

FINAL

LAND USE AND SUBDIVISION ORDINANCE

*SUPERVISORS OF MUNSTER TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA*

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ARTICLE I

GENERAL PROVISIONS

Title, Purpose, Authority, and Jurisdiction

Section 101 Title: This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Township of Munster".

Section 102 Purpose: The Purpose of this Ordinance is to provide for the orderly development of the Township and to promote the general welfare of Township's citizenry by:

102.1 Assuring that the future development is consistent with the Comprehensive Plan of Cambria County as well as those plans developed by the Township.

102.2 Assuring uniform and equitable processing of all Subdivision Plans by uniform standards and procedures.

102.3 Establishing requirements, standards, and specifications to aid in guiding Public Officials, Planners, Planning Commissions, Subdividers, Developers, Surveyors, Landscape Architects, Architects, Engineers, and others in the design and development of Subdivisions and Land Developments throughout the Township.

102.4 Generally insuring the future orderly growth and development of the Township accompanied by adequate public facilities without negatively affecting the environment.

Section 103 Creation, Authority, and Jurisdiction:

103.1 Creation and Authority: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended grants the Board of Supervisors of Munster Township the authority to regulate Subdivision of Land located within the limits of the Township by enacting this ordinance.

103.1 All Plans shall be submitted to the Township Board Supervisors for review and approval. This includes all plans, plots, or replots of land. No Subdivision or Land Development of any lot, tract, or parcel of land within the Township shall be made; and no associated street, water main, sanitary wastewater main, storm sewer, or other improvement shall be laid out, constructed, or dedicated for use; except in accordance with the provisions of these Regulations. No plat shall be accepted for recording by the County Recorder of Deeds unless such plat officially notes the approval of the Township Board of Supervisors.

103.2 Land Development Control: Land Development must comply with the regulations contained in this Ordinance. Such compliance shall include, but not be limited to filing of Preliminary and Final Plans, the dedication and improvement of rights of way, streets and roads, and the payment of fees and charges as established by the Board of Supervisors. Land Development plans shall indicate the location of each structure and clearly define each unit and shall indicate all common areas, easements, and improvements.

103.3 Enforcement: Enforcement actions shall begin with letter sent to the violator stating the violation to the ordinance and that a reply is required within twenty (20) days of the mailing date. If within the twenty (20) day reply period no reply is given, then a letter written by the Township Solicitor will be sent to the violator and new twenty (20) day reply period will be given. If a reply is not received within this reply period; a final letter stating that legal action may be taken will be sent to said violator and a final twenty (20) day time period to reply will be given before legal action is taken. Penalties may be enforced under Article XII, Section 1205 of this ordinance, or a similar type of action.

103.4 Nothing contained herein shall be construed as to preclude the Township from taking such action at law or in equity as it deems necessary without any waiting period of time.

ARTICLE II

DEFINITIONS

Section 201 Interpretation - General Terms

For the purpose of this Ordinance, words in the singular include the plural, and those in plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. The word "Person", "Subdivider", and "Owner" include a corporation, unincorporated association, and a partnership, or other entity, as well as an individual. The word "Street" includes Street, Avenue, Boulevard, Road, Highway, Freeway, Parkway, Lane, Alley, Viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The word "Building" includes Structures and shall be construed as if followed by the phrase "or part thereof. The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words "Should" and "May" are permissive; the words "Shall" and "Will" are mandatory.

Section 202 Definitions - Specific Terms

The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise;

Accessory Solar Energy System: An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Administrator: The officer as appointed by the Township Board of Supervisors to administer these regulations and to assist administratively the other Boards and officers of the Township.

Alley or Service Drive: A minor Right-of-Way, privately or publicly owned, primarily for service access to the back or sides of properties.

Appeal: A means for obtaining review of a Decision, Determination, order, or failure to pursuant to the terms of the Land Use and Subdivision Ordinance as expressly authorized by the provisions of the Municipalities Planning Code.

Applicant: A Landowner or Developer, as hereinafter defined, who has filed an Application for Subdivision and/or Development; including his heirs, successors and assigns.

Application for Development: Every application, whether preliminary, tentative, or required to be filed and approved prior to the start of construction or Development, for the approval of a Subdivision Plat or Plan, or for the approval of a Development Plan.

Appointing Authority: The Munster Township Board of Supervisors.

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

Block: A tract of land, a Lot, or a group of Lots bounded by Streets, Public parks, railroad, rights-of-way, watercourses, and boundary lines of the Township, non-subdivided land, other definite barriers, or by a combination of the above.

Board: Any body granted jurisdiction under a land use ordinance or under this act to render final adjudication.

Board of Township Supervisors: The Board of Supervisors of Munster Township, Cambria County, Pennsylvania.

Building: A combination of materials to form a permanent Structure having walls and roof including, but not limited to, a Mobile Home.

Building Setback Line: The line within a property, parallel to, and defining the required minimum distance between the foremost part of any Building and the adjacent Right-of-Way or property boundary line.

Campsite: Any site intended to be used for temporary and/or seasonal use for camping inclusive of the area required to sustain a tent, camper, motorhome, or other temporary facility.

Campground: Any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes; regardless of whether a fee has been charged for leasing, renting, or occupancy of such space.

Cartway (Roadway): The portion of a Street Right-of-Way, paved or unpaved intended 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 the Street center lines.

Common Open Space: A parcel or parcels of land, an area of land, an area of water, or a combination of land and water within a Development site designed and intended for the use or enjoyment of residents of (the planned residential) a Development, not including Streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan: The complete Plan plus any Amendments or any of its component parts, for the Development of Cambria County and Munster Township; providing the continuing orderly Development of the Municipality and being recognized by the governing bodies of the County as the "Official Plan"; including such elements as community development objectives, plans and policies for use of the land for housing, community facilities, transportation, and plan implementation.

Condominium: Ownership in common with others of a parcel of land and certain parts of a Building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such Building or on such parcel of land and may include Dwellings, offices, and other types of space in commercial and industrial Buildings or on real property.

Construction Plan: The maps or drawings accompanying a Subdivision or Development Plan and showing the specific location and design of improvements to be installed in the Subdivision in accordance with the requirements of the Planning Commission and Board of Supervisors as a condition of the approval of the Plan.

County: Cambria County, Pennsylvania

County Planning Commission: The Cambria County Planning Commission.

Crosswalk: A Right-of-Way, publicly or privately owned, intended to provide access for pedestrians.

Cul-de-sac: A short Street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Culvert: A pipe, conduit, or similar enclosed Structure, including appurtenant works which carries surface water.

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

Decision: Final adjudication of any Board or other body granted jurisdiction under any land ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of Appeals from Determinations. All Decisions shall be appealable to the Court of Common Pleas of Cambria County.

Density:

High Density: Those residential districts in which the density is equal to or greater than five (5) Dwelling Units per acre.

Medium Density: Those residential districts in which the density is between one (1) and four (4) Dwelling Units per acre.

Low Density: Those residential districts in which the density is less than one (1) Dwelling Unit per acre.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its Bureaus, Departments, or Divisions.

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24 hour), and used in computing storm water management control systems.

Determination: Final action by an officer, body, or agency charged with the administration of any Land Use Ordinance or applications thereunder, except the following:

- The Governing Body
- The Zoning Hearing Board
- The Planning Agency, only if and to the extent the Planning Agency is charged with final decision on preliminary or final Plans under the Subdivision and Land Development ordinance or Planned Residential Development provisions.

Determination shall be applicable only to the Boards designated as having jurisdiction for such Appeal.

Detention Basin: A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event or it can be designed to contain a permanent pool of water.

Developer: A person, firm, partnership, corporation, trust, or authorized agent, proposing to divide land so as to constitute a Subdivision, or engage in Land Development, defined by the Pennsylvania Municipalities Planning Code Act 247. As amended by Act 170 of 1988. (Same as Subdivider.)

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, the extension, and/or installation of Streets and other paving, utilities, mining, dredging, grading, Excavation or drilling operations; and the Subdivision of land.

Development Plan: The provision for Development including: a Planned Development, a Plat of Subdivision, all covenants relating to use, location and bulk of Buildings and other Structures, intensity of use and density of Development, Streets, Cartways 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, including 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 Right-of-Way: The lands required for the installation of storm water drainage ditches, or required along a natural stream or watercourse for sewers 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: Any Building which is designed for human living quarters.

Dwelling or Dwelling Unit: Any Structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Detached House: A Dwelling Unit occupying the whole of a freestanding residential Structure.

Twin or Semi-Detached House: A residential Structure occupied by two (2) units with a common wall.

Duplex: A residential Structure divided horizontally into two (2) Dwelling Units.

Row House or Town House: A Structure with two (2) or more party walls of three (3) or more units not having any horizontal division between units.

Apartment: A Dwelling Unit separated horizontally and/or vertically from one (1) or more other units in a Structure.

- **Apartment House or Multiple Dwelling Unit:** A residential Structure containing three (3) or more apartments.
- **Garden Apartment:** An apartment house not exceeding three (3) stories in height.
- **High Rise Apartment:** An apartment house exceeding three (3) stories in height.

Trailer: A Dwelling Unit contained entirely within a vehicle arranged to stand on wheels or rigid supports (permanent foundation), also referred to as a Mobile Home.

Easement: A Right-of-Way granted, but not dedicated, for specific use of private land for public or quasi-public purpose, and within which the owner of the property shall not erect permanent Structure, but shall have the right to make any other use of the land which is not inconstant with the rights of the grantee.

Engineer: A person licensed to practice in the Commonwealth of Pennsylvania as a "Registered Professional Engineer".

Engineering Specifications: The engineering criteria of Munster Township regulating installation of any improvement or facility.

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

Erosion, Accelerated Water: Erosion of the soil or rock over and above normal Erosion; brought about by changes in the natural cover or ground conditions, including changes caused by human activity.

Excavation: Any act by which earth, sand, gravel, rock, or any other material is dug into, Cut, quarried, uncovered, removed, displaced, relocated, or, bulldozed; including 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; including the conditions resulting therefrom. The difference in elevation between the point on the original ground and a designated point of higher elevation of the final grade. Also, the material used to make Fill.

Financial Security: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Board of Supervisors and to be used wherever required by these regulations.

Floodplain: The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

Glare: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The council in cities, boroughs, and incorporated towns; the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, the board of commissioners in counties of the second class through eighth classes; or as may be designated in the law providing for the form of government.

Grade: Same as Slope.

Ground Mounted Solar Panel: A ground-mounted solar system that is a free-standing solar array mounted on the ground using either a rigid metal frame or atop a single pole.

Hearing: An administrative proceeding conducted by a Board pursuant to Section 909.1 of Act 170 of 1988 of the Pennsylvania Municipalities Planning Code.

Impervious Surfaces: Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces as defined herein and as determined as such by the Munster Township Engineer.

Infiltration Structures: A Structure designed to direct Runoff into the ground, e.g. French drains, seepage pits, dry wells, and seepage trenches.

