

**GIRARD TOWNSHIP
ERIE COUNTY, PENNSYLVANIA
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT: DEFINING TERMS, PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS: PRESCRIBING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF SUBDIVISION PLANS: AND PRESCRIBING PENALTIES AND VIOLATIONS

Ordained and enacted by the Board of Supervisors of Girard Township, Erie County, Pennsylvania under the provisions of Article V of the Pennsylvania Municipalities Planning Code (Act 247 of July 31,1968, as amended) hereinafter referred to as the "Pennsylvania Planning Code."

**ARTICLE I
GENERAL PROVISIONS**

Section 101 Short Title:

This Ordinance shall be known and may be cited as the "GIRARD TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

Section 102 Purpose:

This Ordinance is adopted for the following purposes:

- 102.1 To assist the orderly and efficient development of Girard Township;
- 102.2 To promote the health, safety, and general welfare of the residents of Girard Township;
- 102.3 To secure equitable handling of all subdivision plans by providing uniform procedures and standards;
- 102.4 To implement the Girard Township Comprehensive Plan and updates thereof.

Section 103 Compliance:

No subdivision or land development or any lot, tract, or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of building abutting thereon, except in accordance with the provisions of this Ordinance. No lot in a subdivision or land development may be sold, no permit to erect, alter or repair any building in a subdivision or land development may be issued, unless and until a plan of such a subdivision or land development shall have been approved and properly recorded, and until the improvements required by the Board of Supervisors in connection therewith shall have either been constructed or guaranteed as herein provided.

Section 104 Community Development Goals and Objectives:

Pursuant to Section 303(d) of the Pennsylvania Municipalities Planning Code (MPC), this Ordinance is intended to implement the Girard Township Comprehensive Plan and the Community Development Goals and Objectives stated below. Interpretation of the extent of these areas shall be based upon maps within the Comprehensive Plan and the Township Zoning Ordinance.

- A. Growth and Development Statement: Girard Township should remain predominantly rural by concentrating intensive growth and development where infrastructure (especially public water and sewer) can support it in a high-quality setting. These areas are listed below by location:
 - 1. Concentrate revitalization efforts in the downtown areas of Girard and Lake City Boroughs. This could occur as either infill or redevelopment and would serve community needs for retail, service commercial, and high-density residential uses.
 - 2. Where there are no environmental limitations, encourage development of vacant lands within the jurisdiction of Girard Borough and Lake City Borough but previously undeveloped. Opportunity exists here for provision of housing with full utilities. The presence of such utilities means that higher densities can be supported without presenting a threat to public health and safety.
 - 3. Intensive, dense growth and development within the jurisdiction of Girard Township should occur within the area to the east of the two boroughs between Ridge Road (Route 20) and Middle Road. This development can, and should be, carefully planned to avoid conflicts with agriculture.

4. The area in the immediate vicinity of the Meadville Road interchange with I-90 has potential for some targeted growth and development if combined with on-site utilities (if needed) and buffering to protect pre-existing lower-intensity uses.
 5. Parts of the area north of West Lake Road and west of Elk Creek have potential for a variety of specialized, very high-intensity uses. However, environmental protection shall be a high priority of any development, due to the proximity to key recognized natural resources.
- B. Character of Future Growth: Future growth should be of a character that either enhances the rural nature of the Township or does not detract from it. Such uses would include low-density housing, agriculture, and small businesses, which do not require infrastructure. Such development should be compatible and planned with respect to local values, especially:
1. The valuable resource of the Elk Creek, its high-water quality, and its floodplains, which serves the community as “green infrastructure.”
 2. The limited resource of groundwater in sufficient quantity to support community needs.
 3. The heritage of high-value agriculture concentrated in fruit and vegetable production unique in Pennsylvania.
 4. The integrity of existing single-family development, with some of the highest quality, yet affordable, housing stock in Erie County.
 5. The relationship between the Township and neighboring small towns, which provide many important regional services.
 6. The limited resource of Lake Erie frontage, which cannot be replicated.
 7. The scenic resources, such as the Gudgeonville Valley, which contribute to the quality of the community.

Section 105 Amendment:

This Ordinance as set forth herein may be amended, altered or revised by the Board of Supervisors from time to time after a public hearing is held pursuant to public notice. In case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission and the Erie County Department of Planning for recommendation at least thirty (30) days prior to date of the public hearing.

Section 106 Conflict:

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of Girard Township, the highest standards shall govern.

Section 107 Validity:

Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other provision thereof.

Section 108 Effective Date and Repealer:

The Ordinance shall become effective the 11th day of October, 2005, A.D. and shall remain in effect until modified or rescinded by the Board of Supervisors. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

ARTICLE II
DEFINITIONS

Section 201 General Interpretations:

Unless otherwise expressly stated, the following terms shall, for the purpose of these Regulations, have the meaning indicated: Words in the singular include the plural, and the words in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual. The word “building” shall be construed as if followed by the words “or part thereof.” The words “shall” and “will” are mandatory; the word “may” is permissive. An “agency” shall be construed to include its successors or assigns.

Section 202 Meaning of Words:

ACCESORY BUILDING: A subordinate building, incidental to, and located on the same lot as the principal building. Such buildings are utilized for purposes subordinate to and incidental to the principal building's use.

AGRICULTURAL PURPOSES: Any agricultural use, including farming, dairying, pasturage, horticulture, aquiculture, floriculture, viticulture, capriculture, animal and poultry husbandry and forestry including the harvesting of timber.

AGRICUTLURAL SECURITY AREAS: A deeded covenant between landowners and the Township of Girard under Pennsylvania Act 43 of 1981.

ALLEY or SERVICE DRIVE: A minor right-of-way privately or publicly owned, primarily for service access or secondary access to the back and sides of two (2) or more properties.

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

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative or final, required to be filed and approved prior to the 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. (MPC)

BLOCK: A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage or a combination thereof.

BOARD OF SUPERVISORS: The duly elected governing body of Girard Township, Erie County, Pennsylvania.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

BUILDING or SETBACK LINE: The line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

CARTWAY: The surface of a street or alley available for vehicular traffic.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines and the sight lines.

COMPREHENSIVE PLAN: The Girard Township Comprehensive Plan Update that is the comprehensive general plan, or any of its parts, for the future growth, protection and development of Girard Township.

CONDOMINIUM: A building, or group of buildings, in which dwelling units, offices or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by a separate managing entity.

CORNER LOT: A lot, abutting two or more existing or proposed street rights-of-way at their intersection, on which the front yard building line for all streets must be observed.

COUNTY: The County of Erie, Pennsylvania.

COUNTY PLANNING DEPARTMENT: The Erie County Department of Planning, Erie County, Pennsylvania.

CROSSWALK: A right-of-way which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC: A street open to traffic at one end and terminating at the other in a vehicular turnaround.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEPARTMENT: The Erie County Department of Planning or the Planning agency (to include the staff).

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes application for, or who makes or causes to be made, a subdivision of land.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, storm sewers, drains, improvements to water courses, sidewalks, street signs, crosswalks, shade trees, seeding, sodding, monuments or other property markers, water supply facilities, and sewage facilities; filling, grading, excavation, mining, dredging, or drilling operations, in the subdivision of land, when conducted within the context of subdivision or land development activities, as defined by the Pennsylvania Municipalities Planning Code.

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE EASEMENT: The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY: A private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING UNIT: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

EASEMENT: A right granted to use certain private land for a utility or physical access, which is not inconsistent with the general property rights of the owner.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

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

EROSION AND SEDIMENT CONTROL PLAN: A plan showing all present and proposed grades and facilities for stormwater, drainage, erosion and sediment controls, and which is in accordance with Section 906 of this Ordinance.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLOOD: A temporary inundation of normally dry land areas.

FLOODPROOFING: Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOOD-PRONE AREA: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourses; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. This definition includes any floodplain as depicted on the Girard Township Floodplain Map.

GRADING AND DRAINAGE PLAN: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by materials, grades, contours and topography.

GROSS FLOOR AREA: The sum of the gross horizontal areas of a building or structure (excluding vehicular parking lots) from the exterior face of exterior walls or from the centerline of a wall separating two buildings.

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

LAND DEVELOPMENT: Any of the following activities:

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

1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 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;
 3. See also Article I and Article V of the Pennsylvania Municipalities Planning Code.
- B. A subdivision of land.
- C. For the purposes of this Ordinance, land development does not include development which involves:
1. The conversion of an existing single-family, detached dwelling or single-family, semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner.

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.

LOT, AREA OF: The total horizontal ground area of a lot expressed in acres or square feet and computed exclusive of any portion of the right-of-way of any public or private thoroughfare, street, road, alley or easement of access of use; but including any easement for essential service.

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

LOT COVERAGE: A measure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking areas, driveways, roads, sidewalks, and any area of concrete, asphalt, crushed stone, gravel or similar impervious material.

LOT, DOUBLE FRONTAGE: A lot which abuts streets in both the front, rear and/or side yards.

LOT, FLAG: A lot that has only a narrow portion connecting a larger area to a street.

