shall be avoided.

Q. Reverse Curves - Reverse curves shall have a minimum tangent between them of:

Arterial Streets	300 feet
Collector Streets	150 feet
Local Streets	100 feet

R. Alleys are not permitted in any zoning district.

S. Private streets shall not be approved nor shall improvements for lots abutting private streets be approved, except as provided for in Section 703.F.

T. Driveways

1. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves. Driveways shall conform to the following tabulation:

	<u>Residential</u>	<u>Commerical</u>
Width	10 feet minimum 20 feet maximum	In compliance with the Pennsylvania Department of Transportation
Radius	10 feet minimum 15 feet maximum	Specifications

2. Driveways shall be constructed so as not to interfere with roadway drainage. Cross drains shall be constructed beneath the driveway where required to provide adequate drainage.
3. The grade line of the driveway shall be sloped to meet the edge of the roadway shoulder so that the difference on slopes between the driveway and cross slope of the shoulder does not exceed eight percent.

U. Clear Site Triangles

At the intersection of two or more streets, the driver of a vehicle shall have an unobstructed view, to both his right and left, of at least one hundred fifty (150) feet on arterial and major streets and seventy-five (75) feet on collector and local roads, as measured along the center lines of the intersecting streets.

#### Section 703      LOTS

A. Residential lots shall be subdivided in accordance with the terms

of the Hopewell Township Zoning Ordinance.

- B. Non-residential lots shall be subdivided in accordance with the terms of the Hopewell Township Zoning Ordinance.
- C. The frontage width of lots fronting a cul-de-sac shall be determined as the width at the building line. The side yard and setback requirements will be calculated from the midpoint of the structure along the average length of both sides of the structure.
- D. 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 the plat.
- E. Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- F. All lots shall abut by their full frontage on a publicly dedicated street or on a street that has received the legal status of such. Lots abutting on a private street or easement shall not be approved except that the Township may approve subdivisions which propose additional lots which abut a private street providing that the private street existed prior to the enactment of this Ordinance. In considering a subdivision which proposes the development of additional lots on a private street the Township shall take into consideration the following:
  - 1. The number of proposed lots.
  - 2. The proposed land use.
  - 3. The right of way width of the roadway.
  - 4. Accessibility for emergency vehicles.
  - 5. The condition of the roadway.
  - 6. Adequacy of existing stormwater controls.
  - 7. Any proposed street improvements.
  - 8. Any proposed dedication of additional road right of way.
  - 9. Effects of proposed subdivision on existing roadway and stormwater system.

In addition to the listed criteria, the Township shall also consider any other special conditions, circumstances or concerns of public health, safety and welfare deemed appropriate by the Township. Private streets normally shall not be extended to permit additional lot development.

#### Section 704

#### BUILDING LINES

The building lines shall be in accordance with the terms of the Hopewell Township Zoning Ordinance.

Section 705

BLOCKS

- A. Block length shall not exceed 1,200 feet nor be less than 500 feet.
- B. Blocks shall be at least two lots in depth except for reverse frontage lots.
- C. Exceptionally long blocks (a block exceeding 1,000 feet in length) shall have crosswalks with a minimum right-of-way reservation of 12 feet, and a four foot paved walk.
- D. The depth-to-width ratio of usable lot length shall be at a maximum of two and one-half to one.

Section 706

EASEMENTS

- A. Utility and public utility easements shall have a minimum width of 15 feet and be placed at the side or rear of lots whenever possible. When the Board of Commissioners determine that conditions are suitable for utilities and/or public utilities, and easement reservation will be required.
- B. Anchor easements shall be approximately four by 30 feet and placed on a lot line.
- C. Aerial easements shall be a minimum of 15 feet.
- D. Where a Subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance purposes, but not less than 20 feet.

Section 707

SIDEWALKS

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

Section 708

RESERVED AREAS

Reserve strips surrounding property or areas reserved for any purpose

which shall make any area unprofitable for regular or special assessments, or which may revert to an unintended nuisance area will not be approved by the Planning Commission and the Board of Commissioners.

Section 709      STREET NAMES

The Subdivider may choose his street names subject to the approval of the Planning Commission and the Board of Commissioners. No street, other than an extension, may be given the name of an existing street in the Township's postal service area. A letter from the local postmaster certifying that the street names used are not duplication of street names within the same post office service area shall be filed by the Developer.

Section 710      ACCESS

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

Section 711      MODIFICATION

The Planning Commission and/or the governing body is hereby authorized to grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

- A. 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.

- B. The governing body or the planning agency, as the case may be, shall keep a written record of all action on all requests for modifications.