Land Development: Any of the following activities which involves the improvement of one (1) Lot or two (2) or more contiguous Lots, tracts, or parcels of land for any purpose involving:

- A group of two (2) or more residential or non-residential Buildings, whether proposed initially or cumulatively, or a single non-residential Building on a Lot or Lots of the number of occupants or tenure.
- The division or allocation of land or space, whether initially cumulatively, or among two (2) or more existing or prospective occupants by means of, or for the purpose of Streets, common areas, leaseholds, condominiums, Building groups, or other features.
- Construction of a Solar Energy System.
- A Subdivision of land.

For the purposes of this Ordinance, Land Development specifically excludes 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 authorized under the lease to exercise the rights of the Landowner, or other persons having a property interest in land.

Land Use Ordinance: Any ordinance or map adopted pursuant to the Authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended.

Lot: A tract, parcel of land, plot, site, or any similar term, regardless of size but which shall not be further subdivided; intended for transfer of ownership, use, lease, improvements, or Development, regardless of how it is conveyed.

Lot Area: The horizontal area contained within the property lines of a parcel of land as shown on a Subdivision Plan, excluding space within any Street, but including the area of any Easement.

Lot, Corner: A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Frontage: That side of a Lot abutting on a Street or Right-of-Way, and ordinarily regarded as the front of the Lot, but shall not be considered as the ordinary side of a Corner Lot.

Lot, Interior: A Lot having side Lot lines which do not abut on a Street.

Lot Line: A line of record bounding a Lot which divides one Lot from another Lot or from public or private right of way or any other public space.

Lot of Record: Any Lot which individually, or as part of a Subdivision, has been recorded in the office of the Cambria County Recorder of Deeds.

Lot, Reverse Frontage: A Lot extending between and having frontage on an Arterial and a Minor Street with vehicular access solely from the latter.

Lot, Through Or Double Frontage: A Lot with both front and rear Street frontage.

Maintenance Guarantee: Any security, other than cash, which may be accepted by Munster Township for the maintenance of any improvements required by this ordinance.

Marker: A wood or metal stake placed to designate the boundary and corners of Lots in the Subdivision of land for the purpose of reference in land and property survey and to facilitate sale of Lots.

Marginal Access Street: A Street parallel and adjacent to major traffic Streets, providing access to abutting properties and control of intersections with major traffic Streets.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Mobile Home: A transportable, single family Dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit

capable 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 is 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 of a single Mobile Home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more Mobile Home Lots for the placement of Mobile Homes.

Modifications: Waivers of the requirements of one (1) or more provisions of the ordinance when the literal enforcement will exact undo hardship because of particular conditions pertaining to the land in question.

Monument: Stone or concrete of known coordinates, established by a Professional Land Surveyor, and utilized to locate property lines.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No 164), known as the Municipality Authorities Act of 1945.

Municipal Engineer: A registered professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed as the engineer for a Municipality, Planning Agency, or Joint Planning Commission.

Municipality: The Township of Munster.

Nonresidential Subdivision: A Subdivision whose intended use is other than residential, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of these regulations.

Official Map: A Municipal Map adopted by Ordinance; showing the exact location of the lines of existing and proposed public Streets, watercourses, and public grounds including widening, narrowing, extensions, dimensions, openings, or closing of same, for the entire Municipality or part thereof.

Organized Camp: A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults, with social, recreational, and educational objectives; and operated and used for five (5) or more consecutive days during one or more seasons of the year.

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a storm event.

Person: Any natural person, corporate entity, business entity, or association of persons or entities.

Planning Agency, County: A Planning Commission, planning department, or a planning committee of the County. The Cambria County Planning Commission.

Plan, Sketch: An informal, optional submission preparatory to the Preliminary Plan showing the general intent of the Subdivider.

Plan, Preliminary: A Subdivision Plan or Land Development Plan in lesser detail than the Final Plan.

Plan, Final: A complete and exact Subdivision Plan prepared for official recording as required by statute; a final Plat.

Plat: The map or Plan of a Subdivision or Land Development whether preliminary or final indicating the location and boundaries of individual properties.

Principal Solar Energy System: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Property Line Change: A change in Lot Lines between two (2) adjacent Lots of record which does not involve the creation of a third new Lot.

Public Grounds:

- Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
- Sites for schools, water treatment, wastewater treatment, refuse disposal, and other publicly owned or operated facilities.
- Publicly owned or operated scenic and historic sites.

Public Hearing: A forum conducted to obtain, add, and provide information, stenographic records which are retained as transcripts for future use in an Appeal or related matter.

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

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 Public Hearing and the particular nature of the matter to be considered at the Public Hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the Public Hearing.

Recreational and Seasonal Land Development: The improvement and Development of land for camping and/or related activities via the provision of campsites and any supportive facilities on a rental basis.

Recreational Vehicle: A travel trailer, camping trailer, truck camper, motor home, or similar unit; primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle.

Recreational Vehicle Park: A Lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for vacation or recreation purposes.

Recreational Vehicle Site: A plot of ground within a Recreational Vehicle Park intended for the accommodation of either a Recreational Vehicle, tent, or other individual camping unit on a temporary basis.

Report: Any letter, review, memorandum, compilation, or similar writing made by any body, Board, officer, or consultant other than a solicitor to any other body, Board, officer, or consultant; for the purpose of assisting the recipient of such Report in the rendering of any Decision or Determination. All Reports shall be deemed recommendatory and advisory only, and shall not be binding upon the recipient, Board, officer, body, or agency nor shall any Appeal lie therefrom. Any Report used, received or considered by the body, Board, officer, or agency rendering a Determination or Decision shall be made available for inspection to the Applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at the cost of reproduction.

Reserve Strip: A parcel of ground separating a Street from other adjacent properties, or from another Street, which shall prevent a Street from being connected or extended across property lines.

Resubdivision: Any replatting or resubdivision of land involving changes of Street layout or any land reserved for public use, or any Lot line on an approved or recorded Plan. Any more significant changes shall be considered as constituting a new Subdivision of land.

Right-of-Way: A public thoroughfare for vehicular or pedestrian traffic, whether designated as a Street, highway, thoroughfare, parkway, road, avenue, boulevard lane , alley, Cartway; and including shoulders and specified adjacent land.

Roof Mounted Solar Panel: The solar array mounted on rooftops with a gap of few inches and parallel to the surface of the roof. The solar array can align or be mounted at an angle from the roof line.

Runoff: The surface water discharge from a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by wind, moving water, or gravity. Once this material is deposited (or remains suspended in water) it is usually referred to as "sediment".

Septic Tank: A watertight receptacle which receives sanitary sewage or industrial wastes and is designed and constructed to provide for sludge storage, sludge decomposition, separate solids from liquids through a period of detention before allowing the liquid to be discharged.

Setback Line: The line within a property defining the required minimum distance between any Building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the Front Street Right-of-Way line which abuts the property on which said Building is located and shall be parallel to said Right-of-Way line.

Shade Tree: A tree in a public place, Street, special Easement, or Right-of-Way adjoining a Street as provided in these regulations.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point ten (10) feet from the edge of the Cartway, three and one half (3-1/2) feet high, to a point three and one-half (3-1/2) feet above the road surface.

Slope: The rise or fall of the land usually measured in Percent Slope. The Percent Slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>	<u>Slope Class</u>
(a) Nearly level	0-3 percent	A
(b) Gently sloping	3-8 percent	B
(c) Sloping	8-15 percent	C
(d) Moderately steep	15-25 percent	D
(e) Steep	25-35 percent	E
(f) Very steep	35+ percent	F

Soil Percolation Test: A field test conducted to determine the suitability of the soil for On-Lot Wastewater Disposal Systems by measuring the absorptive capacity of the soil at a specific location and depth.

Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

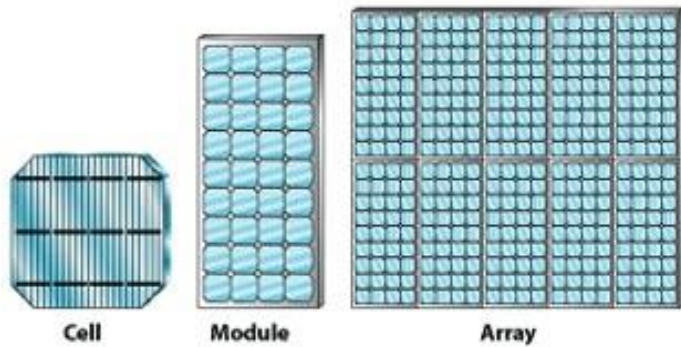
Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.

Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.



Solicitor: The licensed attorney designated by the Munster Township Board of Supervisors to furnish legal assistance for the administration of this ordinance.

Stabilization: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and ensure its resistance to Erosion, sliding, or other movement.

Storm Water Management Plan: The Plan for managing storm water runoff as required by Municipal Engineer and/or a Plan for managing storm water as required by any Munster Township Storm Water Management Ordinance, or Commonwealth of Pennsylvania regulation.

Street: A strip of land, including the entire Right-of-Way, intended for use as a means of vehicular and pedestrian circulation.

Arterial Street: A Street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on a Collector and Minor Street.

Collector Street: A Street which, in addition to providing access to properties, collect traffic from Minor Streets and provides routes to community facilities and the Arterial Streets system.

Expressway: A highway whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually a high degree of access control is provided; with few, if any, intersections at grade.

Local Streets (Minor Streets): Those Streets used primarily to provide access to abutting properties, including but not limited to Cul-de-sac and Marginal Access Streets.

Marginal Access Streets: Minor Streets parallel and adjacent to Arterial Streets providing access to abutting properties and control of intersections with Arterial Street.

Service Street: A minor public Right-of-Way providing secondary vehicular access to the side or rear of two (2) or more properties.

Street Line: The limit of a Right-of-Way.

Street, Private: A Street not officially dedicated and/or accepted by the Municipality.

Structure: Any man-made object having an a certain stationary location on or in land or water, weather or not affixed to the land.

Subdivider: Same as Developer.

Subdivision: The division or redivision of a Lot, tract, or parcel of land by any means into two (2) or more Lots, tracts, parcels, or other division of land; including changes in existing Lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or Building or Lot Development: provided, however, that the Subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new Street or Easement of access or any residential Dwelling, shall be exempted.

Subdivision, Major: All Subdivisions not classified as Minor Subdivisions, including but not limited to Subdivisions of six (6) or more Lots, or any size Subdivision requiring any new Street or extension of Township facilities, or the creation of any public improvements.

Subdivision, Minor: Any medium or high density Subdivision containing not more than five (5) Lots and any low density Subdivision; which meet all of the following: fronting on an existing Street, not involving any new Street or road, not involving the extension of municipal facilities, not involving the creation of any public improvements, not adversely affecting the remainder of the adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or these regulations.

Substantially Complete: When, in the judgment of the Municipal Engineer and based on the cost of the required improvements for which Financial Security was provided pursuant to Article II, at least ninety percent (90%) of those improvements required as a condition for final approval have been completed in accordance with the approved Plan; so that the project can be used, occupied, or operated for its intended use.

Surface Drainage Plan: A Plan showing all present and proposed grades and facilities for storm water Drainage.

Surveyor: A person licensed to practice in the Commonwealth of Pennsylvania as a “Registered Professional Land Surveyor”.

Swale: A low lying stretch of land which gathers or carries surface water runoff.

Temporary Occupancy: Occupancy of a campground or organized camp for no more than six (6) months in any consecutive twelve (12) month period.