LOT, NON-CONFORMING: A lot the area or dimension of which was lawful prior to the adoption or amendment of subdivision regulations, but which fails to conform to the requirements of the governing ordinance in which it is located by reasons of such adoption or amendment.

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

LOT WIDTH OF: A mean horizontal distance between the side lot lines measured at its widest and narrowest points.

MAINTENANCE GUARANTEE: Any financial security, acceptable under Article V of the Pennsylvania Municipalities Planning Code, which may be accepted by Girard Township for the maintenance of any improvements required by this Ordinance.

MARGINAL ACCESS STREETS: A street parallel and adjacent to major thoroughfares, providing access to abutting properties.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) 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.

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

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

MONUMENT: A concrete, stone, or other permanent object placed to designated boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPAL 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.

PENNSYLVANIA PLANNING CODE: Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as amended to same as may be adopted from time to time.

PLAN, SKETCH: An informal plan not necessarily to scale indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision.

PLAN, PRELIMINARY: A tentative subdivision or land development plan showing existing features of land and proposed street and lot layout within and adjacent to a subdivision, as required by this Ordinance.

PLAN, FINAL: A complete and exact subdivision or land development plan prepared for official recording as required by statute and this Ordinance.

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 created, from time to time, under the provisions of the Township Zoning Ordinance.

PLANNING COMMISSION: The duly appointed Planning Commission of Girard Township, Erie County, Pennsylvania.

PLAT: The map or plan of subdivision or land development, whether preliminary or final.

PUBLIC GROUNDS: Parks, playgrounds and other public areas, and sites for public schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the

hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

PUBLIC SEWER AND WATER: Shall include municipal systems, mobile home park systems, or Planned Residential Development and other systems that service two (2) or more dwelling units and/or lots of record, such as private, group, association or project systems.

REPLAT: Replats involve the transfer of land between adjacent lots where no new building lot is created. No replat may create a lot in violation of this Ordinance or of any adopted Zoning Ordinance. Replats will be considered as minor subdivisions.

RESERVE STRIP: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

RIGHT-OF-WAY: Land dedicated for use as a public street, alley or crosswalk, or which may be used by sewer, water, storm sewer, electric, gas, telephone and cable systems.

SEWAGE SYSTEM, COMMUNITY: A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

SEWAGE SYSTEM, INDIVIDUAL: A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into the soil or into waters of this Commonwealth or by means of conveyance to another site for formal disposal.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one (100) feet of horizontal distance.

SOLICITOR: A professional attorney licensed as such in Pennsylvania, duly appointed as the municipal solicitor of Girard Township.

STREET: A general term used to describe a right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian movement, and for access to adjacent properties, furnishing space for sewers, public utilities, and shade trees. The term includes avenues, boulevards, roads, highways, parkways, and lanes. The streets are classified by function as follows:

1. Local Street: A street used as the principal means of access to adjacent properties serving only a comparatively small number of dwellings.
2. Collector Street: A street or road connecting local streets to each other, to community facilities, and to primary or major thoroughfares, serving only the neighborhood traffic.
3. Arterials: A street connecting district centers, servicing large volumes of through, fast traffic, preferably located outside or bounding the residential neighborhoods.

STREET CENTERLINE: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

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

SUBDIVIDER: A developer, upon final approval of a subdivision plat.

SUBDIVISION: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The term subdivision also includes re-subdivision and, as appropriate in these Regulations, the process of subdividing land and the land subdivided.

SUBDIVISION – MAJOR: Any subdivision which is not a minor subdivision.

SUBDIVISION – MINOR: A subdivision having six (6) lots or less (including any residual land) and which has all lots served by an existing street, and which does not include or require new sanitary sewer main extensions, or the dedication or re-dedication of streets or alleys and meets other criteria for a minor subdivision under this Ordinance.

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

SWALE: A low-lying stretch of land which gathers or carries surface water runoff, but which is mowable and not a ditch.

TEMPORARY TURNAROUND: A temporary circular turnaround at the end of a road, which terminates at or near the subdivision boundary bordering undeveloped land.

TOPSOIL: Surface soils and subsurface soils, which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.

TOWNSHIP: Girard Township, Erie County, Pennsylvania.

TOWNSHIP ENGINEER: A professional engineer licensed as such in Pennsylvania, duly appointed as the Township Engineer of Girard Township.

UTILITY PLAN: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, and street lighting.

WATERCOURSE: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or man-made.

WATER SURVEY: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within Girard Township.

YARD: That portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

YARD LINE: A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

YARD, FRONT: A yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

YARD, REAR: A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom, and extending for the full width of the lot.

YARD, SIDE: An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

ARTICLE III **PLAN SUBMISSION PROCEDURE**

The following procedures shall be observed by all developers:

Section 301 Contents of Application:

An application shall be submitted with all subdivision and land developments. An application packet, original plus ten (10) copies, containing the following information and materials shall accompany all applications for plan approval:

- A. Name and signature of applicant.
- B. Tax Parcel Number of tract.
- C. Acreage of tract.
- D. Acreage of land and number of lots prepared for:
 - 1. Residential lots
 - 2. Commercial lots
 - 3. Industrial lots
 - 4. Other land use (specify)
 - 5. Streets
 - 6. Easements
 - 7. Open space
- E. Date of filing of application (to be completed by Township Zoning Administrator).
- F. Other information as may be required by the Planning Commission or Supervisors.
- G. Statement of intent and tentative timetable.
- H. Ten (10) copies of the subdivision plan as specified in Sections 403 and 404.
- I. For major subdivisions and major land developments, a narrative description of how the proposed development implements the Girard Township Comprehensive Plan, and any variation necessary from the Comprehensive Plan (including a written description of why any variations are necessary).
- J. All necessary fees in accordance with Township resolutions.
- K. Copies of any other necessary state, federal, or local permits, pending, approved or unfilled.

Section 302 Submission of Plans:

302.1 General Procedure:

- A. Applications shall be submitted to the Township Zoning Administrator no less than ten (10) days prior to a regularly scheduled meeting of the Planning Commission or if the application is to be considered at the next meeting. The entire packet shall be subject to a completeness evaluation by the Township Zoning Administrator. Incomplete applications will not be considered for further review.
- B. The Township Zoning Administrator shall state the reasons the application is deemed incomplete to the applicant in writing within five (5) days of such evaluation.
- C. The Township Board of Supervisors shall take action on each properly submitted application (either preliminary or final) and communicate such action to the applicant within ninety (90) days as required by Section 508 of the MPC. The Supervisors must notify the applicant in writing of their decision within fifteen (15) days of such action. Failure on the part of the Supervisors to comply with these requirements shall constitute approval of the application, unless an extension of time has been mutually agreed upon in writing by the applicant and the Supervisors.
- D. The Township Zoning Administrator shall forward a copy of the application to the Township Planning Commission. The Supervisors shall take no action on the application until the reports of the Township and County Planning Commissions are received or until the expiration of sixty (60) days from the date the application was forwarded to the Township Planning Commission.
- E. The initial plan filed with the Township shall be the preliminary plan. The Planning Commission may, at their discretion, combine their preliminary plan and final plan review if the subdivision is a minor subdivision meeting the standards of Section 305 of this Ordinance, and if the submission meets all applicable plan requirements.
- F. A conceptual sketch plan is strongly encouraged for all subdivisions. Such plans are for informal discussion only but may avoid subsequent problems during the formal application process. Submission of the sketch plan does not constitute formal filing, does not commence statutory review, and is not subject to statutory timeliness.
 - 1. Sketch Plan Meeting: During the sketch plan process, the applicant is strongly encouraged to meet with the Planning Commission to

discuss the applicant's proposal and the Township's land use plans and regulations. Township comment given during this process is advisory only and does not incur liability on any party.

- G. Fees: Fees for the review and processing of subdivision and land development plans will be charged at the time of application in accordance with the Township's fee resolution. These fees may be amended from time to time by resolution.
- H. Conditional Approval: If the preliminary or final plan is approved, subject to conditions, then the developer shall either accept or reject such conditions in writing within a period of fifteen (15) days of receipt of such conditions. Any conditional approval shall be rescinded automatically and shall become a disapproval if the developer fails to accept or reject such conditions within the specified period.

Section 303 Preliminary Plan:

A preliminary plan is required for major subdivisions only.

303.1 General Procedure:

- A. Preliminary plans and supporting data shall comply with the provisions of Article 4 of this Ordinance.
- B. Ten (10) copies of the preliminary plan shall be submitted to the Township Zoning Administrator by the developer.
- C. It is the responsibility of the developer to coordinate his plans with the respective public and private utility and service agencies as set forth in these regulations prior to the submission of a preliminary plan to the Township.
- D. Approval of the preliminary plan subject to conditions, revisions and modifications as stipulated by the Supervisors and confirmed in writing by the applicant, shall constitute only conditional approval of the subdivision as to the character and intensity of the development and the general layout and approximate dimensions of streets, lots, and other proposed features; but shall not constitute authorization to sell lots. Agreement by the developer to any condition upon preliminary approval shall be a pre-requisite for application for a final plan.

Section 304 Final Plan:

304.1 General Procedure:

A final plan is required for all subdivisions.