## ARTICLE VIII

### IMPROVEMENTS

#### Section 800

##### GRADING

- A. Streets shall be graded to grades and cross sections as established on and presented with the preliminary plans and street profiles and as approved by the Board of Commissioners.
- B. Streets shall be graded to the full width of the street right-of-way. Slopes of a minimum of two feet to one foot shall be constructed, commencing at the street right-of-way and extending on to the lots of properties adjoining the street right-of-way. This applies to both cut and fill sections.
- C. The subgrade of a street shall be brought to the proper grade and contour, and shall be rolled and cross rolled with a 10 ton roller. All soft spots shall be removed. These soft spots shall be recompacted with a suitable firm material, approved by the Board of Commissioners, before the placing of any base material.
- D. No base course shall be placed until the subgrade has been inspected and approved by the Township Engineer.

#### Section 801

##### UNDER DRAINAGE

- A. 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, as amended, subject to approval of drawings and design by the Board of Commissioners.
- B. 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 Commissioners to their complete satisfaction.

#### Section 802

##### CURBING

- A. The type of curb used and its location are to be determined by the Board of Commissioners and subject to their approval before installation.

Concrete curbs shall be of the following types:

1. Straight Curb, 8" x 18";

2. Battered Curb, 6" x 8" x 18";
3. Rolled Curb and Gutter;
4. Combined Curb and Sidewalk.

Bituminous Curbing shall be of the following type:

5. Bituminous Wedge Curb, 18" width.

#### Section 803

##### SUBBASE AND BASE COURSE

- A. The base course shall be constructed to the lines, grades and cross sections as approved, with all materials used and all construction requirements performed in conformity with the Pennsylvania Department of Transportation, Form 408, and shall be as follows:

1. A Bituminous Concrete Base Course with a compacted thickness of not less than 4 1/2 inches in depth, all in accordance with Section 305 of Form 408.

- B. A subbase shall be constructed as follows:

1. Subbase Course with a compacted thickness of not less than six inches in depth, all in accordance with Section 350 of Form 408.

#### Section 804

##### PAVEMENT WEARING COURSE

- A. The pavement wearing course shall be constructed to the lines, grades and cross sections as approved, with all materials used and all construction requirements performed in conformity with the Pennsylvania Department of Transportation Form 408 and be one of the following types:

1. A Bituminous Surface Course (ID-2) with a compacted thickness of not less than 1 1/2" in depth, all in accordance with Section 420 of Form 408.

2. For Collector and Arterial Streets, the ID-2 Wearing Course shall be 3 1/2" in depth.

Pavement structures, other than above described, shall be reviewed by the Township Engineer for approval.

#### Section 805

##### SIDEWALKS

Sidewalks when required by the Board of Commissioners shall be of Portland Concrete four inches in thickness except at driveways where they shall be a minimum of six inches in thickness. Sidewalks shall have a minimum

of 4" subbase material. Sidewalks shall be a minimum of four feet in width exclusive of the width of the curb.

Section 806            STREET SIGNS

Street name signs shall be installed at each street intersection in accordance to type of materials, design and standards established by the Board of Commissioners.

Section 807            SANITARY SEWERS

- A. Installation of sanitary sewers, including trunk lines, manholes and other appurtenances shall be constructed as per the specification of Hopewell Township and subject to inspection by same. Installation of house lines, laterals and other appurtenances thereto shall comply with the rules and regulations of the Board of Commissioners and subject to inspection by same.
- B. In areas where a municipal sewer is not available (over 1,000 feet from the nearest point of the Subdivision), is not planned, is not topographically feasible, or where an easement cannot be obtained through adjoining property, individual septic systems may be permitted, subject to approval of drawings and designs by the Board of Commissioners and the Department of Environmental Resources.
- C. In areas where a municipal sewer is not available (over 1,000 feet from the nearest point of the Subdivision), is not planned, is not topographically feasible, or where an easement cannot be obtained through adjoining property, project sewage systems may be permitted subject to approval of drawings and design by Hopewell Township and the Pennsylvania Department of Environmental Resources.
- D. In areas where a municipal sewer is available, all properties within the Subdivision shall be connected thereto.
- E. In areas where a municipal sewer is planned to be available, but not yet build, laterals shall be extended to the center of the street, or into the right-of-way, and trunklines provided to the edge of the Subdivision closest to the municipal trunk location and capped. Until such time as the municipal sewer becomes available, individual septic tanks, or a project system must be installed. In the case of a project system, a trunk line sewer shall be provided to connect into the municipal system.