Tent: A portable lodging unit usually made of skins, canvas, plastic, or strong cloth; stretched and usually sustained by poles; and dependent upon separate toilet and lavatory facilities.

Topographic Map: A map showing the elevations of the ground by contours or elevations; and including all existing topographic features such as streams, Streets, existing facilities, and improvements.

Top Soil: Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

Township or Municipality: The Township of Munster, Cambria County, Pennsylvania.

Trailer: A vehicular portable Structure built on, or designed to be mounted on a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary Dwelling for travel, recreation, and vacation; and commonly known as a travel trailer, pick-up coach, motor home, or camping trailer.

Waiver: A Modification to the minimum standards of this Ordinance, authorized by the Municipality when the Developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and in the opinion of the Municipality, a departure from this Ordinance may be made without destroying the intent of such provisions.

Wastewater Disposal, Community: A sanitary sewage and/or industrial wastewater collection system, either publicly or privately owned, in which sewage is carried from individual Lots by a system of pipes to a temporary central treatment and disposal Plant generally serving a neighborhood area.

Wastewater Disposal, Public: A sanitary sewage and/or industrial wastewater collection system in which sewage is carried from individual Lots by a system of pipes to a central treatment and disposal plant.

Wastewater Disposal, On-Lot: Any Structure designed to biochemically treat sanitary sewage within the boundaries of an individual Lot.

Watercourse: A permanent or intermittent stream, river, brook, creek, channel, or ditch for collection and conveyance of water, whether natural or man-made.

Water Supply and Distribution System, Community: A system for supplying and distributing water from a common source to two (2) or more Dwellings and other Buildings within a Subdivision, neighborhood, or whole community; the total system being publicly or privately owned.

Water Supply and Distribution System, On-Lot: A system for supplying and distributing water to a single Dwelling or other Building from a source located on the same Lot.

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

Section 203 Terms Not Defined

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided, however, that those terms which are not defined herein, but are defined in Section 107 of the Act of July 31, 1968, P.L. 247 (53 P.S. 10107), as amended by Act 170 of 1988, the Pennsylvania Municipalities Planning Code, shall have the meaning as set forth in said Section.

ARTICLE III

SUBMISSION AND REVIEW PROCEDURES

Section 301 General Procedures

The procedures established in this Article shall apply to all Subdivisions and Land Developments that require review and approval by Munster Township. It shall be the Subdivider's responsibility to observe and follow the procedures established in this Article and to submit all Plans and documents as may be required herein.

301.1 Classification of Subdivision

Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted; the owner or his agent shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for Subdivision and Land Development, which includes the following steps:

Minor Subdivision

1. Sketch Plan (optional)
2. Final Plan

Major Subdivision

1. Sketch Preliminary Plan (optional)
2. Preliminary Plan
3. Final Plan

301.2 Pre-application Consultation

Prior to filing an application for approval of a Subdivision or Land Development within the Township, the owner or his authorized agent shall meet with the Munster Township Board of Supervisors for an official classification of his proposed Subdivision or Land Development. The Munster Township Board of Supervisors shall determine whether the proposal shall be classified as: a Minor Subdivision, a Major Subdivision, or a Land Development. At this time, the Munster Township Board of Supervisors shall advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

301.3 Official Filing Date

For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Munster Township Board of Supervisors next following the date the application and Plans are received at the Township Building; provided that if said regular meeting shall occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. On receipt of an application for subdivision or land development approval, the Munster Township Board of Supervisors shall affix to the application both the date of submittal and the official filing date.

301.4 Cambria County Planning Commission Review

All Plans shall be submitted to and reviewed by the Cambria County Planning Commission in accordance with its prevailing rules and regulations. The Township shall forward to the Subdivider a copy of any report of the Cambria County Planning Commission. The Township shall not approve an application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

Section 302 Submission and Review of Sketch Plan (Optional)

Prior to the preparation of a Preliminary Plan, the Applicant may confer with the Munster Township Board of Supervisors for the purpose of an informal discussion concerning the proposed Subdivision or Land Development. The Subdivider may submit a Sketch Plan following the guidelines set forth in Article IV, Section 402, of these regulations. The submission of a Sketch Plan is optional. The Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular meeting of the Munster Township Board of Supervisors.

302.1 Sketch Plan Review

The Munster Township Board of Supervisors will review the Sketch Plan with the Applicant as it related to:

- a) The Comprehensive Plan for Cambria County.
- b) An Munster Township Land Use and Development Plan or any other level Comprehensive Plan which may exist.
- c) Any zoning ordinance which may exist.
- d) The general suitability of the site for proposed development.
- e) The demand for development for the type proposed and at the particular location proposed.
- f) The availability of necessary services and facilities.
- g) The improvements and design required by these regulations.
- h) Any proposals of either Local, State or Federal Governments for such improvements as: highways, dams, recreation areas, historic sites, and any other facility that may have an impact on the proposed subdivision.

Section 303 Minor Subdivision Procedure

Minor subdivision Plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 404 and shall be otherwise reviewed in accordance with the procedures and standards of Section 303 through Section 308.

303.1 Additional Subdivision

Any additional subdivision of a tract, or portion thereof, from which a minor subdivision has already been formed within five (5) years of the date of approval by the Board of Supervisors shall be deemed to be a major subdivision and shall follow the appropriate procedure.

303.2 Property Line Changes

Changes in lot lines between two (2) adjacent lots of record shall be reviewed and approved by the Board of Supervisors as a minor subdivision, and may exclude certain Plan requirements as outlined in Article IV, Section 404.4 of this ordinance.

Section 304 Official Submission of the Preliminary Plan

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional Sketch Plan, and after reviewing the Plan requirements of this ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the Preliminary Plan. The Preliminary Plan shall conform with the requirements set forth in Article IV, Section 403, of this ordinance.

304.1 Application Fee

The fees for the submission and review of Subdivisions and Developments within Munster Township are noted in Article X of this Ordinance.

304.2 Number of Copies

When submitting an application for review and approval of a Preliminary Plan, the Applicant shall submit eight (8) prints of the subdivision or development Plan along with three (3) copies of any proposed covenants to the Board of Supervisors. The Board of Supervisors will then forward copies of the Preliminary Plan to applicable agencies such as the Planning Commission, Township Engineer, Utility Companies, Post Offices, School District, Assessors, Fire Departments, etc.

304.3 Sewage Facilities Planning Module

When applicable, the application form shall be accompanied by a Sewage Facilities Planning Module as required by the Pennsylvania Department of Environmental Protection (DEP).

Section 305 Review of the Preliminary Plan

Based on a thorough review of the comments of the above-mentioned agencies and of the details of the Preliminary Plan in light of this ordinance, the Board of Supervisors shall approve, approve with modification, or disapprove the Preliminary Plan. The Board of Supervisors shall render its decision and communicate its decision to the Applicant no later than ninety (90) days following the date of the regular meeting of the Governing Body next following the date of the application is submitted, provided that, should the said next regular meeting occur more than thirty (30) days

following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been submitted.

305.1 Changes and Modifications

The Munster Township Board of Supervisors may require or recommend changes or modifications of the Preliminary Plan as a prerequisite for approval of the Final Plan.

305.2 Approval of the Preliminary Plan

Approval or approval with conditions, revisions, or modifications as stipulated or suggested by the Township Board of Supervisors of the Preliminary Plan shall constitute approval of the Subdivision or Development as to the character and intensity of Development; the arrangement; approximate dimensions of streets, lots, and other Planned features. However, approval of the Preliminary Plan shall not constitute acceptance of approval for final approval and recording on fulfillment of all requirements of these regulations.

Section 306 Submission of the Final Plan

After the Applicant has received official notification of Preliminary Plan has approved and recommended changes, if any, have been made, the Applicant has five (5) years in which to submit a Final Plan. If he does not do so within a five (5) year period, the Preliminary Plan shall be nullified unless a written time extension is approved by Munster Township Board of Supervisors. The Final Plan must conform to the scheme of the Preliminary Plan as approved, and must contain the information specified in Article IV, Section 404.

The Final Plan may be a portion of the entire subdivision shown on the Preliminary Plan.

306.1 Provisions for Final Plan Approval

Before requesting Final Plan approval, the Applicant must submit to the Munster Township Board of Supervisors either a certificate that all improvements and installations to the subdivision required by the Ordinance have been made as required by this Ordinance; or Financial Security in an amount sufficient to cover the costs of such required improvements or common amenities which may include, but not be limited to, roads, storm water detention and/or detention basins and other indicated drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings.

- 1) When requested by the Developer, in order to facilitate financing, the Governing Body or Planning Agency, if designated, shall furnish the Developer with a signed copy of a resolution indicating approval of the final Plat contingent upon obtaining satisfactory Financial Security. The final Plat or record Plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the Financial Security agreement is not executed within ninety (90) days unless, a written extension is granted by the Governing Body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.

- 2) Without limitation as to other types of Financial Security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable Financial Security for the purposes of this section.
- 3) Such Financial Security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the Financial Security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- 4) Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action or approval or accompanying agreement for completion of improvements.
- 5) The amount of Financial Security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Developer. The Municipality may adjust the amount of the Financial Security by comparing actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the Applicant to post additional security in order to assure the Financial Security equals said 110%. Any additional security shall be posted by the Applicant in accordance with this subsection.
- 6) The amount of Financial Security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant and prepared by a Engineer and certified by such Engineer to be a fair and reasonable estimate of such cost. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the Applicant and the Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another Engineer chosen mutually by the Municipality and the Applicant. The estimate certified by the third Engineer shall be presumed fair and reasonable shall be the final estimate. In the event that a third Engineer is so chosen, fees for the services of said engineer shall be paid equally by the Municipality and the Applicant.
- 7) If the party posting the Financial Security requires more than one (1) year from the date of posting of Financial Security to complete the required improvements, the amount of Financial Security may be increased by an additional 10% for each one year period beyond the first anniversary date from posting of Financial Security.
- 8) In the case where development is projected over a period of years, the Governing Body or the Planning Agency may authorize submission of final Plats by section or stages of development; subject to such requirements or guarantees of improvements in future

sections or stages of development as it finds essential for the protection of any approved section of development.

- 9) As the work of installing the required improvements proceeds, the party posting the Financial Security may request the Governing Body to release or authorize the release from time to time, such portions of the Financial Security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Governing Body, and the Governing Body shall have forty-five (45) days from receipt of such request to allow the Municipal Engineer to certify, in writing, to the Governing Body that such portion of the work upon the improvements has been completed in accordance with the approved Plat. Upon such certification, the Governing Body shall authorize release by the bonding company, lending institution an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed; or, if the Governing Body fails to act within said 45-day period, the Governing Body shall be deemed to have approved the release of funds as requested. The Governing Body may, prior to final release at the time of completion and certification by the Municipal Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- 10) Where the Governing Body accepts dedication of all or some of the required improvements following completion, the Governing Body may require posting Financial Security insuring structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications depicted on the final Plat for a term not to exceed 18 months from the date of acceptance of dedication. Said Financial Security shall be of the same type as otherwise required in this Section with regard to installation of such improvements and the amount of the Financial Security shall not exceed 15% of the actual cost of installation of said improvements.
- 11) If water and/or wastewater mains and appurtenances are to be installed under the jurisdiction of the rules and regulations of a public utility or municipal authority separate and distinct from the Municipality, Financial Security to assure proper completion and maintenance shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the Financial Security as required by this section.
- 12) If Financial Security has been provided in lieu of the completion of improvements required as a condition for Final Approval of a Plat as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including Buildings, upon the Lots or land as depicted on the final Plat upon completion of improvements depicted on the approved final Plat. Moreover, if said Financial Security has been provided, occupancy permits for any Building to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such Building to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted on the approved Plat, either on the lot or beyond the lot or lots in question if such improvements are necessary for the

reasonable use for occupancy of the Building. Any ordinance or statute not consistent herewith is hereby expressly repealed.