- A. A final plan with supporting data shall be submitted to the Township Zoning Administrator for final approval within one (1) year after approval on the preliminary plan, provided that an extension of time may be granted by the Supervisors upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.
- B. The final plan shall conform in all respects with the preliminary plan as previously reviewed by the Planning Commission and shall incorporate all modifications and revisions specified by the Supervisors in its conditional approval of the preliminary plan. Otherwise, the Plan shall be considered as a revised preliminary plan. The Supervisors may require that any final plan, or any phase of a final plan not completed within five years from the date of preliminary approval, may require a new preliminary plan submission to reflect changing conditions or legal requirements which may affect the subdivision or land development unless an extension of this five-year limit is granted by the Commission upon written request.
- C. The Supervisors may permit submission of the final plan in phases, each covering a portion of the entire proposed subdivision as shown on the preliminary plan thereby excluding, for an additional year, preliminary plan approval of the remaining portion of the proposed subdivision.
 - 1. The final plan and supporting data shall comply with the provisions of Article 4 of this Ordinance. Failure to do so shall be cause for disapproval of the plan.
 - 2. Ten (10) copies of final plan with supporting data shall be submitted to the Township Zoning Administrator.
 - 3. In the case of approval of the final plan, the Chairman and Secretary of the Supervisors shall endorse three (3) copies of the final plan to that effect. One (1) copy of the endorsed final plan shall be kept by the Township and two (2) returned to the developer.
- D. Recording the Final Plan: The developer shall record the final plan in the office of the Recorder of Deeds of Erie County within ninety (90) days after the date of approval by the Supervisors. The copy of the final plan filed for recording shall be a clear and legible paper copy bearing the

approval of the Supervisors. No lots shall be sold or transferred prior to recording of the final plan. Failure to record the approved plan shall render all approvals null and void.

- E. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Erie County Department of Health. It is suggested that the prospective developer consult the municipal sewage enforcement officer or the Erie County Department of Health as to the requirements of that act.

Section 305 Exceptions for Minor Subdivisions:

- A. Definition of Minor Subdivision: In the case of any proposed subdivision, land site, or other division of land, certain requirements of this Ordinance may be waived by the Township Planning Commission and the proposal deemed to be a Minor Subdivision, provided that all of the following criteria are met:
 - 1. The proposal does not involve the extension of any public facilities including:
 - a. New streets, access easements or any rights-of-way
 - b. Paving or other improvements
 - c. New or improved water lines, sewer lines or storm drainage
 - d. New or improved public facilities or services
 - B. The proposal would develop more than fifty percent (50%) of the road frontage of the parcel.
 - C. The proposal does not conflict with the Township Comprehensive Plan.
 - D. The proposal does not constitute a subdivision, re-subdivision or development of any lot, tract, parcel, site or other division of land or portion thereof which had received previous approval as a subdivision or land development within five (5) years prior to the submission of the application. If such prior approval has taken place, all applications shall be considered a single application for purposes of classification.

If a subdivision or land development contains not more than six (6) lots, sites or other divisions of land (including residue land), and such subdivision or land development meets criteria as stated above, then the Planning Commission shall have the authority, at their discretion, to classify such subdivision or land development as “Minor.”

Section 306 Exceptions for Replats:

- A. The requirement calling for the submission of a Preliminary Plan may be waived in cases involving only a replat or resubdivision of land (in which case no new lots are created), and where the proposal does not involve the extension of any public facilities including:
1. New streets, access easements or any rights-of-way
 2. Paving or other improvements
 3. New or improved water lines, sewer lines or storm drainage
 4. New or improved public facilities or services

A replat shall meet all other applicable requirements and specifications of this Ordinance.

ARTICLE IV
PLAN REQUIREMENTS

Section 401 Sketch Plan:

- A. Sketch plans should be legibly drawn on an Erie County Tax Map or similar property line map. Sketch plans should include:
1. Proposed development and land uses.
 2. Proposed public improvements.

Section 402 Preliminary Plan:

- A. Scale: The preliminary plan shall be drawn to scale based on the following:

1. If the average size of the proposed lots (not including residue) in the subdivision is five (5) acres or smaller, the plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
2. If the average size of the proposed lots (not including residue) in the subdivision is between five (5) acres and fifty (50) acres, the plan shall be drawn to a scale of one inch equals two hundred feet (1" = 200').
3. If the average size of the proposed lots (not including residue) in the subdivision is over fifty acres, the plan shall be drawn to a scale of one inch equals four hundred feet (1" = 400').

B. Plan Size and Legibility:

1. The subdivision plan submitted for preliminary approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
2. Preliminary plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted with prior approval of the Planning Commission. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

C. Plan Information: The preliminary plan shall show or be accompanied by the following information:

1. Proposed subdivision name or identifying title.
2. North point, scale and date.
3. A title/certificate block, containing the following:
 - a. Name and address of owner of property and acknowledgement of subdivision.
 - b. Name and seal of registered design professional responsible for the plan.
 - c. Certificate of review by the Erie County Department of Planning.

- d. Certificate of review and approval by the Girard Township Planning Commission and Township Board of Supervisors.
4. Tract boundaries with bearings and distances and total acreage being subdivided.
5. Existing zoning districts, Future Land Use Plan category, as stated in the Girard Township Comprehensive Plan.
6. Contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract. Areas of steep slope shall be clearly identified as moderate steep slope (16-25%) and very steep slopes (25%+).
7. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
8. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, tree masses, rock outcropping, caverns, sinkholes and other lake bluffs environmentally sensitive areas.
9. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
10. All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width.
11. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
12. Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
13. The names of owners of all abutting unplotted land and the names of all abutting subdivisions.

14. Where the preliminary plan covers only a part of the developer's entire abutting holdings, a statement on eventual development of those lands, including a sketch of prospective eventual street layout.
 15. Any Agricultural Security Areas, within or abutting the property.
 16. Identify any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance.
 17. A map for the purpose of locating the site to be subdivided at a scale of not more than two thousand (2,000) feet to the inch (e.g., drawn on a 7.5 Minute USGS Quadrangle Map).
- D. The preliminary plan shall include therein or be accompanied by:
1. All required permits and related documentation from the Pennsylvania Department of Environmental Protection (PA DEP) and any other Commonwealth agency, or from the County or Township where any alteration, obstruction or relocation of a stream or watercourse is proposed.
 2. Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
 3. Proposed cross-sections, profiles and details of any new proposed streets, sewer or waterlines, or storm sewer facilities.

Section 403 Final Plan:

A. Plan Size and Legibility:

1. The subdivision plan submitted for final approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
2. Final plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

B. Required Information:

1. The final plan shall include the following:
 - a. Subdivision name or identifying title.
 - b. North point, scale and date.
 - c. Name of the record owner and developer.
2. Name and seal of the registered professional, if any, responsible for the plan.
3. Name and seal of the professional surveyor certifying the accuracy of the plan.
4. Boundaries of the tract, along with the location of boundary monuments and markers, of the area being subdivided with accurate distances to hundredths of a foot and bearings to one quarter of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.
5. Street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
6. The length of all straight lines, radii, lengths of curves, deflection angles, and tangent bearings for each street.
7. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
8. The proposed building setback lines for each lot, or the proposed placement of each building.
9. Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets and culverts.
10. All dimensions shall be shown in feet and in hundredths of a foot.
11. Lot numbers.
12. Names of streets within and adjacent to the subdivision.
13. Permanent reference monuments shall be shown.

14. Names of any adjoining subdivisions shall be shown.
15. Names of the owners of any unplotted land shall be shown.
16. Certificates - The final plan shall include thereon or be accompanied by:
 - a. Certificate of dedication of streets and other public property, if offered for dedication.
 - b. Certificate for approval by the Township Board of Supervisors.
 - c. An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - d. A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the final plan is made with his or their free consent and that it is desired to record the same.
 - e. Certification by the Erie County Department of Health when individual sewage disposal or water systems are to be installed as required by Article V of this Ordinance.
 - f. Certification that the developer has met the design and construction standards of this Ordinance.
 - g. An affidavit from each and every utility that the easements, and proposed improvements provided satisfy the requirements of the respective utility company and that there is both a capacity and willingness to serve the development.
 - h. A bonafide letter from the Erie County Conservation District stating that all requirements of the latest version of the Soil Erosion and Sedimentation Control Regulations have been met by the subdivider.
 - i. An agreement by the developer to provide a list of applicable specified standards and improvements to purchasers, builders or their agents.

17. Any Agricultural Security Areas, within or abutting the property. A statement shall appear on the final plan stated that, “This property is in (or abuts) an Agricultural Security Area. The owner acknowledges that farming is by right in these areas and that the property may be subject to the dust, pesticides, herbicides, odors, noises, and other impacts which are a part of normal farming practices.”

C. The final plan shall include therein or be accompanied by:

1. Construction plans including, but not limited to, typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; proposed finished centerline grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlet, manholes and culverts
2. Protective covenants, if any, in form for recording.
3. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Erie County Department of Health relating to sewage facilities, water obstructions, air quality, etc., as applicable.