Section 808

SANITARY SEWAGE TREATMENT PLANT

- A. Installation of sanitary sewage treatment plant and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Resources and the Hopewell Township Board of Commissioners.
- B. No Building Permit will be issued for any construction or development until either an individual sanitary sewage disposal system, a sanitary sewage treatment plant installation, or connection to a municipal sewage system has been approved by the Board of Commissioners and the Pennsylvania Department of Environmental Resources, pursuant to the rules and regulations of the Pennsylvania Sewage Facilities Act, (Act 537), as amended.

Section 809

STORM DRAINS AND FACILITIES

- A. Storm sewers shall be located in the right-of-way or in a drainage easement.
- B. Storm drains shall be reinforced concrete and have a minimum diameter of 15 inches and a minimum grade of 0.50 percent.
- C. Manholes shall be spaced not more than 300 feet apart unless otherwise approved by the Board of Commissioners.
- D. Manholes may be required at all changes in alignment and at all changes in grade.
- E. Inlets may be substituted for manholes when approved by the Board of Commissioners.
- F. Inlets (of size and design specified by the Board of Commissioners) 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.
- G. In the design of storm drainage installations, special consideration shall be given to the avoidance of problems which may arise from concentration of storm water run-off over adjacent properties.
- H. Bridges and culverts shall be designed to support the expected loads, to carry expected flows, and be constructed the full width of the right-of-way, where deemed necessary by the Board of Commissioners.
- I. A complete drainage plan shall be submitted of a Subdivision including all necessary storm sewers and appurtenances, the design of which is based on a ten year storm frequency, except in

those areas where in the judgment of the Township Engineer exceptional damage may result from storm waters. The drainage plan shall show the method of drainage of adjacent and contiguous territory and the method of disposal of all storm water collected and shall be accompanied by design calculations. The Soil Conservation Service (SCS) Method of calculating Run-off and Detention shall be utilized where required by the Township Engineer.

Section 810

WATER SUPPLY

- A. If public water supply is available or definitely planned for the area, then provisions shall be made for its immediate and eventual use. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Commissioners and Planning Commission, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a corporative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- B. Community wells or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Resources and the Board of Commissioners.
- C. All water supply systems shall be constructed as per the specifications of the Creswell Heights Joint Authority or the Municipal Water Authority of Aliquippa, whichever has jurisdiction, and shall be approved by same.
- D. Fire hydrants shall be installed as per the Township's Specifications for locations subject to review by the Township Fire Marshall.

Section 811

MONUMENTS

Monuments shall be placed at all block corners, angle points, points of curves in streets, and intermediate points as determined by the Board of Commissioners. Monuments shall be of a reliably permanent and durable material of sufficient lengths and cross-sectional area as approved by the

Board of Commissioners.

Section 812          STREET TREES

Should the Subdivider plan to provide trees, their proposed location, spacing and species must be submitted for approval to the Planning Commission and the Board of Commissioners. On narrow rights-of-way or where the planting strip between the sidewalk and the curb is less than five feet wide, trees will not be permitted, but are to be placed inside the property lines.

Section 813          MINIMUM OPENNESS

- A. Easements, adequate for all utilities: See Section 706.
- B. Buffer area or planting screen, minimum width: 10 feet.
- C. When adequate recreational space does not exist in the opinion of the Board of Commissioners, within one-half mile of the site, the Board may request the Developer to provide recreational space: see Section 903.

Section 814          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, the Board of Commissioners shall require that the Subdivider preserve as much of the original trees and natural conditions as is economically feasible, and require that a minimum of grading be done other than the grading and excavating which is required in the construction of the improvements, in accordance with the improvement standards included herein, and approved by the Board of Commissioners. In addition, the Subdivider shall adhere to the Rules and Regulations of the Pennsylvania Department of Environmental Resources, Title 25, Chapter 102, Erosion Control.

Section 815

EROSION CONTROL

- A. All development and earthmoving activities required by applicable law under the Pennsylvania Department of Environmental Resources, Title 25, Chapter 102, Erosion Control, shall be complied with:
  - 1. The Township shall notify the Beaver County Conservation District immediately upon receipt of an application for a Building Permit involving an earthmoving activity which affects five or more acres of land.
  - 2. The Township will not issue a Building Permit to a development where it has been determined that the earthmoving activities require a permit (or verification that no permit is required) from the Department of Environmental Resources, pursuant to Section 102.41 and 102.42 relating to permit requirements of Title 25, Chapter 102, Erosion Control.