306.2 Release from Improvement Bond:

- 1) When the Developer has completed all of the necessary and appropriate improvements the Developer shall notify the Municipality, in writing, by certified registered mail, of the completion of the improvements and shall send a copy to the Municipal Engineer. The municipality shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer inspect all of the improvements. The Municipal Engineer shall, file a written report with the Municipality and shall mail a copy of the same to the Developer by certified registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of authorization from the Municipality; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for non-approval or rejection.
- 2) The Municipality shall notify the Developer, within fifteen (15) days, of receipt of the engineer's written report by certified registered mail of the action of said Municipality.
- 3) If the Municipality or the Municipal Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Developer shall be released from all liability, pursuant to its performance guaranty bond or other security 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.
- 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 Municipal Engineer.
- 6) The Municipality may prescribe that the Applicant shall reimburse the Municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the customary fees charged by the Municipal Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applications.
 - 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 Municipality that expenses are disputed as unreasonable or unnecessary, in which case the Municipality shall not delay or disapprove a subdivision or land development application or any

approval or permit related to development due to the Applicant's request over disputed engineer expense.

- b) If within twenty (20) days from the date of billing, the Municipality and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Municipality shall jointly, by mutual agreement, appoint another Engineer licensed as such in Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount which is reasonable and necessary.
- c) The Engineer so appointed shall hear such evidence and review such documentation as the 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 notified to pay the entire amount determined in the decision immediately plus costs of outside consultant review.
- d) In the event that the Municipality and Applicant cannot agree upon the Engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such Engineer who, in that case, shall be neither the Municipal Engineer nor any Engineer who has been retained by, or performed services for, the Municipality or the Applicant within the preceding five (5) years.
- e) The fee of the appointed Engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Municipality shall pay the fee of the Engineer, but otherwise the Municipality and the Applicant shall each pay one-half of the fee of the appointed Engineer.

306.3 Remedies to Effect Completion 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 accordance with the approved final Plat, the Governing Body of the Municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installation or making repairs or corrections to all the improvements covered by said security, the Municipality may at its option, install part of such improvements in all or part of the Subdivision or Land Development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or both shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 307 Review of the Final Plan

Within ninety (90) days from the submission of the Final Plan, the Munster Township Board of Supervisors shall review and act on the Plan and notify the Applicant in writing of its action. On finding the Final Plan application to be in accordance with the requirements of this ordinance and for compliance with the approved Preliminary Plan, the Munster Township Board of Supervisors shall affix its seal on the Plan together with the certifying signature of the Chairman.

Where modifications of the Final Plan are requested or the Plan is disapproved, the grounds for these actions must be stated in the notification and noted in the Munster Township Board of Supervisors records.

307.1 Approval of the Final Plan

Based on a thorough review of the details of the Final Plan, the Township Board of Supervisors shall approve, approve with conditions, or modifications, or disapprove the application; render its decision and communicate that decision to the Applicant within ninety (90) days after the date the Final Plan application was filed. The approval of the Final Plan by the Board of Supervisors shall not be deemed an acceptance of the proposed dedication and not impose any duty on any of the municipalities of Cambria County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the Municipality in which the subdivision is located shall have accepted or made actual appropriation of the same by entry, use, or improvement.

Section 308 Approval of Plats: Miscellaneous Procedures

All applications for approval of a Plat, whether preliminary or final, shall be acted upon by the Governing Body within such time limits as may be fixed in this Ordinance but the Governing Body shall render its decision and communicate it to the Applicant not later than 90 days following the date of the regular meeting of the Governing Body next following the date the application is submitted, provided that should the next regular meeting occur more than thirty (30) days following the submitting of the application, the said ninety (90) day period measured from the 30th day following the day the application has been submitted.

- 1) The decision of the Governing Body or the Planning Agency shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- 2) When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the Provisions of the statute or ordinance relied upon.
- 3) Failure of the Governing Body to render a decision and communicate it to the Applicant within the time and manner required herein shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in

which case, failure to meet the extended time change in manner of presentation of communication shall have like effect.

4) Changes in the ordinance shall affect Plats as follows:

- a) From the time an application for approval of a Plat, whether preliminary or final, is duly filed as provided in the subdivision and land use ordinance, and while such application is pending approval or disapproval change or amendment of the zoning, subdivision, or other ordinance or Plan shall affect the decision on such application adversely, the Applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or Plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to approval in accordance with the terms of the approved preliminary application as provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- b) When an application for approval of a Plat, whether preliminary or final has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or Plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
- c) Where final approval is preceded by preliminary approval, the aforesaid five year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or Plans as they stood at the time when the application for such approval was duly filed.
- d) Where the landowner has substantially completed the required improvements as depicted upon the Final Plan within the aforesaid five year limit or any extension thereof as may be granted by the Governing Body, no change of municipal ordinance or Plan enacted subsequent to the date of filing of the preliminary Plat shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.
- e) In the case of a preliminary Plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary Plat delineating all proposed sections as well as deadlines within which applications for final Plat approval of each section are intended to be filed. Such a schedule shall be updated annually by the Applicant or before the anniversary of the preliminary Plat approval, until final Plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Governing Body in its discretion.

- f) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Governing Body at its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary Plat approval, including compliance with landowners aforesaid schedule of submission of final Plats for the various sections, then aforesaid protections afforded by substantially completing the improvements depicted upon the final Plat within five years shall apply and for any sections or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of years from the date of final Plat approval for each section.

Failure of the landowner to adhere to the schedule of final Plats for the various sections shall subject any such section to any and all changes in zoning, subdivision, and other governing ordinance enacted by the Municipality subsequent to the date of the initial Preliminary Plan submission.

- g) Before acting on any subdivision Plat, the Governing Body or the Planning Agency, as, the case may be, may hold a Public Hearing thereon after Public Notice.

Section 309 Recording the Final Plan

Within thirty (30) days after the date of the approval of the Final Plan by the Township Board of Supervisors, the Applicant shall record an original of the same in the office of the Cambria County Recorder of Deeds and file with the Township a Recorder's Certificate that the approved Plan has been recorded with the Deed Book and page number indicated. If the Applicant fails to have the Plan recorded, the decision of the Township Board of Supervisors is voided unless the Applicant has obtained an extension of time approved in writing by the Township. The Applicant shall proceed with the sale of lots and structures only after the Final Plan has been recorded with Cambria County Recorder of Deeds. Recording the Final Plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park, open space, and other public areas to public use unless reserved by the Applicant. The approval of the Final Plan shall not impose any duty on the Board of Supervisors or the Township concerning maintenance or improvements by ordinance or resolution.

ARTICLE IV

PLAN REQUIREMENTS

Section 401 Preliminary Considerations

After the effective date of this ordinance, no person, firm, or corporation proposing to make or having made a Subdivision or Land Development, within the area of jurisdiction of this ordinance, shall proceed with any Development such as grading of roads or alleys or any other action before obtaining approval of the proposed Subdivision or Land Development by the Munster Township Board of Supervisors. The provisions and requirements of this ordinance shall apply to and control all land Subdivision and Development which has not been recorded in the Office of the Recorder of Deeds in and for Cambria County, Commonwealth of Pennsylvania, prior to the effective date of this ordinance.

401.1 Discussion of Requirements: Before preparing a Sketch Plan or Preliminary Plan for a Subdivision or Land Development, the Applicant may discuss with the Township the procedure for adoption of a Subdivision or Land Development Plan and the requirements as to the general layout of Streets and for the reservation of land, Street improvements, drainage, utilities, fire protection, and similar matters, as well as the availability of existing services. The Township may also advise the Applicant, where appropriate, to discuss the proposed Subdivision or Land Development within those officials (such as the Soil Conservationist, Municipal Engineer, and Sewage Enforcement Officer) who must eventually approve those aspects of the Subdivision or Land Development Plan coming within their jurisdiction.

401.2 Conformity with Master Plan: The layout of the proposed Subdivision or Land Development shall be in conformity with the Comprehensive Plan for Cambria County, and any local level planning which may exist within the area of the proposed Subdivision.

401.3 Site Considerations: No land shall be subdivided or developed:

- a) Unless adequate Street access exists or will be provided by the Applicant; or
- b) If such land is considered by Munster Township as unsuitable for land use, and appropriate mitigation measures are not possible by reason of floodplain and floodway location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, unsuitable slope characteristics or presence of any other features harmful to the health and safety of the residents and the community as a whole.

Section 402 Sketch Plan (optional)

Prior to the official submission of the Preliminary Plan, a Subdivision or Land Development Sketch Plan may be submitted by the Applicant or property owner to facilitate an informal discussion with the Township Board of Supervisors concerning the proposed Subdivision or Land Development. This informal discussion can be extremely valuable in guiding the Applicant on the proper course in the Development of a Subdivision or Land Development thereby reducing the

possibility for any costly mistakes. Submission of the Sketch Plan will not constitute formal filing of the Plan with the Township. The Sketch Plan need not be drawn to scale or contain precise dimensions.

The following items are suggested for inclusion in the Sketch Plan presentation:

- a) Proof of ownership;
- b) Name of owner;
- c) General location within the Township;
- d) Proposed name of Subdivision or Land Development;
- e) Tract boundary including all land which the Applicant intends to subdivide;
- f) General topographical and physical features along with water courses, streams, ponds, flood plains, and wetlands;
- g) Names of surrounding property owners;
- h) North point; approximate scale and date of original drawing;
- i) Streets on and adjacent to the tract;
- j) Proposed general Street layout;
- k) Proposed general Lot layout or Development;
- l) Proposed use of the Lots or Development and the degree of conformity with existing land use;
- m) Any other information which would be helpful in the preliminary discussion of what the Applicant intends to do; and
- n) Statement of general availability of utilities, including but not limited to water and wastewater.

Section 403 Preliminary Plan

The Preliminary Plan shall be accurately drawn to a scale of one (1) inch to no more than one hundred (100) feet. The Preliminary Plan shall be submitted on one of the following sheet sizes: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" x 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 403.1.