ARTICLE V

DESIGN AND CONSTRUCTION STANDARDS

All subdivisions and land developments shall comply with the standards of this Article. In addition to these, the Township may require evidence of compliance with all other municipal, county, state or federal laws or regulations, including, but not limited to, the Girard Township Zoning Ordinance, Floodplain Management Ordinance and Stormwater Management Ordinance.

Section 501 Natural Features, Floodplains and Lake Bluffs:

- A. Existing natural features, such as trees, steep slopes and watercourses, and historic places shall be preserved as a conservation measure, except to the

extent that their removal or modification is functionally related to the harmonious design of the subdivision.

- B. Land subject to flooding by stream or water action and land deemed by the Board of Supervisors or other official authority to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may involve danger to health, life or property or aggravate the flood hazard, and such land within that area of the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.
- C. In addition to the requirements of this chapter, all land subject to flooding shall comply with the regulations of the Girard Township Floodplain Ordinance before a subdivision plat may be approved by the Board of Supervisors.
- D. In addition to the requirements of this chapter, all land within the Lake Erie bluff recession hazard area shall comply with the regulations of the Girard Township Bluff Setback Ordinance before a subdivision plat may be approved by the Board of Supervisors.

Section 502 Lots and Blocks:

Residential Lot, and Yard Requirements: The Girard Township Zoning Ordinance shall be the principal determinant of lot and yard sizes. However, additional standards may be required under this Article dependent upon the number of lots and density of a new subdivision. The Township may also require a reduction in density in order to accommodate necessary stormwater management facilities, or to prevent development from overtaxing water resources or causing innate hazards to public health safety and welfare.

- A. Lot Averaging: In subdivisions of ten (10) lots or more (excluding original or residual tract), lots below the minimum standard may be allowed provided.

No lot is less than twenty-five percent (25%) below the minimum.

No more than ten (10) percent of total lots are less than stated minimums.

The average of all newly created lots equals the stated minimum.

- B. Blocks: Blocks shall be not less than six hundred (600) feet in length. In the design of blocks larger than one thousand feet (1,000), special consideration shall be given to the requirements of satisfactory fire

protection. Mid-block pedestrian access shall also be considered whenever the density of development in the block exceeds one (1) dwelling or lot per acre.

All lots shall front on a proposed or existing public street, meeting the requirements of this Ordinance.

- C. Flag Lots: Flag lots are permitted in limited cases where deemed necessary. The Township may restrict the number or ratio of flag lots within any subdivision, which would access an arterial or collector road as designated by the Girard Township Comprehensive Plan. No flag lot shall be more than twice the applicable minimum lot size, unless accompanied by a deed restriction, which would preclude further subdivisions. The access portion of the flag shall be a minimum of fifty (50) feet in width.

- D. Depth-to-Width Ratio: The depth-to-width ration shall not exceed 4:1.

- E. Lot Grading:
 - 1. Every lot shall have a building site free of hazards. Said building site shall not exceed a slope of fifteen (15) percent. Lots shall be graded, if necessary, to provide a building site free of environmental hazards and to provide proper drainage away from buildings and to prevent the collection of stormwater in pools.

 - 2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be covered with sod, planted or lined as required.

 - 3. A Grading and Drainage Plan may be required for subdivisions and land developments involving environmentally sensitive areas.

 - 4. No final grading, fill, or cut shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 - a. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and

experienced in erosion control, to that effect is submitted to the Girard Township Engineer and approved by same. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

- b. A concrete or stone masonry wall with an up-slope drainage system constructed according to sound engineering standards for which plans are submitted to the Girard Township Engineer for review and written approval is provided.
5. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, or right-of-way lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height, located at the top of the slope, shall be protected by a protective fence no less than three (3) feet in height approved by the Girard Township Engineer.

Section 503 Monuments and Markers:

The developer shall place permanent reference monuments or markers in all subdivisions. Monuments or markers removed during construction or grading shall be replaced at the expense of the party removing them. Replacement shall be done by a registered surveyor. A wood monument marker approximately three (3) feet high should be placed at property corners to facilitate County addressing and tax mapping.

- A. Monuments: Monuments may be of pre-cast or site poured concrete or magnetic bars of at least one-half (1/2) inch diameter set into concrete. In either case, monuments shall be set a minimum of thirty-six (36) inches deep and have the top level with finished grade. Monuments shall be scored or marked to indicate the exact crossing of intersecting lines. Monuments shall be placed at all exterior corners of subdivisions except in the case of a minor subdivision.
- B. Markers: Markers shall consist of magnetic metal pipes or bars at least twenty-four (24) inches in length and set to finished grade. Markers shall be set in all new lot corners.

Section 504 Easements:

- A. Easements with a minimum of twenty (20) feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, utility easements shall be centered or adjacent to rear or side lot lines.
- C. To the fullest extent possible, utility lines shall be centered within the easements.
- 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 fifteen (15) feet minimum width in order to preserve natural drainage.
- E. There shall be no building or other permanent improvement located within an easement.
- F. Easements for the protection of natural features, floodplains, and lake bluffs shall be provided in conformance with Section 501 as necessary.

Section 505 Sewer Systems:

All subdivisions or land developments shall show evidence of an adequate sewer system to serve the needs of the proposed development.

- A. On-Lot Sewage and Water Supply:

1. A DEP Sewage Planning Module or appropriate waiver shall be submitted with the Preliminary Plan. The Township shall request the Sewage Enforcement Officer (or the local agency for enforcement of Pennsylvania Sewage Facilities Act) to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. The Township shall review the findings of DEP and of any other competent registered professional engineer or authority on this matter, and shall make a final determination on the adequacy of the proposed facility. In cases where subdivision involves addition of land to an existing lot(s) or new lots without intentions for future building or expansion of residential living quarters (dwelling), a DEP Sewage Planning Module is not necessary, provided a waiver is submitted.
2. Where evidence indicates that the minimum lot size requirements specified in other sections of these Regulations or in any applicable zoning ordinance are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal facilities, the Township shall require that the developer request the local sewage enforcement agency to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. In all such cases, a certificate by the appropriate official of the local sewage enforcement agency indicating that the proposed facilities or DEP sewage planning module are adequate shall be a pre-requisite to final approval of the plan.

B. Community Sewer Systems:

1. All proposals for new community or public sewer systems shall be approved by the existing operating authority or agency. Proposals for new community sewer systems will be considered where they are consistent with the County comprehensive plan or any adopted Township comprehensive plan or Act 537 Plan. Evidence of the ability and willingness of the provider to serve shall be presented.
2. For areas within designated future public or community sewer service areas, subdivisions and land developments shall be required to connect to an existing public or community sewer system if public service is available within the following distances.

<u>Size of Development or EDUs</u>	<u>Distance</u>
2-4 Units	200 Feet
5-15 Units	500 Feet
15+ Units	1,000 Feet

3. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve.
 - b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area if the service area lies at the higher elevation.
 - c. Intervening environmental conditions, which would preclude service including Agricultural Security Areas.
 - d. Inconsistency of the development with the Girard Township Comprehensive Plan.

4. Capped Sewers: Where the Township has an adopted comprehensive plan or Act 537 Plan for the extension of an existing public sanitary sewer system or construction of a new public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.

5. Location of Sewer Lines: Whenever sanitary sewers are provided they shall be located as nearly to the centerline of any street right-of-way as is reasonably possible, and all such sewer lines shall provide service connections to the property line of each and every lot, said service connections being properly capped.

6. Type of Sewer System:
 - a. All sewer systems shall be constructed according to the requirements of the Pennsylvania Department of Environmental Protection.
 - b. No combined sanitary and storm sewer systems will be permitted.

Section 506 Water Systems:

All subdivisions and land developments shall show evidence of adequate water systems to serve the needs of the proposed development.

A. On-Lot Water Systems: For major subdivisions and major land developments, a hydrologic study may be required to show adequate uncontaminated subsurface water resources. If there are areas within a one half (1/2) mile radius of the proposed subdivision with documented water problems, or presence of known sources of contamination or documentation of water problem areas in a local comprehensive plan or water supply plan, such studies shall be required. The developer shall base the density and intensity of development upon the safe yield of water available compared to the proposed water usage.

B. Community Water Systems:

1. All proposals for new community or public water systems shall be approved by the existing operating authority or agency. Evidence of the ability and willingness of the provider to serve shall be presented.
2. For areas within designated future public or community water service areas, subdivisions and land developments shall be required to connect to an existing public or community water system if public service is available within the following distances:

<u>Size of Development or EDUs</u>	<u>Distance</u>
2-4 Units	200 Feet
5-15 Units	500 Feet
15+ Units	1,000 Feet

3. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve.
 - b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area if the service area lies at the lower elevation.

- c. Intervening environmental conditions, which would preclude service including Agricultural Security Areas.
 - d. Inconsistency of the development with the Township or County Land Use Plan.
- C. Design Standards for Public Water Systems: Public water systems shall meet the design criteria set forth by the applicable provider. However, in no case shall fire hydrants be placed further than one thousand (1,000) feet from any lot.
 - 1. Capped Water Lines: Where the Township has an adopted comprehensive plan or public water supply plan for the extension of an existing public water system or construction of a new public water system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, capped water lines shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.
 - 2. Location of Water Lines: Whenever water lines are provided they shall be located as nearly to the centerline of an area between the street, cartway and edge of the right-of-way as is reasonably possible, and all such lines shall provide service connections to the property line of each and every lot, said service connections being properly capped.