ARTICLE IX  
STANDARDS FOR LOCATION AND MANAGEMENT  
OF OPEN SPACE

Section 900      LOCATION OF COMMON OPEN SPACES

The common open space shall be located so as to be consistent with good design principles. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

Section 901      OWNERSHIP OF COMMON OPEN SPACE

There shall be provisions which insure that the common open space shall continue as such and be properly maintained. The Developer shall either (a) dedicate such land to public use if the Township or another public agency has indicated it will accept such dedication, (b) retain ownership and responsibility for maintenance of such open space, or (c) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (b) or (c) above, each organization shall be a non-profit homeowners' corporation, unless the Developer demonstrates that a community open space trust is a more appropriate form of organization.

Section 902      HOMEOWNERS' ASSOCIATION

If a homeowners' association or open space trust is formed, it shall be governed according to the following regulations:

- A. The organization is organized by the Developer and operated with financial subsidization by the Developer, if necessary, before the sale of any lots within the development.
- B. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- C. The organization shall be responsible for maintenance, insurance



and taxes on common open space.

- D. The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
- E. The organization shall have to hire adequate staff to administer common facilities and maintain the common open space.
- F. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common space from becoming a public nuisance, may enter upon said common space and maintain the same for a period of one year. Said maintenance by the Township shall not constitute a taking said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the development, to be held by the Board of Commissioners, at which hearing such organization or the residents of the development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Board of Commissioners shall determine that such organization is ready and able to maintain said common space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Board of Commissioners shall determine that such organization is not ready and able to maintain said common space in reasonable condition, the Township may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Board of

Commissioners shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for in Article XIII. The cost of such maintenance by the Township shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the Office of the Prothonotary of Beaver County, upon the properties affected by such lien within the development.

Section 903

RECREATION

The governing body may require the public dedication of land suitable for park or recreational use; and/or upon the agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval, provided that:

- A. The provisions of this paragraph shall not apply to any plan application, whether preliminary or final, pending at the time of enactment of such provisions.
- B. The Ordinance includes definite standards for determining the proportion of a development to be dedicated and the amount of any fee to be paid in lieu thereof.
- C. The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities accessible to the development.
- D. The governing body has a formally adopted recreation plan, and the park and recreational facilities are in accordance with the definite principles and standards contained in the subdivision and land development ordinance.
- E. The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.
- F. A fee authorized under this subsection shall, upon its receipt by a municipality, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earning on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

- G. Upon request of any person who paid any fee under this subsection, the municipality shall refund such fee, plus interest accumulated thereon from the date of payment, if the municipality had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.
- H. No municipality shall have the power to require the construction of recreational facilities or the dedication of land, or fees in lieu thereof, or private reservation except as may be provided by statute.

## ARTICLE X

### CONDITIONS OF ACCEPTANCE

#### Section 1000      PERFORMANCE REQUIREMENTS

- A. Before approving any Subdivision Plan, the Board of Commissioners shall require a written agreement that necessary grading, paving and street improvements, sidewalks, street lights, fire hydrants, water mains, storm sewers, and sanitary sewers, 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 as a condition precedent to the final approval of plats in accordance with the requirements of this Ordinance. The standards shall insure that the streets be improved to such a condition that the streets are passable for vehicles which are intended to use that street. Provided, however, that no municipality shall be required to accept such streets for public dedication until the streets meet such additional standards and specifications as the municipality may require for public dedication.
- B. Provisions which take into account phased land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but will be a condition precedent to the erection of building on lands included in the approved plan.

#### Section 1001      PERFORMANCE GUARANTEES

The Board of Commissioners shall insure, through receipt of certificates of compliance submitted and attested by the Township Engineer, that the required improvements have been installed according to the specifications of the Final Plan, or alternately require the posting of adequate surety to cover the cost for such improvements. The Board of Commissioners shall specify one of the following alternatives, or such other alternatives which may be acceptable, for guaranteeing compliance with the requirements of this Section. Decision of which alternative shall be required

is that of the Board of Commissioners. Final approval of a plan may not be granted until the surety required is fully provided. In any event, the required surety shall be secured, along with the written agreement, prior to any construction or related activity.