403.1 Required Information: The Preliminary Plan shall contain the following information:

A. Notes and Data

- 1) Name of proposed Subdivision or Land Development with identification as a Preliminary Plan and the name of the municipality in which it is located.
- 2) Date of application for Preliminary Subdivision or Land Development approval.
- 3) Name and address of the owner of record of the tract; along with the deed book and page numbers of the deeds conveying the property to the owner.
- 4) Name and address of Developer, Applicant, or authorized agent if different from owner.
- 5) Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the Plan.
- 6) Tax parcel number(s) of subject tracts.
- 7) Type of water supply and wastewater disposal to be utilized.
- 8) Total acreage of the subject tracts, total number of proposed Lots or units (if applicable), and total gross square footage of proposed Buildings, (if applicable).
- 9) North point, graphic scale, date of original Plan along with date and description of revisions to the Plan.
- 10) Base of benchmark for elevations on the Plan.
- 11) Proposed use of property.
- 12) Number of required parking spaces (if applicable).
- 13) List of utility companies, in accordance with PA Acts 172 and 287, as amended, if the project involves excavation.
- 14) Legend describing symbols used on Plan.
- 15) Location map showing the proposed Subdivision or Land Development in relation to municipal boundaries, public roads, streams, and adjoining areas.
- 16) Signed, notarized statement by the owner certifying ownership of the property, acknowledging intention to develop the property as depicted on the Plans, and authorizing recording of said Plan.
- 17) Signed statement by owner listing land or facilities to be offered for dedication to the Municipality and acknowledging that the owner will be responsible for

maintenance of lands or facilities until they are complete and accepted by the Municipality.

18) A place for the signatures of the Chairman and Secretary of the Township Board of Supervisors and a space for the date of approval.

19) A place for the signatures of the authorized persons of the County Planning Commission and a space for the date of approval.

B. Topographic Mapping of the subject tract showing the following information:

- 1) Exterior boundary line of tract.
- 2) Ground elevations indicated by contours at intervals of two (2) feet for land with an average natural slope of eight (8) percent or less and at five (5) foot intervals for land with an average natural slope greater than eight (8) percent, and the location of benchmark and datum used.
- 3) The name and deed references of all owners of immediately adjacent land.
- 4) Existing Streets on and adjacent to the tract; including name, location of Right-of-Way, Right-of-Way widths, Cartway widths, type of surfacing, elevation of surfacing, and approximate grades.
- 5) Existing Easements; including location, width, and purpose.
- 6) Existing utilities on or adjacent to the tract; including location, type, size, and invert elevation of wastewater and storm sewers, location and size of water mains and valves, fire hydrants, streetlights, gas lines, oil and similar transmission lines, power lines with utility poles, transformers, and related appurtenances. If any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.
- 7) Water courses, flood plains, wetlands, geologic features, tree masses, and other significant natural features.
- 8) Existing manmade features including Structures, railroads, bridges and driveways.
- 9) Buffer areas required by this or other relevant ordinance.

Section 404 Final Plan

The Final Plan shall be accurately drawn to a scale of one (1) inch to no more than one hundred (100) feet. The Final Plan shall be submitted on the following sheet sizes: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" x 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 404.1.

404.1 Required Information: The Final Plan shall contain the following information:

- 1) That information required by Section 403.1(A) and Section 403.1(B) of this Ordinance; except that the Plan shall be identified as a Final Plan.
- 2) Boundary lines of each Lot, or area to be depicted or reserved for public or community use; completely dimensioned in feet and hundredths of feet, with bearings described in degrees, minutes, and seconds, and with an error of closure of not more than one (1) foot in two thousand (2,000) feet. All curves shall show radii, lengths of arcs, tangents, and chord bearings with distances.
- 3) The location and material of all permanent Monuments and Lot Markers.
- 4) Lot numbers, area and Setback Lines of each Lot.
- 5) All proposed Easements with dimensional information and purpose.
- 6) Space on lower edge of Final Plan for acknowledgment of receipt and recording of Plan by the Cambria County Recorder of Deeds Office.
- 7) The following information regarding proposed improvements:
 - a) Design of proposed Streets including Right-of-Ways. Plans showing geometry and proposed materials, contours, typical cross sections, and profiles. Details of sidewalks, curbing, inlets, or other facilities involved in Street construction.
 - b) If Development proposes access to a State Highway, the following shall be placed on Plans: "Access to the state Highway shall be only as authorized by a Highway Occupancy permit issued by the Pennsylvania Department of Transportation pursuant section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law".
 - c) Design of stormwater management controls in accordance with Commonwealth of Pennsylvania and local regulations, and the Storm Water Management Plan approved by the Municipal Engineer.
 - d) Design of wastewater collection and treatment facilities (if applicable) including Plans showing location of facilities, profiles, and details, and other information required by the Municipal Authority or utility company that will assume responsibility for the system upon completion.
 - e) If on-site wastewater facilities are to be utilized, show soil types, location of soil probes and percolation tests, suitable primary and replacement absorption bed areas on each Lot with provisions for their protection and reservation, and a summary of general suitability of each test area. The following statement shall be placed on Plan:

“This is not a guarantee that a sewage permit will or will not be issued for any Lot or parcel. The Municipal Sewage Enforcement Officer must be contacted to conduct any further tests, as may be necessary, to determine permit issuance.”

- f) Design of water supply facilities (if applicable) including Plans showing location of facilities, sizing, and other information required by the Municipal Authority or utility company that will assume responsibility for the system upon completion.
- g) If on-site water facilities are to be utilized, show the location of the proposed well. The following statement shall be placed on the Plan: “This is not a guarantee that potable water of sufficient quantity and quality is available for any Lot or parcel.”
- h) Proposed Buildings with finished ground floor elevations, ground floor area, gross floor area, and height.
- i) Proposed pedestrian circulation systems, including details of construction.
- j) Outdoor storage facilities, including bulk trash containers and material storage.
- k) Proposed parking areas; showing parking stalls, handicap stalls, signage, loading areas, fire lines and driveways, with directional information, and details of pavement construction.
- l) Outdoor lighting, showing type of fixtures and mountings.
- m) Landscaping Plan, when required by Section 802, or when buffer plantings are required.
- n) Grading Plans, with proposed contours and spot elevations to depict accurately all changes to the topography within the site.
- o) Location and details of soil Erosion and Sedimentation controls.
- p) Areas to be reserved for parks, playgrounds, or other public uses; with a statement as to eventual ownership of such areas.

404.2 Supporting Documentation

If required, the following documentation shall be submitted prior to Final Plan approval.

- 1) A Soil Erosion and Sedimentation Control Plan as required by Chapter 105 of the rules and regulations of the Pennsylvania Department of Environmental Protection; along with an approval from the Cambria County Conservation District reviewing said Plan, or earth disturbance permit issued by the Pennsylvania Department of Environmental Protection.

- 2) Applicable permits issued by the Pennsylvania Department of Environmental Protection for waterway obstructions, stream or wetland encroachments, and community water systems.
- 3) A Sewage Planning Module or Exemption Card and a letter of approval for such from the Pennsylvania Department of Environmental Protection.
- 4) A water quality management permit, NPDES permit, or other permits issued by the Pennsylvania Department of Environmental Protection that may be required for wastewater systems and/or discharges of storm water.
- 5) A Highway Occupancy Permit issued by the Pennsylvania Department of Transportation, if the Subdivision or land Development proposes access to a State Highway. A Highway Occupancy Permit issued by Munster Township, if the Subdivision or Land Development proposes access to a Township Highway. A Pennsylvania Department of Transportation highway occupancy form shall be used for both types of applications and shall be evaluated under the same criteria.
- 6) Documents pertaining to homeowner associations, condominium declarations, and/or restrictive covenants.
- 7) Approval by the U.S. Postal Service and/or emergency management agencies, of Street names.

404.3 Minor Subdivision Exclusions

The following may be omitted from Plans for Subdivisions meeting the definition of Minor Subdivisions:

- 1) Ground elevation information as otherwise required in Section 403.1 B.- 2. Topographic mapping on a base using USGS 7.5 minute mapping or better, may be substituted.
- 2) Information on proposed Streets as delineated in Section 404.1-7(a).
- 3) Information on proposed wastewater collection and treatment facilities, other than on-site, as delineated in section 404.1-7(d), except when located within the future service area of a sanitary sewer system as per an approved Act 537 Plan.
- 4) Information on proposed water supply facilities, other than on-site as delineated in Section 404.1-7(f).
- 5) Information on proposed pedestrian circulation systems as delineated in Section 404.1-7(i).
- 6) Information on proposed outdoor storage facilities as delineated in section 404.1-7(j).
- 7) Information on proposed parking facilities as delineated in Section 404 1- 7(k).

8) Information on proposed outdoor lighting facilities as delineated in Section 404.1-7(1).

404.4 Property Line Changes

Changes in Lot Lines between two (2) adjacent Lots of record shall be reviewed in accordance with Article III, Section 303 as a Final Plan; but may exclude adherence to Section 404.1, Section 404.2, and Section 404.3; and shall include the following information,

- 1) Proof of ownership;
- 2) Name of Owners;
- 3) General location within the Township;
- 4) Tract boundary including all land which the Applicants intend to redivide;
- 5) General topographical and physical features such as streams, ponds etc.;
- 6) Names of surrounding property owners;
- 7) North point, approximate scale, and date of original drawing;
- 8) Streets on and adjacent to the affected tracts;
- 9) Existing and proposed Lot Lines;
- 10) A statement noting that this Plan is for a change in Lot Lines between two (2) existing Lots of record, and not for the creation of a third new Lot.

ARTICLE V

DESIGN STANDARDS

Section 501 General Intent

In all Land Developments and Subdivisions developed after the effective date of this ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever other Township standards, in applicable zoning ordinances, building codes, road ordinances, or other ordinances, resolutions, or regulations; or the need requires standards that exceed these minimum standards; those Township standards shall be observed. However, if these standards exceed those of the other municipal ordinances, then the standards of this ordinance shall apply.

Section 502 General Standards

The following general standards shall apply to all types of development. The Township will study the following factors affecting the suitability of a proposed Subdivision.

- a) Land subject to flooding and land deemed by the Township to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other use that may increase danger to health, life, property, or further aggravate the flood hazard; but instead such land within a Plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or aggravate or increase the existing menace.
- b) Areas characterized by steep slopes (slopes greater than fifteen (15) percent), geologic formations, sink holes, wetlands, or other such features which restrict the use of the land shall not be subdivided or developed.
- c) In determining the suitability of land for Subdivision, the Township shall refer to applicable studies by the County Planning Commission, State, and Federal agencies; including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.
- d) The layout or arrangement of the Subdivision or Land Development shall conform to Cambria County's Comprehensive Plan and to any regulations or maps adopted in furtherance thereof; in addition the layout or arrangement of the Subdivision or Land Development shall conform to any Local Level Comprehensive Plan or other applicable ordinances which may exist.
- e) Where evidence indicates that the minimum Lot size requirements specified in other sections of this ordinance or in any applicable zoning ordinance are not adequate to permit the installation of individual On-Lot water and/or sewerage facilities along with an area to be set aside for a replacement sewage absorption bed, the Township shall require that the Township Sewage Enforcement Officer or Pennsylvania Department of Environmental Protection personnel make such tests as are necessary to determine the

adequacy of the proposed facilities in relation to the provisions of the Pennsylvania Sewage Facilities Act 537, as amended, plus other applicable State or local regulations.

- f) No Subdivision showing reserve strips controlling the access to public ways will be approved, except where the control and disposal of the land comprising such strips are definitely placed within the jurisdiction of the Township under an agreement meeting the approval of the Township.