Section 507 Design Standards for Streets:

All new streets shall meet the following standards:

- A. Private driveways shall be permitted if they serve no more than two (2) lots and accompanied by a deed covenant agreement to prevent further subdivision.
- B. Streets for subdivisions serving more than two (2) lots must be offered for dedication for public ownership and maintenance. The Township reserves the right to decline acceptance of the dedication.

Construction standards must be compliant with municipal specifications adopted by resolution and available from the Subdivision Administrator.

507.1 Street Right-of-Way and Cartway Widths: Street standards shall be based upon the anticipated Average Daily Traffic (ADT), pursuant to standards developed by the Institute of Transportation Engineers (ITE) General Standards are as follows:

Type of Development	Anticipated ADT/unit
Single-Family Residential	10 per lot
Multiple-Family Residential	8 per lot
General Office Commercial	24 per 1,000 square feet of gross floor area
Shopping/Retail	83 per 1,000 square feet of gross floor area
Restaurants with Drive- Through Lanes	685 per 1,000 square feet of gross floor area
Other Restaurants	97 per 1,000 square feet of gross floor area
Convenience Stores Gasoline Service Stations	756 per 1,000 square feet of gross floor area
General Industrial	7 per 1,000 square feet of gross floor area
General Institutional	79 per 1,000 square feet of gross floor area

The developer may submit additional trip generation data for more specific developments. Street standards shall be based on the following ADT counts.

Street Type	Daily Traffic Volume (ADT)
Local Lane	0-100
Local Road	0-1,000
Collector	1,000+

507.2 Local lanes shall only be permitted where re-subdivision or future development will not result in additional ADT. The right-of-way width shall be at least fifty (50) feet, and the cartway width shall be at least eighteen (18) feet. If curbing is planned, Local Road standards shall be used.

507.3 Local roads shall have a right-of-way width of at least fifty (50) feet, and a minimum cartway width of at least twenty (20) feet without curbs, and twenty two (22) feet with curbs.

507.3 Collector roads shall have at least fifty (50) feet of right-of-way width, twenty-four (24) feet of cartway width without curbs, and twenty-eight (28) feet of cartway width with curbing.

507.4 For development anticipated to generate significant ADT (more than 5,000 ADT) additional right-of-way or cartway width may be required, including right-of-way for marginal access roads or at least forty (40) feet in width.

Street width shall be increased to twenty-eight (28) feet where on-street parking is planned.

507.5 Arterial and Collector Streets: The above right-of-way and cartway width and paving and design standards shall be increased where recommended by the Township Engineer and approved by the Supervisors. All streets that are State highways shall conform to the applicable requirements of the Pennsylvania Department of Transportation.

507.6 General Design: Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and they shall further conform to such County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

Continuity: The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Township deems such extension undesirable for specific reasons of topography or design.

Horizontal Curve: The maximum horizontal curve shall have a centerline radius of one hundred fifty (150) feet on a local street and three hundred (300) feet on a collector or arterial street.

Vertical Curve: Vertical curves shall be required at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.

Minimum Tangent: Whenever street lines are deflected in excess of one (1) degree, connection shall be made by horizontal curves, and a minimum tangent length of fifty (50) feet shall be required between reverse horizontal curves.

Topography: Streets shall be logically related to the topography to produce usable lots and reasonable grades.

Adjacent Access: Proposed streets shall be extended to provide access to adjoining property where necessary.

Sufficiency of Right-Of-Way Width: Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit re-subdivision, or if a portion of the tract is not subdivided.

Half Streets: Partial streets or alleys are permitted as secondary access, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street or alley can be secured. 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.

Dead-End Streets: Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs to serve residential areas. Cul-de-sacs shall only be permitted where there is no reasonable means of connecting the end of the street as designed to another existing or planned street, or where the original parcel's configuration presents no other alternative. Otherwise, all subdivisions or land developments shall have at least two means of ingress and egress in the interest of public safety, sensible traffic flow and service/maintenance vehicle access. A snow storage easement of fifteen (15) feet in width shall be left in fully paved cul-de-sacs as a continuation of the street centerline. The Township may authorize alternative turning arrangements for dead-end roads providing it is shown the alternatives can accommodate equally safe and convenient turning movements and excess snow storage. However, no fully paved cul-de-sac shall have a radius of less than fifty (50) feet cartway area. If a snow easement or native vegetation is left in an unpaved center, the radius shall be increased to ninety (90) feet. Under no circumstances shall any dead end street serve more than a total of twenty-four (24) lots, or exceed one thousand (1,000) feet. The Township may require deed restrictions to prevent further subdivision in dead end streets with lots more than twice the applicable minimum lot size.

Reserve Strips: New reserve strips, including those controlling access to streets, shall be avoided.

Street Intersections:

Acute Angle Intersections: Streets shall be laid out to intersect as nearly as possible at right angles. No streets shall intersect another at an angle of less than sixty (60) degrees. No street shall intersect with an existing road or street at less than a right angle.

Multiple Intersections: Multiple intersections involving junction of more than two (2) streets shall be prohibited.

Sight Triangle: Clear sight triangles of thirty (30) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.

Off-Set Intersections: Intersections with Arterial streets (as defined by the Girard Township Comprehensive Plan) shall be located at least eight hundred (800) feet apart, measured from centerline to centerline. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum off-set of one hundred fifty (150) feet between their center lines.

Curb Radii: Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets, or such greater radius as is suited to the specific intersection. Where proposed roads intersect state highways, the minimum radius shall be forty (40) feet.

Minimum right-of-way radii at street intersections shall be twenty-five (25) feet for all intersections.

Where the grade or any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

Maximum Grade: Maximum grade of streets shall be consistent with the following standards:

Local Streets – 8%

Collector Streets – 6%

Arterial Streets – 4%

Uses Fronting on Major Arterial Streets:

1. Service Streets: Where a subdivision fronts or abuts an existing arterial street, as defined in the Township Comprehensive Plan or this Ordinance, the Township may require any of the following measures:
 - a. A service street approximately parallel to the major arterial street at a distance suitable for the appropriate use of the intervening land.
 - b. Marginal access street, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major arterial street, and separation of local and through-traffic.
 - c. An interconnection of Parking lots.
2. Controlled Access: Entrances and exits to non- residential subdivisions or land developments shall be designed so as not to interfere with through-traffic in general, entrance and exit points shall not be located closer than five hundred (500) feet to one another.
3. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with Table 507 will be required.

Paving and Construction Standards:

Paving and construction standards shall be consistent with Girard Township street standards, adopted by resolution.

Section 508 Additional Street Standards for Land Developments or Subdivisions Which Would Have a Direct Vehicular Access to Route 20:

- 508.1.1 These additional street standards are established to implement the Girard Township Comprehensive Plan by assuring that Route 20 can accommodate traffic smoothly and efficiently.

508.2 Minimum front yard setback for all buildings and parking areas from principal road right-of-way shall be sixty (60) feet unless specifically excepted by specific setback exceptions.

508.3 Setback Exceptions: The following uses may be exception from setback requirements if they meet acceptable performance standards:

Use	Standard
Agriculture	The Agriculture use includes no permanent building or structure affixed permanently, except for fences, or stands for the sales of produce, which may encroach to 25 feet of right-of-way.
Fencing	10 feet of front yard setback from right-of-way.
Parking Lots	Subject to 508.5.

508.4 Access Roads, Driveways and Local Streets: All lots are limited to one (1) access point or connection to Route 20. Additional access points shall only be permitted where the developer can present a traffic study illustrating how the additional access point meets PennDOT requirements or will objectively be shown to improve traffic flow and safety. All new access roads, driveways or local streets must conform to the performance standards of this Article.

- A. Where access roads, driveways and new local streets access a principal road that has another public road, street or parking area for more than ten (10) vehicles on the opposite side of said principal road, the point of access shall be coordinated to directly coincide with the pre-existing access point.
- B. New access roads, driveways or local streets shall meet Route 20 at right angles.
- C. New access roads, driveways and new local streets shall provide turn lanes based upon anticipated average daily traffic (ADT).

ADT	Turn Lanes Required
Less than 100 Vehicles	None required
100 to 500 Vehicles	One turn, one based upon principal anticipated flow direction
500+ Vehicles	Turn lanes as warranted by Township Engineer

- D. Connection Spacing: New access roads, driveways and new local streets shall maximize distance from all previous connections on the same side of a principal road.
- E. Corner Clearance: New corner lots created after the effective date of this Ordinance shall provide minimum frontage for the district in which the lot is located on both streets in which the lot fronts. Access drives shall be placed to maintain maximum distance from the intersection. No access drive shall be nearer than one hundred (100) feet from an intersection, and shall be placed on the road with the lowest traffic count.