- A. Completion of Improvements Prior to Final Approval - Prior to final plan approval, the Subdivider shall complete, in a manner satisfactory to the Board of Commissioners and the Township Engineer, all improvements required in these regulations specified in the final Subdivision Plan, and as approved by the Board of Commissioners and shall dedicate same to the Township in accordance with these regulations. Final plan approval shall not be granted until the dedication of said improvements has been accepted by the Board of Commissioners.
- B. Guarantee of Future Performance - In lieu of requiring the completion of all improvements prior to final plan approval, the Township may, at its discretion, enter into a contract with the Subdivider whereby the Subdivider shall guarantee to complete all improvements required by this Ordinance, or otherwise specified by the Board of Commissioners in a manner satisfactory to the Board of Commissioners. To secure this contract, the Subdivider shall provide, subject to the approval of the Board of Commissioners, one of the following guarantees:
  1. Surety Bond: The Subdivider shall obtain a security bond from a surety bonding company authorized to do business in the State of Pennsylvania. The bond shall be payable to the Township and shall be in an amount equal to 110% of the cost of completion as estimated by the Subdivider and approved by the Township Engineer, of installing all improvements. The duration of the bond shall be until such time as the improvements are accepted by the Township in accordance with the requirements of this Ordinance.
  2. Escrow Account: The Subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the Township, or in escrow with a 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 Commissioners. The amount of the deposit shall be in an amount equal to 110% of the cost of completion as estimated by the Subdivider and approved by the Township Engineer, of installing all required improvements.

In case of an escrow account, the Subdivider shall file with the Board of Commissioners an agreement between the financial bank and himself guaranteeing the following:

- a. That the funds of said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the Subdivider as security in any other matter during the period; and
  - b. That in the case of a failure on the part of the Subdivider 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.
3. Property Escrow: The Subdivider shall offer as a guarantee land or other property, including corporate stocks or bonds. The value of any such property shall be at least equal to 110% the cost of the improvements, as estimated by the Subdivider and approved by the Township Engineer, The County Assessor shall establish the value of any property so used and, in so doing, shall take into account the likelihood of a decline in the value of said property during the guarantee period. The Board of Commissioners shall retain the right to reject the use of any property when the value of such property is sufficiently unstable, when it believes that the property will be unusually difficult to sell, or for other reasons such as will inhibit the Board of Commissioners from exchanging the property for a sufficient amount of money to complete the required improvements.

When property is offered as an improvement guarantee, the Subdivider shall:

- a. Execute an agreement with the trustee, when it is not the Board of Commissioners, instructing the trustee to release the property to the Township in the case of default. The agreement shall also state that the property may be released only upon consent of the Board of Commissioners. The agreement shall be placed on file with the Township Secretary;
  - b. File with the Board of Commissioners an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in trust; and
  - c. Execute and file with the Board of Commissioners an agreement stating that the property to be placed in trust as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the Board of Commissioners.
- C. Financial Improvements Agreement - When requested by the Developer, in order to facilitate financing, the governing body or the planning agency, designated, shall furnish the Developer with a signed copy of a resolution indicating approval of the

final plat contingent upon the Developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed or recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.

- D. Additional Security: The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- E. Disputes of Financial Security Required - 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 this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third 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 the municipality and the applicant or developer.

Section 1002

RELEASE FROM IMPROVEMENT BOND

A. Procedure

1. When the Developer has completed all of the required improvements, the Developer shall notify the Board of Commissioners, in writing by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the Township Engineer.
2. The Board of Commissioners shall, within 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 Commissioners, 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 Commissioners. Said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
3. The Board of Commissioners shall notify the Developer within 10 days in writing by certified or registered mail, of the action of the Board of Commissioners with relation thereto.
  4. If the Board of Commissioner or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Developer shall be released from all liability, pursuant to its performance guarantee bond.
  5. If any portion of the required improvements shall not be approved or shall be rejected by the Board of Commissioners, the Developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
  6. 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 Commissioners or the Township Engineer.

Section 1003

REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- A. 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, the requirements of the Board of Commissioners or in accordance with the approved final plan, the Board of Commissioners shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.
- B. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Commissioners, may, at its option, install part of such improvements, and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or



both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 1004

MAINTENANCE BOND

- A. Before the Township Engineer shall issue to the Board of Commissioners a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the 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 Corporate Maintenance Bond, in such amount, under such conditions, in such form and with approved surety as shall be required by the Board of Commissioners. Said Maintenance Bond is to guarantee the repairs and maintenance by the Subdivider or Developer of the streets, roads, pavement, sidewalks, curbs, gutters, storm drains and facilities, sanitary sewer and facilities, sewage treatment plant and facilities and any other improvements constructed and installed in the Subdivision or Development, for a period of 18 months from the date of final and official acceptance of the above said improvements and facilities by the Board of Commissioners.
- B. 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.

Section 1005

HIGHER STANDARDS

- A. 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 minimum and the Board of Commissioners may, as it deems advisable, revise said specifications and requirements to secure a higher standard of improvements and community development.
- B. No storm water drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system, and facilities or any other facilities or improvement will 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.