- g) Lot Lines shall, where possible, follow Municipal and County boundary lines.

Section 503 Streets

The following general standards shall apply to all Streets within a Subdivision:

- a) The location and width of all Streets shall conform to the County and local Comprehensive Plans or to such parts thereof as may have been adopted by the County or Township.
- b) The proposed Street system shall extend existing or recorded Streets with the same width or larger but in no case less than the required minimum width.
- c) Where, in the opinion of the Township Supervisors, it is desirable to provide Street access to adjoining property, Street stubs shall be extended by dedication to the boundary of such property.
- d) New Minor Streets shall be so designed as to discourage through traffic, but the Subdivider shall give adequate consideration to provision for the extension continuation of Major Arterial and Collector Streets into and from adjoining properties.
- e) Where a Subdivision abuts or contains an existing Street of improper width or alignment, the Township may require the dedication of land sufficient to widen the Street or correct the alignment.
- f) Private Streets (Streets not to be offered for dedication) are discouraged. Private Streets will be approved only if they meet the design standards of this ordinance.
- g) Street pavement design shall conform with the following:
 - 1) The road construction standards contained herein are minimum standards. These standards are adequate to provide safe, durable roads for all Streets within the Township. In no case should a proposed design provide for less than these standards. Designs in excess of these standards may be required when conditions warrant. Design criteria to be used shall be Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design. Material and construction methods shall comply with the latest edition of Pennsylvania Department of Transportation Specification, Publication 408, and "Standards for Roadway Construction", Pennsylvania Department of Transportation Publication 72.

- 2) The Township reserves the right to approve alternate designs for material type, depth, and width when sound engineering analysis proves the acceptability of the alternate. In no instance shall a proposed alternate design be less than the minimum requirement contained herein.
- 3) Roads on the State or Federal System must be designed to the specifications required by the above-mentioned agencies, these standards notwithstanding.
- 4) All pavements shall be designed for a 20-year service life.
- 5) Where it is proposed to use a road prior to the placement of the wearing course, the base course of the road must be structurally designed to support all anticipated loads.
- 6) Parking lanes shall be provided where required by the Township. Thickness requirements for parking lanes shall be the same as the requirements for the Cartway.
- 7) Temporary turnarounds meeting the dimensional requirements contained herein for a Cul-de-sac, shall be installed when Streets are designed for future extension to adjoining properties or future extension to subsequent phases of a development. Temporary turnarounds shall be provided with Easement meeting the Right-of-Way requirements herein for Cul-de-sacs. Temporary turnarounds shall be constructed of a minimum of six (6) inches of well compacted gravel.
- 8) All construction materials, equipment, procedures and methods shall conform to the requirements of the Pennsylvania Department of Transportation Specifications, publication 408, most recent addition, unless specifically stated otherwise in this ordinance.
- 9) Subgrade (refer to Pennsylvania Department of Transportation pub. 408, Section 210). Form roadbed to the established subgrade elevation, both longitudinally and in cross section, and compact to a minimum 98% maximum dry density as determined by PTM 106. Completed subgrade shall be maintained and protected in advance of succeeding operations. Prior to placement of pavement structure; promptly and satisfactorily reshape and recompact, or remove and replace, damaged or unsatisfactory areas. Correct all surface irregularities exceeding 1/2 inch by loosening the surface and adding material as required. Compact the corrected area and surrounding surface by rolling. The subgrade shall be approved by the Township prior to placing of subbase.
- 10) Subbase (refer to Pennsylvania Department of Transportation, Pub. 408, Section 350). Material shall be type C or 2A as specified in Pennsylvania Department of Transportation Pub. 408, Section 703.2. Subbase shall be placed on prepared subgrade as specified. Do not place subbase material on soft, muddy or frozen areas. Correct unsatisfactory subbase conditions developing ahead of the operations by scarifying, reshaping, and recompact, or by replacement, if directed by the Township. Subbase shall meet the same compaction and grade requirements as

specified for subgrade. Where material is too coarse to use compaction method stated, determine compaction based on non-movement of the material under the compaction equipment. Subbase shall be approved by the Township to placement of base material.

- 11) Bituminous concrete base course (refer to Pennsylvania Department of Transportation Pub. 408, Section 305). Bituminous material shall be asphalt cement, class AC 20 as specified Pennsylvania Department of Transportation, Pub. 408, Section 702. Aggregates shall conform to Pennsylvania Department of Transportation Pub. 408, Section 305.2. Construction shall meet the requirements of Pennsylvania Department of Transportation, Pub. 408, Section 305.3. Bituminous concrete base course shall be approved by the Township prior to the placing of the wearing course.
- 12) ID-2 bituminous wearing course (refer to Pennsylvania Department of Transportation, Pub. 408, section 420). Material shall conform to Pennsylvania Department of Transportation, Pub. 408, Section 420.2a, b, and c. Skid resistance level shall be as required by Pennsylvania Department of Transportation design manual, Part 2, Pub. 13. Construction shall conform to Pennsylvania Department of Transportation, Pub. 408, 401.3. A tack coat shall be applied to the surface of any pavement that has been in place for more than seven (7) days prior to placement of subsequent course.
- 13) Shoulders (refer to Pennsylvania Department of Transportation, Pub. 408, Section 653). Shall be type 3 as shown in Pennsylvania Department of Transportation standards for roadway construction, Pub. 72, RC-25; materials shall be as specified in Pennsylvania Department of Transportation, Pub. 408, Section 653.2, construction shall be as specified in Pennsylvania Department of Transportation, Pub. 408, 653.3. Shoulders less than six (6) feet in width will not be required to use full depth asphalt.

14) Pavement structures shall be as follows:

CLASS OF STREET	DEPTH OF MATERIAL		
	ID-2	B.C.B.C.	2A STONE
Marginal access and cul-de-sac	1 1/2"	4"	6"
Local (Minor)	1 1/2"	4"	6"
Collector	1 1/2"	5"	6"
Arterial	1 1/2"	6"	6"

15) Street cross slopes shall be a minimum of 2% and a maximum of 3.5%. Shoulder cross slopes shall be a minimum of 2% and a maximum of 4.5%.

- h) Stormwater conveyance systems shall be designed in accordance with the approval of the Municipal Engineer and/or any Township Storm Water Management Ordinance. All stormwater conveyance systems within Right-of-Ways, including driveway entrances, shall conform with the following:

- 1) Endwalls and inlets shall be as per Pennsylvania Department of Transportation, Pub. 408, Section 605 and Pennsylvania Department of Transportation, Pub. 72, RC-31 and RC-34.
- 2) Pipe Culvert shall be as per Pennsylvania Department of Transportation, Pub. 408, Section 601, 602, and 603. Corrugated polyethylene Culvert pipe is acceptable up to and including 24" O.D. The minimum size of Culvert pipes shall be 15" O.D. or equivalent cross-sectional area.
- i) Guide rail requirements and design shall be as per Pennsylvania Department of Transportation, Pub. 13, Design Manual Part Two, Section 12. Pennsylvania Department of Transportation, Pub. 408, Section 1109 and Pennsylvania Department of Transportation, Pub. 72, RC-50, 52, 53, 54, and 55.
- j) Material and construction shall be as specified in All Street construction shall be inspected by the Township. Contractor shall notify the Township 48 hours prior to time when inspection is required. The contractor may not, under any circumstances, proceed with subsequent stages until authorization is given by the Township.

503.1 Width: Minimum Street Right-of-Way and pavement widths, if not specified in the county or local level Comprehensive Plans, shall be as set forth in the following:

STREET TYPE	STREET WIDTH	MIN. SHOULDER	MIN. GRADE	MAX. GRADE
<u>Marginal Access and Cul-de-sac</u>				
Right-of-Way	40 Feet	4 feet	1 percent	10 percent
Cartway	20 feet			
<u>Turn Area of Cul-de-Sac</u>				
Right-of-Way	100 feet	N/A	1 percent	5 percent
Cartway O.D.	80 feet			
Length (Max.)	800 feet			
<u>Local (Minor)</u>				
Right-of-Way	50 feet	4 feet	1 percent	10 percent
Cartway	20 feet			
<u>Collector</u>				
Right-of-Way	60 feet	6 feet	1 percent	10 percent
Cartway	24 feet			
<u>Arterial (Major)*</u>				
Right-of-Way	80 feet	10 feet	1 percent	5 percent
Cartway	44 feet			

* The Board of Supervisors retain the option of changing any and all requirements represented with supporting data and recommendations derived by conducting a traffic study. The study may make recommendations which vary from these minimum standards.

503.2 Alignment: Minimum Street alignment standards shall be as follows:

- a) The minimum radius at the center line for horizontal curves on Arterial Streets shall be seven hundred (700) feet; for Collector Streets, four hundred (400) feet, and for Minor Streets, two hundred (200) feet. Proper superelevation shall be provided for curves on Arterial Streets.
- b) Between reverse curves, a tangent of not less than the following dimensions shall be provided.
 - 1) Arterial Streets - 200 feet
 - 2) Collector Streets - 100 feet
 - 3) Minor Streets- 50 feet
- c) Proper sight distance shall be provided with respect to both horizontal and vertical alignment. The minimum sight distance; measured along the center line, four and one-half (4 1/2) feet above grade; shall be as follows:
 - 1) Arterial Streets - 400 feet
 - 2) Collector Streets - 200 feet
 - 3) Minor Streets - 150 feet

503.3 Grades: Minimum standards shall be as follows:

- a) The minimum grade on all Streets shall be one (1) percent.
- b) The maximum grade shall be as follows:
 - 1) Arterial Streets - 5 percent
 - 2) Collector Streets - 10 percent
 - 3) Minor Streets - 10 percent
- c) An intersection shall be approached on all sides by leveling areas. Where the grade exceeds five (5) percent, such leveling areas shall have a minimum length of seventy-five (75) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of three (3) percent.

503.4 Horizontal Curves: Minimum horizontal curves shall be as follows:

- a) Whenever Street Lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- b) To ensure adequate sight distance minimum centerline radii for horizontal curves shall be as follows:
 - 1) Minor Streets - 150 feet
 - 2) Collector Streets - 300 feet
 - 3) Major Streets - 500 feet

- c) A tangent of at least one-hundred (100) feet shall be introduced between all horizontal curves on collector roads and Major Streets.
- d) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

503.5 Vertical Curves: When all changes of Street grades occur where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances:

- a) Minor Streets - 200 feet
- b) Collector Streets - 300 feet
- c) Major Streets - 400 feet

503.6 Intersections: The following standards shall apply to all Street intersections:

- a) Streets shall intersect as nearly as possible at right angles. No Street shall intersect another at an angle less than seventy-five (75) degrees or more than one hundred five (105) degrees.
- b) No more than two (2) Streets shall intersect at the same point.
- c) Streets intersecting another Street shall either intersect directly opposite to each other or shall be separated by at least one hundred twenty-five (125) feet between lines measured along the centerline of the Street being intersected.
- d) Intersections with Major Streets shall be located not less than one thousand (1,000) feet apart measured from centerline to centerline along the centerline of the Major Street.
- e) Where provided, Street curb intersections shall be rounded by a tangential arch with a minimum radius of:
 - 1. Twenty (20) feet for intersections involving only Minor Streets
 - 2. Thirty (30) feet for all intersections involving a Collector Street
 - 3. Forty (40) feet for all intersections involving a Major Street
- f) Street Right-of-Way lines shall be parallel to (concentric with) curb arcs at intersections.