508.5 Parking Lots: Parking lots or parking areas subject to the following standards:

- A. Parking lots may maintain a front yard setback of thirty-five (35) feet from the principal road right-of-way, provided:
 - 1. A continuous service drive or cross-access corridor right-of-way shall be reserved.
 - 2. An agreement is presented allowing neighboring properties to utilize this cross access or service drive to access principal roads.
 - 3. If abutting properties are developed, present a plan for shared access with such properties.
 - 4. The number of required parking spaces may be reduced by fifteen percent (15%) if shared pedestrian access between abutting developments is provided.
 - 5. Parking lots or parking areas designed for greater than fifty (50) vehicles or of a surface greater than forty thousand (40,000) square feet shall maintain a minimum of eight (8%) percent of interior surface area in permeable surfaces to minimize stormwater runoff. Permeable surfaces shall be suitably landscaped to prevent erosion and sedimentation.
 - 6. Parking lot frontage shall be curbed or utilize a landscaped buffer at least five (5) feet in width to prevent access to

principal roads by any means other than designated access points.

Section 509 Sidewalks and Curbs:

Sidewalks are required whenever, any subdivision is physically and legally capable of connecting to pre-existing sidewalks within a three hundred (300) feet circumference, including any in Girard Borough or Lake City Borough or within six hundred (600) feet of a public school, and the average lot width of the subdivision is less than 150 feet.

- A. Sidewalks: The developer shall submit plans, profiles, cross-sections and details for curbs and sidewalks to Girard Township. The developer shall not initiate construction until such plans have been approved by Girard Township and the Girard Township Engineer, including any revisions required by Girard Township and the Girard Township Engineer. Construction of curbs and sidewalks shall be in accordance with plans that have been approved by Girard Township or any bordering jurisdiction.

- B. Street Trees:
 - 1. The coordinated planting of deciduous street trees is required on both sides of the street in all subdivisions where sidewalks are required.
 - 2. Street trees shall be planted within a strip of at least five (5) feet in width between the cartway edge (or curb) and sidewalk.
 - 3. Such trees shall be at least 2” to 2.5” in diameter, measured at chest height, when planted, and shall be spaced at intervals not greater than thirty (30) feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
 - 4. Street tree species shall be selected according to the following criteria:
 - a. Cast moderate shade to dense shade in summer;
 - b. Long-lived (over 60 years);
 - c. Mature height of at least fifty (50) feet;
 - d. Be tolerant of pollution and direct or reflected heat;

- e. Require little maintenance, by being mechanically strong (not brittle) and insect- and disease-resistant;
- f. Be able to survive two (2) years with no irrigation after establishment.

C. Curbs:

- 1. Curbs shall also be required when sidewalks are required
- 2. Curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depressions shall be in line with sidewalks where provided. In accordance with Federal Americans with Disabilities Act regulations.
- 3. All curbs shall be of a mountable or “Cape Cod-berm” type.

Section 510 Utilities:

Gas, electric, telephone and cable utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by Girard Township. All buried utilities must be installed prior to the road subbase construction. All buried utilities located within the roadway must be backfilled with the same material and compaction requirements as specified for storm or sanitary sewer backfill within roadways.

Section 511 Stormwater Management Facilities/Erosion Control:

Every subdivision and land development shall provide proper measures to control soil erosion and sedimentation. A copy of a Soil Erosion and Sedimentation Control Plan shall be submitted with all major subdivision plans. Every subdivision and land development shall meet all applicable standards of Chapter 100 of the Girard Township Code (stormwater management).

Section 512 Street Naming and Addressing:

Street names shall be proposed for each new street. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Erie County Department of Planning the Erie County Emergency Management Agency, and shall comply with all Erie County street naming and addressing ordinances and policy.

Section 513 Signs:

The developer shall install traffic control and street signs in conformance with this Section.

- A. Design and placement of traffic signs shall follow the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U. S. Department of Transportation.
- B. Street name signs shall be placed at each intersection. The design of street name signs should be consistent, of a style appropriate to the Township, of a uniform size and color, and erected in accordance with municipal standards.
- C. Parking regulation signs shall be placed along roadways within the right-of-way in areas that restrict parking.
- D. Site information signs in residential developments shall follow a design theme related and complementary to other elements of the overall site design.

ARTICLE VI
LAND DEVELOPMENT STANDARDS

Section 601 Jurisdiction:

- A. Jurisdiction: Developments classified as land developments under the Pennsylvania Municipalities Planning Code and are subject to regulation under this Ordinance. The design and construction standards in this Ordinance are applicable to land development, as such standards are appropriate. Land developments must meet all applicable standards for subdivisions contained within this Ordinance. Specific land development types are covered in subsequent articles.

Section 602 Procedures for All Land Developments:

- A. In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Site Plan, and Final Site Plan stages. Unless stated otherwise in standards for particular land developments, the land development shall be processed, and submission requirements shall be the same as that required for a major subdivision. In the event that subdivision and land development activities are concurrent, and the proposed Plan can meet all applicable standards, a combined Subdivision and Land Development Plan may be submitted.
- B. Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of Land Development Site Plans shall be the same as for a major subdivision, and the Final Site Plan shall be recorded in the Erie County Recorder's Office in accordance with Section 204(D) of this Ordinance.
- C. Exception for Minor Land Development: The Planning Commission may combine the preliminary and final plans for a land development if it meets all of the following:
1. It meets applicable standards for a minor subdivision.
 2. It does not involve a development earth disturbance of more than five (5) acres.
 3. It does not involve a building of greater than twenty thousand (20,000) square feet gross floor area or in excess of two (2) stories in height.

4. It does not meet the definition of a Mobile Home Park.

Section 603 Final Plan Review:

- A. In addition to other final plan requirements for a major subdivision, the following items shall be included for final plan review for all land developments, as applicable:
 1. Site plans, as required in this Article, engineering plans detailing the construction of all required improvements, and plans, other data information establishing compliance with the design standards of this Article.
 2. In case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required.

Section 604 Site Plan:

The developer shall submit a site plan in conformance with this Article. For land developments of a total development area of less than fifteen thousand (15,000) square feet, the site plan shall be prepared at a scale of one (1) inch equals fifty (50) feet. Where the total development area is less than five (5) acres, the site plan shall be prepared at a scale of one (1) inch equals one hundred (100) feet. Where the total development area is greater than five (5) acres, the site plan shall be prepared at a scale of one (1) inch equals two hundred (200) feet. Where it is planned that building and parking lot development will cover an area in excess of fifty thousand (50,000) square feet, combined topographic data at two (2) foot contour intervals shall be required. In addition to the other requirements for Preliminary and Final Subdivision and Land Development Plans set forth, as applicable, each land development site plan shall, through one (1) or more pages, show:

- A. Existing site conditions (topography, as needed, drainage, tree clusters, buildings, utility, streets, and nearby properties).
- B. Proposed developments, parking, vehicular and pedestrian access areas, storm drainage, landscaping, utility location and size.

- C. Architectural plans and building elevations, while not required, are strongly encouraged as a part of plan submissions.

Section 605 Design Standards:

Land developments shall meet the following design requirements. It is recognized by Girard Township that the design process should be somewhat flexible, pursuant to Section 503.2(5) of the Pennsylvania Municipalities Planning Code. Unless stated otherwise in Land Development Regulations, for specific types of land development, the following standards shall be met:

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic.
- B. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management devices.
- C. The development plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and special siting of buildings.
- D. Streets in commercial, industrial, and multi-family residential land developments may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Private streets shall meet Township standards regarding sub-grade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.
- E. Service and waste storage and disposal areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- F. Building locations and areas and roadways and driveways shall be sufficient for reasonably anticipated vehicular traffic, use and circulation.
- G. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard

parking capacity measurements, including number of spaces per anticipated development type. Parking standards shall be tied to the intensity, size, and specific use of the proposed land development. The number of off-street parking spaces required in the Township Zoning Ordinance shall represent a minimum standard. Additional spaces may be required if warranted by the potential for changes in development type, traffic studies, or other objective information. Where more than one (1) use is proposed for a land development, parking regulations for each use must be met, unless it can be shown that peak times will differ.

- H. Stormwater Control: Land developments with lot coverage of greater than twenty thousand (20,000) square feet shall meet the following standard for stormwater management:
1. Minimum planting strips of fifteen (15) feet between the buildings, parking lot and all lot lines, and all parking areas streets and service drives to be planted with one (1) hardwood or coniferous tree per each four (4) or forty (40) lineal feet of boundary. Trees that die shall be replaced annually. At time of planting, trees shall be a minimum of six (6) feet in height and of species recognized as hardy for urban use. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, annual plants or similar pervious dust- and mud-free material. Curbing may be designed to promote the flow of runoff into planted areas, provided that long-term standing water will not be the result. These standards may be combined with Section 607 along with the development perimeter.
- I. For multi-building land developments, a complete landscaping plan shall be submitted that includes the site in addition to any required landscaped transition to adjoining properties or stormwater and screening plantings. Landscape treatment shall be provided to enhance architectural features, manage stormwater runoff, strengthen vistas and important axis, or provide shade.
- J. For multi-building land developments, a complete pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Traffic Engineers.