Section 1006

RECORDING

- A. Within ninety (90) days after the date of approval of the Final Plan, the Township shall record an approved duplicate copy of the Plan in the Office of the County Recorder of Deeds, and file with the Subdivider, a Recorder's Certificate that the approved plan has been recorded, with the Plan Book and page numbers indicated, and approval shall not become final and effective until such certificate has been filed.

The Township shall provide a duplicate tracing of the officially recorded plan to the Subdivider for his or her files. The duplicate tracing may be of Mylar, linen, or some other durable material.

- B. After an approved Subdivision Plan shall have been officially recorded, the streets, parks, and other public improvements shown hereon shall be so considered to be a part of the official plan of the Township.
- C. Streets, parks, and other public improvements shown on a Subdivision Plan to be recorded shall be offered for dedication to the Township by formal notation thereof on the Plan, or the Owner shall note on such Plan that any improvements have not been offered for dedication to the Township.
- D. Every street, park or other improvement shown on a Subdivision Plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by Ordinance or Resolution, or until it shall have been condemned for use as a public street, park or other improvement.
- E. In the event that an approved Subdivision Plan is not recorded within the required 90 day period, then said approval shall be deemed voided and rescinded and the plan must be resubmitted if approval is sought by the Developer.

Section 1007

NO RESPONSIBILITY OF TOWNSHIP WHERE PLANS NOT APPROVED

If any road or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved and recorded as herein provided, neither

the Board of Commissioners nor any public 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 Board of Commissioners nor any other public authorities, shall have any responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public. Provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessary for the accommodating of other territory.

## ARTICLE XI

### VARIANCES

#### Section 1100      PURPOSE

- A. Where the Planning Commission finds that extraordinary hardship may result from strict enforcement or compliance with this Ordinance, it may recommend to the Board of Commissioners that a variance be granted, if that substantial justice be done and the public interest secured; provided that such variance will not have the effect of nullifying the interest and purpose of the Hopewell Township Comprehensive Plan and of this Ordinance.
- B. The Planning Commission's recommendations relative to the granting of modifications shall be considered conditional and shall be subject to approval or disapproval by the Board of Commissioners.

#### Section 1101      GRANTING

- A. Where the Board of Commissioners finds that extraordinary hardship may result from strict enforcement or compliance with this Ordinance, it may grant a variance to this Ordinance, provided it shall require such conditions, as will in its judgment, substantially secure the interest and objectives of the standards or requirements so varied or modified, and as will fulfill the purpose and intent of this Ordinance.

## ARTICLE XII

### AMENDMENTS

#### Section 1200

#### ALTERATIONS AND CHANGES

- A. The Board of Commissioners may from time to time amend this Ordinance. Amendments to the Subdivision Ordinance shall become effective only after a public hearing held pursuant to public notice. In case of an amendment other than that prepared by the Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such amendment. In addition, each such amendment to the Subdivision Ordinance shall be submitted to the Beaver County Planning Commission 45 days prior to the scheduled public hearing for a review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the person or entity requesting the amendment. The Board of Commissioners shall not approve an amendment to this Ordinance until the County report is received, or until the expiration of 45 days from the date the amendment was forwarded to the County.
- B. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  1. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
    - a. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon

enactment, shall at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

- b. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

## ARTICLE XIII

### APPEALS

#### Section 1300 RECONSIDERATION

Any subdivider aggrieved by a finding, decision or recommendation of the Hopewell Township Planning Commission or the Board of Commissioners, may present additional relevant information and request reconsideration of the original findings, decision or recommendation upon written request within 30 days of notification of the Planning Commission or Board of Commissioner's decision.

#### Section 1301 APPROVAL REFUSED BY BOARD

- A. In any case where the Board of Commissioners shall refuse to approve any plans submitted to them in accordance with this Subdivision Ordinance, any person aggrieved by the action of the Board may, within 30 days after such action, appeal therefrom by petition to the Beaver County Court of Common Pleas, which court shall hear the matter de novo, and after hearing, may 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.
- B. The action of the Board of Commissioners, or of the Court of Common Pleas, in approving any such plan, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the Office of the Recorder of Deeds of Beaver County.