503.7 Alleys: Alleys shall not be permitted in residential Subdivisions except in areas where other methods of entrance and exit are impractical. In other types of developments, where permitted, their design standards shall be determined by the Township.

503.8 Names: The Subdivider may choose Street names subject to the approval of the Township. Proposed Streets which are in alignment with others already existing and named, shall be assigned the names of the existing Streets. In no case shall the name of a proposed Street duplicate or confuse an existing Street name in the Township, notwithstanding of the use of the suffix street, road, avenue, boulevard, driveway, court, lane, etc. All names are subject to County Emergency Management approval for 911 purposes.

Section 504 Curbs

Curbs shall be required on new streets in subdivisions which have a typical lot width of interior lots at the building setback lines of less than one hundred (100) feet. Curbs may also be required in any subdivision in which the lot areas or widths exceed one hundred (100) feet when the centerline street grade of any street exceeds three (3) percent. In such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived for low and moderate density Subdivisions at the discretion of the Township, but when the requirement is waived, grass-lined swales or rock-lined ditches shall be required.

When curbs are required, they shall meet the following standards:

- a) Plain cement concrete curb (refer to Pennsylvania Department of Transportation, Pub. 408, Section 630). Curbing shall be plain cement concrete curb as shown in Pennsylvania Department of Transportation standards for roadway construction, Pub. 72, RC-64. Materials shall conform to Pennsylvania Department of Transportation, Pub. 408, Section 630.2. Construction shall conform to Pennsylvania Department of Transportation, Pub 408, Section 630.
- b) All curbs shall be depressed at intersections in compliance with current Federal and State ADA standards.

Section 505 Sidewalks

Sidewalks shall be provided in high density Subdivisions and when considered necessary by the Township for the protection of the public or whenever it is determined that the potential volume of pedestrian traffic or safety conditions dictates the need. Sidewalks shall also be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one (1) or both sides. Sidewalks shall be provided on all streets and parking areas located within multi-family and apartment developments.

When sidewalks are required, they shall meet the following standards:

- a) Sidewalks shall be located within the street Right-of-Way, one (1) foot from the Right-of-Way line, and shall be a minimum of four (4) feet wide, except along collector and arterial streets, and in the vicinity of shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide.
- b) Generally: A grass planting strip should be provided between the curb and sidewalk.
- c) Sidewalks shall be at least four (4) inches thick, and shall be made of Class A concrete as specified in Pennsylvania Department of Transportation, Publication 408, Section 704 and installed in accordance with Pennsylvania Department of Transportation Publication 408, Section 676, except base aggregate shall be at least four (4) inches deep, and concrete shall be broom finished.
- d) Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Township may require different standards of improvements

than those set forth in previous paragraphs. Crosswalks may be required when deemed necessary by the Township or as noted in Section 506.2.

- e) Handicap-accessible ramps shall be provided on all sidewalks at street intersections. Maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curb shall be installed at the ramp to create a lip of no greater than one-half (1/2) inch. Ramps shall be concrete as specified in Section 602.5 (c) of this Ordinance with a broom finish.
- g) Maximum slope of banks measured perpendicular to the center line of the street should be three (3) to one (1) for fills, and two (2) to one (1) for cuts.

Section 506 Blocks

The length, width, and shape of blocks shall be determined with due regard to the following:

- a) Provision of adequate sites for Buildings of the types proposed
- b) Zoning requirements (if applicable)
- c) Topography
- d) Requirements for safe and convenient vehicular and pedestrian circulation
- e) Other site constraints

506.1 Width: Blocks subdivided into Lots will be two (2) Lot depths in width; excepting Lots along a major thoroughfare which front on an interior Street, or prevented by the site topographic conditions, or other inherent conditions of the property; in which case the Township may approve a single tier of Lots.

506.2 Length: All blocks in a Subdivision shall have a maximum length of 1,600 feet and a minimum length of 400 feet. Blocks over 600 feet in length shall require Crosswalks wherever necessary to facilitate pedestrian circulation and to give access to community facilities.

Section 507 Lots

Within the Township, the width and area of Lots shall be no less than provided in any application or ordinance. In so far as practical, side Lot Lines should be at right angles to straight Street Lines or radial to curved Street Lines. Lot Lines should tend to follow municipal boundaries rather than cross them; in order to avoid interjurisdictional problems.

507.1 Frontage: All Lots shall meet the following frontage requirements:

- a) All Lots shall have direct access to an existing or proposed public Street.

- b) Double or Reverse Frontage Lots shall be avoided; except where required to provide separation of residential development from Major Streets or to overcome topographic problems.

507.2 Size: All Lots shall meet the following minimum requirements:

- a) In all sections of the Township not served by sanitary nor public water facilities, each Lot shall have a minimum width of one hundred fifty (150) feet at the Building Setback Line and a minimum area of forty-three thousand, five-hundred sixty (43,560) square feet.
- b) In all sections of the Township served by either public water supply or sewage, each Lot shall have a minimum width of one hundred fifty (150) feet at the Building Setback Line and not less than twenty-one thousand seven-hundred eighty (21,780) square feet in area per Single Family Dwelling; not less than twelve thousand (12,000) square feet in area per family for duplex Dwellings with a width of not less than seventy-five (75) feet at the Building Setback Line; and not less than seventy-five hundred (7,500) square feet in area per family for row houses and apartments.
- c) In all sections of the Township served by both public water supply and public sewerage, each Lot shall have a minimum width of seventy-five (75) feet at the Building Setback Line and a minimum area of ten thousand (10,000) square feet.
- d) In sections of the Township requiring the utilization of On-Lot sewage disposal, the minimum Lot size shall be large enough to accommodate the original absorption bed, and a tested, preserved, and reserved area for a replacement absorption bed as required by current Pennsylvania Department of Environmental Protection regulations.

507.3 Width: In no case shall the width of the Lot at the Building Setback Line be less than seventy-five (75) feet nor the area of the Lot be less than ten thousand (10,000) square feet. Corner Lots for residential use shall have a width of at least twenty (20) percent greater than the aforementioned required widths to permit appropriate Building set back from and orientation to both Streets.

507.4 Setback Lines: Structures built on Lots shall meet the following setback lines depending upon the availability of public water and sanitary sewer service:

- a) In sections of the Township not served by sanitary sewer and/or public water facilities, Structures shall be constructed no closer than twenty-five (40) feet from front, fifteen (15) feet from side, and fifteen (15) feet from rear property lines.
- b) In sections of the Township served by sanitary sewer and public water facilities, Structures shall be constructed no closer than twenty-five (25) feet from front, ten (10) feet from side, and ten (10) feet from rear property lines.

Section 508 Easements

The following shall apply to Easements within all Subdivisions:

- a) Easements with a minimum width of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains and/or other utility lines intended to serve abutting Lots. No Structures or trees shall be placed in such Easements.
- b) Emphasis shall be placed upon the location of Easements centered on or adjacent to side and rear Lot Lines.
- c) Where a Subdivision is traversed by a watercourse, drainageway, channel, or stream; there shall be provided a drainage Easement conforming substantially with the line of such watercourse, drainageway, channel, or stream, and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such Drainage Facilities or for the purpose of installing a storm water system.
- d) There shall be a minimum distance of one hundred (100) feet, measured in the shortest distance between each proposed Dwelling Unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line which may traverse the Subdivision.

Section 509 Community Facilities

In reviewing Subdivision Plans, the Township will consider the adequacy of existing or proposed community facilities to serve the additional Dwelling Units proposed by the Subdivision. The reservation of land for community facilities will be requested when appropriate. Therefore, the Subdivider shall give earnest consideration to reserving land for parks, playgrounds, churches, schools, and other community facilities. If a facility type has been planned by any group or agency in any area that is to be subdivided, the Subdivider shall ascertain from such organization whether or not it plans to use the site.

Section 510 Public Utilities

The following public utilities, when required, shall meet the indicated standards below:

- 510.1** Water: Where public water lines are required in a new Subdivision, they shall be in conformity with any adopted Areawide Water Plan for Cambria County and any applicable water plans developed for the Municipal Authority or utility providing the service in which the proposed Subdivision is located. Whenever the Municipality, Municipal Authority, or utility company providing the service has no standards, or has standards below those of the Pennsylvania Department of Environmental Protection, standards of the Department of Environmental Protection shall apply.

Public water lines should be located between the cut line or edge of pavement and the property line within any Street Right-of-Way.

- 510.2** Wastewater: Where public sewer lines are required in a new Subdivision, they shall be in conformity with any adopted Areawide Wastewater Plan for Cambria County and any applicable sewer plans developed for the Municipality in which the Subdivision is located. The design specifications of all sewer lines installed in Subdivisions shall meet the minimum standards set forth by the Municipal Authority or utility company providing the service in which the proposed Subdivision is located. Whenever the Municipality, Municipal Authority, or utility company providing the service has no standards, or has standards below those of the Pennsylvania Department of Environmental Protection, the Standards of the Department of Environmental Protection shall apply.

Public sewer lines shall be located as near to the left line or right line of any Street Right-of-Way and/or utility Easement as is reasonably possible, and all such sewer lines shall provide sewage laterals to the property lines of each and every Lot. Said sewage lateral lines be properly capped until utilized. Manholes shall be provided at all changes in grade and direction and in no instance shall the distance between manholes exceed four hundred (400) feet. All sewer mains must be at least eight (8) inches in diameter; and laterals must be at least four (4) inches in diameter. Storm sewers or foundation under-drainage systems shall not be connected with the sanitary sewer system.

- 510.3** On-Lot Wastewater Disposal: Where it is found necessary and feasible to rely upon On-Lot systems for wastewater disposal, the On-Lot disposal systems shall meet all minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, as amended. Within the Township, the provisions of Act 537 are administered by the Township's Sewage Enforcement Officer.

- 510.4** Storm Sewers: Where storm sewers are required in a new Subdivision, they shall be in conformity with the "Areawide Sewer Plan" for Cambria County and any storm sewer plans developed for the Township in which the proposed Subdivision is located. All storm sewer lines shall meet the minimum standards set forth by the Township, with the advice of the Municipal Engineer.

Section 511 Stormwater Drainage:

The following standards shall apply to stormwater-drainage:

- a) Lots shall be laid out and graded to provide positive drainage away from Buildings. The Township may require a Grading and Drainage Plan for individual Lots indicating a buildable area within each Lot, complying with the setback requirements, for which positive drainage is assured.
- b) No person, corporation, or other entity shall block, impede the flow of, alter, or construct any Structure, or deposit any material or thing, or commit any act which affect normal or food flow in any communal stream or water course without having obtained prior approval from Munster Township, the Pennsylvania Department of Environmental Protection, or the U.S. Army Corps of Engineers.
- c) Where a Subdivision or Land Development is traversed by a natural watercourse, there shall be provided a drainage Easement or Right-of-Way conforming substantially with

the line of such watercourse and of such width as will be adequate to preserve natural drainage.