- K. Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Generally, lighting shall be designed to minimize glare to adjoining properties, especially residential areas.
- L. Water and sanitary sewer service shall be provided by the respective water and sewer providers in accordance with local standards and requirements.
- M. Gas, electric, telephone and cable utilities shall be located in land developments in accordance with utility company standards and requirements. All such utilities shall be underground.
- N. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by the Department.
- O. All land developments shall submit a safety Plan, showing access for emergency vehicles, fire lands, and fire suppression systems. The Planning Commission may seek the counsel of fire department or other safety personnel in reviewing these plans.

Section 606 Assurance for Completion and Maintenance of Improvements:

- A. Acceptance of Improvements: Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as streets, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer, there is no need for municipal acceptance of the site improvements. However, in these instances, streets and stormwater drainage shall be designed and built to the standards established in this Ordinance, and the Township shall ascertain that these improvements are, in fact, built to such standards.
- B. Maintenance of Improvements: Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. Any proposed improvement to be offered for public declaration will follow the requirements as specified by these regulations. Among other remedies to enforce this section, the Township may refuse to issue building permits.

Section 607 Commercial and Industrial Subdivision or Land Development Design Standards:

- A. Application: All commercial and industrial subdivisions or Land Developments shall conform with the provisions of this Section.

- B. Street System:
 - 1. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
 - 2. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.

- C. Utilities:
 - 1. Where possible, commercial and industrial subdivisions should be located close to public utilities. In any case, subdivisions should be provided with such utilities as are necessary to maintain adequate health standards, and to dispose of commercial and industrial wastes.

- D. Off-street parking areas shall maintain a planting strip of at least five (5) feet between all lot lines and the parking lot. Such planting strip shall be suitably landscaped and maintained. At a minimum, such a planting shall consist of one (1) hardwood or coniferous tree per each four (4) parking spaces, or any combination thereof. The balance of the planting strip may be maintained in annual plants, shrubbery or perennial grasses or similar pervious, mud and dust-free material. Parking lots of more than twenty thousand (20,000) square feet of impervious surface shall devote an additional eight percent (8%) of total surface area to interior planting strips.

- E. Parking areas in excess of twenty thousand (20,000) square feet shall maintain easements to connect to existing or potential future lots on all sides which do not abut a public street. Such easements shall be at least twenty-five (25) feet in width.

Section 608 Multi-Family Dwellings:

- A. Application: This section shall apply to the placement of multiple dwelling units on a single lot, whether in a single building or multiple buildings.

- B. Exception: As authorized by the Pennsylvania Municipalities Planning Code, the conversion of an existing single-family, detached dwelling into not more than three (3) residential units (unless such units are intended to be a condominium) shall be exempt from the requirements of this Article. The placement of two (2) or more mobile homes on one (1) lot shall be regulated by Article VII of this Ordinance.
- C. Minor Land Development: For the purpose of this Article, a multi-family dwelling development involving not more than three (3) dwelling units shall be considered a minor land development. Four (4) or more dwelling units shall be considered a major land development.
- D. Density: All multiple-family dwelling land developments shall comply with all standards the Girard Township Zoning Ordinance.

ARTICLE VII
MOBILE HOME PARK DEVELOPMENT

Section 701 Applicability

No person, firm or corporation proposing to open, re-arrange or expand a mobile home park in Girard Township, shall proceed with any construction work on the proposed park until they have obtained from the Township written approval of the Final Plan of the proposed park, according to procedures herein outlined.

- 701.1 Permits. It shall be unlawful for any person to construct, remodel, alter, operate or extend any mobile home park within the limits of Girard Township unless he holds a valid permit issued by the Township of Girard. Any person expanding his mobile home park by one (1) or more lots shall make re-application for a permit to operate such facility in the manner prescribed by this Ordinance.

Section 702 Plan Requirements:

- A. Preliminary and Final Plans as required, shall comply in form and content to Articles of these regulations applicable to major subdivisions insofar as transferable and shall be in accordance with the standards set forth herein.
- B. Other regulations of the Township, including, but not limited to, those found in Article V may also be required.

Section 703 Preliminary Plan:

- A. Pre-Application Procedure - The mobile home park developer should meet with the Township, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Township shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.
- B. Application - The developer shall then prepare and submit a complete Preliminary Plan, together with improvement plans and other supplementary material, as required for major subdivisions.
- C. Upon receipt of a preliminary plan and permit application for a mobile home park, the Girard Township Planning Commission shall determine compliance with the provisions of this Ordinance and shall render a recommendation for approval or denial of said Preliminary Plan, per the provisions of this Ordinance.

Section 704 Final Plan Approval:

- A. Upon completion of any conditions required by the Township Planning Commission and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply to the Board of Township Supervisors for approval of the Final Plan. Until the Final Plan for the mobile home park is approved and recorded and until all necessary improvements are completed for the mobile home park, the placement and habitation of individual mobile homes shall not be permitted.
- B. The Township Supervisors shall review the Final Plan for conformance with the approved Preliminary Plans and all requirements of these rules and regulations. Where required, an appropriate bond must be posted or required improvements have been installed, according to specifications.
- C. Filing - Following approval, the developer shall file three (3) copies of the approved plan with the Erie County Recorder of Deeds within ninety (90) days. Should the developer fail to file such plans within said period, the approval shall be null and void.
- D. Upon being furnished a copy of the permit issued by the Pennsylvania Department of Environmental Protection to the applicant, and upon approval by the Girard Township Planning Commission of the Final Plans for the mobile home submitted by the applicant in compliance with this

Ordinance, Girard Township shall issue a mobile home park permit to the owner of the park which shall be valid for a period of one (1) year.

Section 705 Existing Mobile Home Parks:

The standards and procedures prescribed herein shall be applicable only to those mobile home parks which are constructed, remodeled, altered or expanded after the effective date of this Ordinance.

Section 706 Design Requirements and Standards for Mobile Home Park Development:

- A. Minimum Area of Tract or Park - The minimum area of the tract or park shall be ten (10) acres. The site shall be so located that soil conditions, ground-water level, drainage and topography shall not create hazards or nuisance to the property, health or safety of the occupants or adjacent property owners.
1. Erosion and Sediment Control: The provisions of this Ordinance shall be applicable to all mobile home park development.
 2. Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
 3. Park Areas for Non-Residential Uses: No part of any mobile home park shall be used for non-residential purposes, except when so designated on the Plan as uses required for the direct servicing and well being of park residents, for the management and maintenance of the park, and/or commercial activities related to the park development.

Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

- B. Individual Lots: The planning and location of individual lots shall be guided by the following requirements:
1. Access: Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
 2. Size: Each mobile home lot shall have a minimum lot width of eighty (80) feet, and a depth of one hundred twenty-five (125) feet.

However, all mobile home parks shall maintain an overall density of one (1) mobile home per each fifteen thousand (15,000) square feet in area (exclusive of required buffers, required recreation areas, streets, sidewalks and common areas).

3. Mobile Home Spacing Requirements:

- a. Mobile homes shall be parked on each lot so that there will be a minimum of thirty (30) feet between the mobile home, appurtenant structures, and any other mobile home.
- b. There shall be a minimum of twenty (20) feet between an individual mobile home, attached structure, and accessory structure, and the pavement of a park street or common parking area.
- c. The setback from the right-of-way of any public road or highway shall be consistent with the Township Zoning Ordinance.
- d. Mobile homes shall be located a minimum of forty (40) feet from any common office building or similar structure.
- e. Each mobile home lot shall be so platted to permit a minimum of fifty (50) feet between parallel ends of adjacent mobile homes.

C. Park Street System

1. A safe and convenient vehicular access shall be provided from abutting public streets and roads to each mobile home lot.
2. The entrance road, or area connecting the park with a public street or road shall have a minimum pavement width of twenty-eight (28) feet.
3. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the requirements of this Ordinance.
4. Street Construction Standards: All streets shall be constructed and surfaced in accordance with Township specifications applicable to streets in conventional residential developments, and approved by the Township Engineer. In particular, all regulations regarding dead-

end streets shall be applied to mobile home park streets. All roads shall be maintained in a dust-free condition.

5. Curbs and gutters shall be installed in compliance with of this Ordinance.
6. Street Maintenance: All streets, roads and ways shall be maintained by the mobile home park owner, unless by ordinance or written agreement the Township agrees to maintain the park streets, roads or ways.

D. Off-Street Parking Areas: Off-street parking areas with dust-free stabilized surfaces shall be provided in all mobile home parks for the use of park occupants and guests. Required car parking spaces shall be located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that is intended to be served and shall consist of two (2) off-street parking spaces for each mobile home. Two (2) parking spaces shall be provided for each mobile home.

E. Sidewalks:

1. All parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents, meeting the minimum standards in this Ordinance and related specifications.
2. All mobile home lots shall be connected to common walks, or to streets or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

F. Mobile Home Stands:

1. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of the mobile home is practical.
2. The stand where the house is placed shall be at least sixteen (16) feet by eighty (80) feet to accommodate modern units.
3. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided. Water shall

be directed away from the mobile home stand. In no event shall the stand be designed to allow the pooling of water under mobile homes.