## ARTICLE XIV

### FEEES

#### Section 1400

#### FEE TO ACCOMPANY APPLICATION FOR REVIEW AND APPROVAL OF PLANS

- A. All applications submitted for the review and approval of plans of Subdivision and plans of land development prepared in preliminary form shall be accompanied by a fee in accordance to a schedule of fees and charges established, or to be established, and adopted by resolution of the Board of Commissioners. Such fee will be used 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.
- B. The schedule of fees and charges established or to be established shall vary, and be regulated in accordance to the scope and complexity of the plan of Subdivision and land development project, such as (1) number of parcels or lots in plan, (2) site development plans, (3) utility development plans, (4) applicant's plan of construction and development of the land, structures and facilities thereon, and appurtenant thereto, and (5) number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.
- C. Where a plan of Subdivision or land development for any reason has been rejected by the Township Planning Commission and the Board of Commissioners, 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.
- D. All fees shall be made payable to the Secretary of the Township of Hopewell. 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.
- E. It is the intention of this Section that the Subdivider shall pay all the costs, charges and expenses attributed to the receipt, review, inspections and approval of any Subdivision.
- F. The filing fee is a deposit only, and the Subdivider will be billed for actual costs incurred by the Township for engineering services.

The Subdivider shall also pay to the Township of Hopewell all costs incurred by the Township directly chargeable to the



Subdivision. These costs include the following:

- (a) Legal fees, advertising and printing costs for all Ordinances and agreements required in connection with the Subdivision.
  - (b) Any permit fees or other costs paid by the Township and properly chargeable to the Subdivision.
  - (c) A minimum of two hours' time will be billed for any day that inspection of construction is made by the Township Engineer or his designee. Costs incurred for inspection of construction are not included in the filing fee.
- G. 1. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten days of the billing date, notify the municipality that such fees are disputed, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
2. In the event that the municipality and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth as follows:
- (i) If, within 20 days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - (ii) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - (iii) In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or

performed services for, the municipality or the applicant within the preceding five years.

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

In request consideration and approval of a proposed Subdivision, the Subdivider must agree in writing to pay those of the above costs actually incurred, regardless of whether the Subdivision is carried through to completion.

ARTICLE XV

CERTIFICATES, AFFIDAVITS, APPROVALS

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 Commissioners. 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 Present, that (I or We) \_\_\_\_\_  
\_\_\_\_\_ of the  
(Name of Owner or Owners)  
(City, Borough, Township) of \_\_\_\_\_ County of  
\_\_\_\_\_, State of \_\_\_\_\_, for (myself,  
ourselves,), (my, our) heirs, executors, administrators and assigns, do hereby  
adopt this as (my, our) Plan of Subdivision of (my, our) property, situate in  
the Township of Hopewell, 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, streets, lands, rights-of-way, easements, ways and other public  
highways 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 and Township of Hopewell, (I, we),  
\_\_\_\_\_  
(Name of Owner or Owners)

hereby agree to and by these present do release and forever discharge said

County of Beaver and said Township of Hopewell, 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)

(my, our) heirs, executor, administrators and assigns and purchasers of lots in this plan.

IN WITNESS WHEREOF, (I or We) hereunto set (my, our) hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.

ATTEST:

\_\_\_\_\_  
(Owner or Owners) (SEAL)

\_\_\_\_\_  
Notary Public (SEAL)

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

The foregoing adoption and dedication is made by

\_\_\_\_\_ with the full  
(Name of Individual or Corporate Owner)

understanding and agreement that the approval of the Board of Commissioners of the Township of Hopewell, 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.

INDIVIDUAL ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF BEAVER )

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

\_\_\_\_\_  
(Owner)

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

WITNESS MY HAND AND NOTARIAL SEAL this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_. (SEAL)  
Notary Public

CORPORATION ADOPTION

Know All Men By These Presents, that

\_\_\_\_\_  
(Name of Corporation)

a corporation,

\_\_\_\_\_  
by virtue of a resolution of the Board of Directors, thereof does hereby adopt  
this as its plan of lots of its property situate in the Township of Hopewell,  
Beaver County, Pennsylvania, and for divers advantages accruing to it, does  
hereby dedicate forever, for public use for highway purposes, all drives,  
roads, streets, lanes and ways and other public highways 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 by the said Township of Hopewell, Beaver

\_\_\_\_\_  
(Name of Corporation) its

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)

Secretary

President

(Name of Individual or Corporate Owner)

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CORPORATE ACKNOWLEDGMENT

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 State, 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 affixed and that the above release  
and dedication was duly signed and sealed by and as for the act and deed of  
said 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 said corporation, in attestation of the due execution and delivery of said  
release and dedication of this deponent's own proper and respective  
handwriting.