4. All mobile homes shall be set on a suitable foundation extending below the frost line to provide a stable foundation to withstand the dead and live loads from the mobile home.
 5. Each mobile home foundation shall be designed to provide anchorage against overturning and sliding forces that result from winds as shown on the Wind Pressure Map in American Standards Association, Standards A58.1 - 1995.
 6. There shall be a concrete patio area provided for each stand, not less than ten (10) feet wide and twenty (20) feet long located convenient to the main-entry door to the mobile home.
- G. Recreation Areas: Not less than ten percent (10%) of the gross site area shall be devoted to recreational facilities for both passive and active recreation. Recreation areas may include space for and community use facilities such as playgrounds recreation areas, or swimming pools.. Sites selected or reserved for such uses shall be appropriate topography, location and dimensions which in the judgment of the Township lend themselves to recreational uses. All recreation areas shall be centrally located, accessible from every mobile home lot, and usable for their stated purpose.
1. The construction, modification, maintenance and operation of any bathing place (swimming pool) in a mobile home park shall be subject to the provisions of the regulations of the Pennsylvania Department of Environmental Protection.
- H. Conservation Buffer: A buffer yard shall be installed and maintained to minimize the environmental impact of this more dense and intense form of development upon surrounding properties. The buffer yard shall surround the entire park, except for necessary curb cuts to streets. Due to the increased density standards, plantings are necessary to provide a windbreak and lessen of the intensity of stormwater flows.

Section 707 Utility Requirements:

- A. General: In accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, provisions for all sewerage collection and disposal and the distribution and treatment of the water supply and such other information required by the Department of Environmental Protection shall be shown on plans and submitted to and approved by the Department of Environmental Protection. If a proposed

park is within five hundred (500) feet of an existing community sewer system or public water system, it will be required to connect to same. All design standards and specifications of this Ordinance will be followed for mobile home parks.

B. Water Supply:

1. An adequate, safe and potable supply of water shall be provided for mobile homes, service buildings and other accessory facilities as required by this Ordinance. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water system is not available, the development of the private water supply system shall be approved by the Pennsylvania Department of Environmental Protection.
2.
 - a. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobile home.
 - b. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
 - c. No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
 - d. Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.
3. All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.
4.
 - a. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local requirements.

- b. The water piping system shall not be connected with non-potable water or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
 - c. The system shall be so designed and maintained so as to provide a pressure of not less than twenty (20) pounds per square inch under normal operating conditions at each mobile home lot, at service buildings and other locations requiring potable water supply.
- 5.
- a. Individual water riser pipes shall be located at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
 - b. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drains shall be diverted from the location of the riser pipe.
 - c. A shut-off valve below frost line shall be provided near the water riser pipe on each mobile home lot.

C. Sewage Disposal:

1. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Wherever feasible, connection shall be made to a public system. The system shall be designed, constructed and maintained in accordance with Pennsylvania Department of Environmental Protection regulations.
2. Individual sewer connections.
 - a. Each mobile home lot shall be provided with at least a three (3) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - b. The sewer connection shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. All points shall be watertight.

- c. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
 - d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser pipe. The rim of the riser pipe shall extend at least one-half (1/2) inch above ground.
- 3. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection, and shall have watertight joints.
 - 4. Where the sewer lines of mobile home parks are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Department of Environmental Protection prior to construction. Effluents from sewage treatment facilities shall be discharged only as permitted by the Pennsylvania Department of Environmental Protection.

D. Electrical Distribution System:

- 1. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company specifications, National Electrical Code, and local and state codes and ordinances. Inspection by a qualified electrical inspection agency shall be made of all private electrical systems.
- 2. Power lines shall be located underground in accordance with Pennsylvania PUC Order Docket #99. All direct burial conductors or cable shall be buried below the ground surface and shall be insulated and specifically designed for the purpose.
- 3. Each mobile home lot shall be provided with an approved disconnect device and over-current protective equipment. The minimum service per mobile home outlet shall be 120/140 volts AC, 200 amperes.

4. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.
5. Street lighting shall be provided to illuminate streets, driveways, parking areas and walkways for the safe movement of vehicles and pedestrians at night.

E. Service Building and Other Community Service Facilities:

1. No central toilet or washroom facilities may be constructed in any mobile home park, and each mobile home so parked therein shall be equipped with toilet and washroom facilities which shall be attached to central sewage and water facilities as provided for each lot.
2. Central laundry facilities may be permitted and such facilities shall be maintained in clean condition free from accumulation of wastewater, trash or any other noxious or offensive accumulation. Such facilities may be shielded from other buildings by fence or vegetation of sufficient height to bar view.

F. Solid Waste Disposal:

1. The storage, collection and disposal of solid waste and refuse in the mobile home park shall be so conducted as to create no health hazards, no rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
2. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service.

G. Insect and Rodent Control:

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

H. Fuel Supply and Storage:

1. Natural gas piping systems when installed in mobile home parks shall be maintained in conformity with accepted engineering practices. All gas piping installed below ground shall have a

minimum earth cover of eighteen (18) inches. Gas piping shall not be installed under any mobile home.

1. Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

ARTICLE VIII **ADMINISTRATION**

Section 801 Administrative Officer:

The Township Zoning Administrator is hereby appointed as the Administrative Officer whose tasks are specified herein. In addition, the administrative officer shall be given the responsibility for ensuring orderly and expeditious processing of subdivision and land development plan applications.

Section 802 Jurisdiction:

Pursuant to the Act 247, as amended, the Municipalities Planning Code, approval of subdivision plans by the Township is hereby required as a condition for the recording of such plans with the Erie County Recorder of Deeds.

Section 803 Modification of Specific Subdivision and Land Development Plan Requirements:

- A. The Township Board of Supervisors, when acting upon applications for preliminary, final, major or minor subdivision approval, shall have the power to grant such modifications from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this Ordinance, if the literal enforcement of one or more provisions of the Ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- B. 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. The Board of Supervisors shall forward the request to the Township Planning Commission for it review and comment.

- C. The Township shall keep a written record of all action on all requests for modifications.

Section 804 Preventive Remedies:

The Township may refuse to issue any building or zoning 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 Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

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

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 developer or subdivider must be in compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 805 Enforcement Remedies:

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be improved, levied or payable under the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person,

partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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

Section 806 Revision and Amendment:

The Township may revise, modify and amend this Ordinance by appropriate action in accordance with the Municipal Planning Code, Act 247, as amended.

Section 807 Mediation Option:

The Township and subdivider or developer may choose to complete the approval proceedings of this Ordinance by way of the mediation option. In exercising such an option, the Planning Commission and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of the MPC, Act 247, as amended.

Section 808 Planning Commission Records:

- A. The Township shall keep a record of its findings, decisions and recommendations relative to all subdivision and land development plans submitted filed with it for review.
- B. All records of the Township relative to subdivision and land development plans shall be public records.

ARTICLE IX **IMPROVEMENT GUARANTEES**

Section 901 Improvement Guarantees:

- A. Purpose: Improvement guarantees may be provided by the developer or subdivider to ensure the proper installation and maintenance of required street, utility and other public improvements. The nature and duration of the

guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer. These guarantees are to comply with Section 509 of the MPC.

B. Completion of Improvements:

1. Before the recording of final subdivision plans the Board of Township Supervisors may require and shall accept in accordance with the standards adopted by ordinance the following guarantees:
 - a. The furnishing of a performance guarantee in an amount not to exceed one hundred and ten percent (110%) of the cost of installation for improvements;
 - b. Provision for a maintenance guarantee in the form of financial security for a period not to exceed eighteen (18) months after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, and such guarantees are satisfactory to such agencies, no performance or maintenance guarantee, as the case may be, shall be required by the Supervisors for such utilities or improvements.
2. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended one (1) time for not more than one (1) year by the Board of Township Supervisors by resolution.

C. Release from Improvement Surety:

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Township Supervisors shall, within (10) ten 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 Township Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed

within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

2. The Board of Township Supervisors shall notify the developer, within fifteen (15) days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said municipality with relation thereto.
3. If the Board of Township Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from a liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the municipality, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed. Upon acceptance of the public improvements, one set of as-built construction drawings shall be delivered to the Township Secretary.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipality or the Township Engineer.
6. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
 - a. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are

disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

- b. If, within twenty (20) days from the date of billing, the Township 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.
- c. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- d. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Count 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 Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.
- e. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

D. Remedies to Effect Completion of Improvements:

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

1. Performance and Maintenance Mechanisms: Performance and maintenance guarantees shall be provided in a number of forms including, but not limited to, the following:
 - a. Security Bond, Performance Bond and Labor and Materials Bond: The applicant may obtain a bond from a surety bonding company authorized to do business in the state.
 - b. Letter of Credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
 - c. Escrow Account: The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the Township, or in escrow with a bank.
 - d. Subdivision Improvement Guarantee: An applicant may provide as a guarantee a subdivision improvement agreement between the applicant, lender, and Girard Township.
 - e. Cash Deposit (CD): The applicant may establish a CD account opened in the name of Girard Township.

Ordained and enacted into an Ordinance this 11th day of October, 2005, A.D.