\_\_\_\_\_  
(Name of Officer) (SEAL)

\_\_\_\_\_  
(Title of Officer)

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

WITNESS MY HAND AND NOTARIAL SEAL this \_\_\_\_\_ day of  
\_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
Notary Public (SEAL)

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_, a Registered Professional Land  
Surveyor of the State of Pennsylvania, do hereby certify that this plan  
correctly represents the lots, lands, streets, and highways as surveyed and  
plotted by me for the owners or agents.

(SEAL)

\_\_\_\_\_  
(Surveyor)

\_\_\_\_\_  
(Registration Number)

\_\_\_\_\_  
(Date)

TOWNSHIP PLANNING COMMISSION APPROVAL

This plan of Subdivision has been recommended for approval by the  
Planning Commission of the Township of Hopewell, Beaver County, Pennsylvania  
on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

ATTEST:

\_\_\_\_\_  
(Secretary of Board)

\_\_\_\_\_  
(Chairman of Board)

SEAL:



APPROVAL BY TOWNSHIP OF HOPEWELL

The Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, hereby gives notice that it is approving this plan of Subdivision for recording purposes only. The approval of this Subdivision Plan by the Township of Hopewell does not constitute an acceptance of the roads, streets, storm and sanitary 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 Commissioners. This approval shall in no way be deemed an authorization to commence construction or related activities. This plan of Subdivision approved by resolution of the Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

ATTEST:

\_\_\_\_\_  
(Secretary of Board)

\_\_\_\_\_  
(Chairman of Board)

BEAVER COUNTY PLANNING COMMISSION REVIEW

A. Reviewed with comments by the Beaver County Planning Commission.  
Letter to \_\_\_\_\_, dated \_\_\_\_\_ 1991.

SEAL:

\_\_\_\_\_  
Executive Director

-OR-

B. Reviewed with comments by the Beaver County Planning Commission  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Letter to \_\_\_\_\_ Township Board of Commissioners dated  
\_\_\_\_\_, 19\_\_\_\_.)

\_\_\_\_\_  
Executive Director

PROOF OF RECORDING

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF BEAVER ) ss:

Recorded in the office for the recording of deeds, plats, etc., in said  
County, in Plan Book Volume \_\_\_\_\_ Page \_\_\_\_\_.

GIVEN UNDER MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Recorder of Deeds

OWNERS ACCEPTANCE OF RESPONSIBILITY FOR PROVIDING  
STORM WATER DRAINAGE FACILITIES AND CONTROL  
OF STORM WATER DRAINAGE

KNOW ALL MEN BY THESE PRESENTS, THAT (I or We) \_\_\_\_\_  
\_\_\_\_\_ of the Township of Hopewell, County of Beaver,  
Commonwealth of Pennsylvania, for ourselves, our heirs, executors,  
administrators, and assigns, and for our grantees and their subsequent  
purchasers, do hereby accept full and complete responsibility, liability,  
expense and provision of facilities for the control of storm water drainage  
over, across and through this Subdivision of land until such time as (I or  
We), our heirs, executors, administrators and assigns construct storm water  
drainage facilities in accordance with Township's specifications and require-  
ments and the same is officially accepted by action of the Board of  
Commissioners and until such formal acceptance (I or We) for ourselves, our  
heirs, executors, administrators, and assigns do hereby release the Township  
of Hopewell from any responsibility shall be binding upon \_\_\_\_\_  
\_\_\_\_\_ our heirs, executors,  
administrators and assigns and all purchasers of lots in this plan of  
Subdivision.

IN WITNESS WHEREOF, we hereunto set our hands and seals this  
\_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

ATTEST:

\_\_\_\_\_(SEAL)  
(Owner or Owners)

\_\_\_\_\_(SEAL)  
(Owner or Owners)

WITNESS MY HAND AND NOTARIAL SEAL this \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 19\_\_\_\_.

\_\_\_\_\_(SEAL)  
Notary Public

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.

HIGHWAY OCCUPANCY PERMIT

NOTICE: This plat (or Lots X-Y) requires issuance of a highway occupancy permit by the Pennsylvania Department of Transportation (PennDot) 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.

## ARTICLE XVI

### VIOLATIONS, SEVERABILITY, ADOPTION

#### Section 1600

#### PREVENTATIVE REMEDIES

- A. In addition to other remedies, the governing body may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer or from such penalties or from the remedies herein provided.
- B. The governing body 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:
  - 1. The owner of record at the time of such violation;
  - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

Jurisdiction:

District Justices shall have initial jurisdiction in proceedings brought under this section.

Enforcement Remedies:

- (a) Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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 justices. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that 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.
- (b) 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 judgement.
- (c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 1601

SEVERABILITY

- A. 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.