- d) The Township will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
- e) The Subdivider or Developer, and each person, corporation, or other entity which makes any surface changes shall be required to prepare and submit Storm Water Management Plans for review and approval by the Municipal Engineer and/or County; per Pennsylvania Act 172 and any Storm Water Management Plan:
 - 1) Collect on-site surface run-off and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
 - 2) Design drainage facilities to handle runoff from upstream areas.
 - 3) Design, construct, and/or install such drainage structures and facilities necessary to prevent erosion damage to the Subdivision or Land Development, adjacent property and downstream property.
 - 4) Such Structures and activities shall satisfactorily convey subsurface waters to the nearest practical Street storm drain, detention pond, natural water course, or on-site recharge system.
- f) Storm sewers, Culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along Streets, and to intercept storm water runoff along Streets at intervals reasonably related to the extent and grade of the area drained.
- g) Storm sewers, as required, shall be placed in front of the curb or curb line when located in a Street Right-of-Way. When located in undedicated land, they shall be placed within an Easement not less than fifteen (15) feet wide.
- h) Street drainage will not be permitted to cross intersections or the crown of the road.
 - 1) Maximum spacing of Street inlets shall not exceed six hundred (600) feet.
 - 2) All Street inlets shall be Pennsylvania Department of Transportation Type C or M. Inlet tops shall be cast in-place reinforced concrete or precast concrete.
 - 3) All Culvert ends shall be provided with either reinforced concrete headwall or pipe end sections.
 - 4) Minimum pipe size shall be fifteen (15) inch diameter or the equivalent cross-sectional area.
 - 5) When material for storm drain is not specified, Pennsylvania Department of Transportation specifications will apply.

- i) All springs and sump pump discharges shall be collected so as not to flow into the Streets.
- j) Storm water roof drains shall not discharge water directly over a sidewalk.
- k) Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.
- l) The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater run-off.
- m) The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor Subdivisions.
- n) Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
- o) The minimum design criteria shall be a ten (10) year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
- p) Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.
- q) Control Facilities shall adhere to the following and/or any County Storm Water Management Plan:
 - 1) Permanent control measure facilities shall be designated to assure that the rate of stormwater runoff is not greater after development than prior to development for a ten (10) year storm event. More stringent criteria may be required in sensitive areas where downstream storm water problems presently exist.
 - 2) Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the Erosion and Sedimentation Pollution Control Program Manual and Pennsylvania Act 172 regulations.
 - a) Detention ponds may be waived by the Township on the recommendation of the Municipal Engineer at sites in close proximity to major streams. This is to facilitate drainage prior to stream flooding.
 - b) Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the Municipality, a lining shall be installed.

- c) Any ponds with slopes greater than three (3) to one (1) shall be fenced with a six (6) foot fence with type subject to the approval of the Municipality.
- 3) A maintenance plan for control facilities must be included as part of the Grading and Drainage Plan.
 - a) Maintenance during development activities of a project shall be the responsibility of the contractor, Developer, and owner.
 - b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of Final Plans is granted by the Board of Supervisors.
 - 1) In cases where permanent control facilities are owned by an entity (e.g. a homeowner's association), it shall be the responsibility of that entity to maintain the control facilities. In such cases, a legally binding agreement between the owner and the Township shall be made; providing for the maintenance of all permanent facilities, including inspection by the Township Board of Supervisors.

Section 512 Lot Grading

The following standards shall apply to Lot grading for Subdivisions and Land Developments:

- a) Blocks and Lots shall be graded to provide proper drainage away from Buildings and to prevent the collection of storm water in pools. A minimum two percent (2%) slope away from Structures shall be required; for a distance of ten (10) feet.
- b) A Grading and Draining Plan shall be required for all Subdivisions and Land Developments, except Minor Subdivisions. Lot grading shall be:
 - 1) Designed to carry surface waters to the nearest practical Street, storm drain, or natural water course. Where drainage swales are used to convey surface water away from Buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted, or lined as required. Common man-made drainage channels shall require an Easement, or
 - 2) Consistent with stormwater management controls contained in any local or County watershed or Storm Water Management Plan.
- c) No final grading 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:
 - 1) The material in which the excavation is located is sufficiently stable to a slope of steeper than two (2) horizontal to one (1) vertical, and a statement to that effect by an Engineer experienced in erosion control is submitted to the Municipal Engineer and approved. The statement shall state that the site has been inspected and that the

deviation from the proposed slope specified will not result in injury to persons or damage to property.

- 2) A retaining wall constructed according to sound engineering standards from which Plans are submitted to the Municipal Engineer for review and approval.
- d) No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 - 1) The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, Streets, or Buildings.
 - 2) A written statement from an Engineer experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope limits above will not endanger any property or result in property damage, is submitted to and approved by the Municipal Engineer. The statement shall state that the site has been inspected and that the deviation from the proposed slope specified will not result in injury to persons or damage to property.
 - 3) A wall is constructed to support the face of the fill.
- e) The top or bottom edge of slopes shall be a minimum of five (5) 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 abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence or suitable barrier no less than three (3) feet in height, and approved by the Municipal Engineer.
- f) All Lots must be kept free of any debris or nuisances whatsoever.

Section 513 Erosion and Sediment Control

The following standards shall apply to Erosion and Sediment Control within the Township:

- a) General Purpose
 - 1) The Board of Supervisors finds that the minimization of Erosion and Sedimentation in connection with Land Development and Subdivision is in the public interest, affecting public health, safety and welfare; and therefore, those regulations governing Erosion control and Sedimentation control are necessary.
 - 2) No changes shall be made in the contour of the land; and no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time as a Plan for soil Erosion and Sedimentation Control, as required by Chapter 102 of the Rules and Regulations of the Department of Environmental Protection, has been reviewed and approved by the Cambria County Conservation District, or if required, a Pennsylvania Department of Environmental Protection Earth Disturbance Permit has been issued.

- 3) No Subdivision or Land Development Plan authorizing construction shall be approved unless:
 - a) Evidence is presented showing a favorable review of the soil Erosion and Sedimentation Control Plan by the County Conservation District, and if applicable, the Pennsylvania Department of Environmental Protection has issued an Earth Disturbance Permit.
 - b) Financial security for erosion controls has been included in the financial security for the project as required in Section 309 of this Ordinance.
- 4) Where not specified in this Ordinance, measures used to control erosion and sedimentation shall meet the minimum standards contained in the Erosion and Sediment Pollution Control Program Manual of the Pennsylvania Department of Environmental Protection.

b) Performance Principles.

- 1) Stripping vegetation, regrading, or other types of earthmoving shall be done in such a way that will minimize soil erosion.
- 2) Development Plans shall preserve salient natural features, keeping cut and fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- 3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- 4) The disturbed area and the duration of exposure shall be kept to a minimum.
- 5) Disturbed soils shall be stabilized as quickly as practicable.
- 6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- 7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- 8) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff is to be structurally retarded.
- 9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized; by the use of debris basins, sediment basins, silt traps, or similar measures.

c) Grading for Erosion and other Environmental Controls.

In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- 1) Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a Subdivision or Development. The wearing surface shall be installed in accordance with Section 503, and as approved in the Final Plan.
 - 2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
 - 3) Fill shall be placed and compacted to minimize sliding or erosion of the soil.
 - 4) Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
 - 5) During grading operations, necessary measures for dust control will be exercised.
 - 6) Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent Culverts or bridges.
- d) Responsibility.
- 1) Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the collective responsibility of the Developer and Subdivider, and of the contractor, person, corporation, and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
 - 2) Maintenance of all Erosion and Sedimentation Control Facilities during construction and development period is the responsibility of the Land Developer or Subdivider.
 - 3) It is the responsibility of any Developer or Subdivider, and any person, corporation or other entity doing any act on or across a communal stream, watercourse, or swale, or upon the flood plain or Right-of-Way; to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or Right-of-Way during the activity, and to return it to its original or equal condition after such activity is completed.
 - 4) The Subdivider or Land Developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.
- e) Compliance with Regulations and Procedures.

- 1) The Board of Supervisors, in their consideration of all Preliminary Plans of Subdivision and Land Development, shall condition its approval upon full execution of erosion and sediment control measures as contained in section 513 (b) and (c) hereof.
 - 2) The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Erosion and Sediment Pollution Control Program Manual of the Pennsylvania Department of Environmental Protection.
- f) Stream Channel Construction.
- 1) Stream channel construction on watersheds with drainage in excess of one half (1/2) square mile, or in those areas where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Protection.
- g) A written permit issued by the Pennsylvania Department of Environmental Protection shall be required prior to any construction, operation, maintenance, modification, or abandonment of any dam, water obstruction, or encroachment. Evidence of a permit must be presented when requested prior to any approval of a Subdivision or Land Development which authorizes construction.

Section 514 Flood Hazard Area Regulations

The following standards shall apply to Flood Hazard Areas within the Township:

- a) Purpose
- 1) To regulate the Subdivision or development of land within any designated Flood Hazard Area in accordance with Munster Township Flood Plain Regulations in order to promote the general health, welfare, and safety of the community.
 - 2) To require that each Subdivision Lot in flood prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designated and installed to preclude flood damage at the time of initial construction.
 - 3) To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper Subdivision or development of unprotected lands within the designated Flood Hazard Area districts.
- b) Abrogation and Greater Restrictions.

To the extent that this section imposes greater requirements or more complete disclosure than other provisions of this Ordinance, in any respect; or to the extent the provisions of this section are more restrictive than such other provisions, this section shall control such other provisions of this ordinance.

c) Disclaimer of Municipal Liability.

The grant of a permit or approval of a Plan for any proposed Subdivision or Land Development to be located within any designated Flood Hazard area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, employees or agents.

d) Application Procedures and Requirements.

1) Pre-Application Procedures.

- a) Prior to the preparation of any Plans, it is suggested that Developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal systems are proposed.
- b) Prospective Developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the Subdivision or Development.

2) Preliminary Plan Requirements.

The following information shall be required as part of the Preliminary Plan and shall be prepared by an Engineer or Surveyor:

- a) Name of Engineer, Surveyor, or other qualified person responsible for providing the information required in this section;
- b) A map showing the location of the proposed Subdivision or Land Development with respect to any designated Flood Hazard Area, including the following information but not limited to, the one hundred (100) year flood elevations, boundaries of the Flood Hazard Area or Areas, proposed Lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
- c) Where the Subdivision or land lies partially or completely within designated Flood Hazard Area, or where the Subdivision or Land Development borders on a Flood Hazard Area, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) feet, and shall identify accurately the boundaries of the Flood Hazard Areas.
- d) Such other information as is required by this ordinance.

3) Final Plan Requirements.

The following information shall be required as part of the Final Plan and shall be prepared by a registered Engineer or Surveyor:

- a) All information required for the submission of the Final Plan incorporating any changes requested by the Board of Supervisors;
- b) A map showing the exact location and elevation of all proposed Buildings, Structures, roads and public utilities to be constructed within any designated Flood Hazard Area. All such maps shall show contours at intervals of two (2) feet within the Flood Hazard Area and shall identify accurately the boundaries of the flood prone areas;
- c) Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Protection, and any other governmental agency where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation.
- d) The Department of Community and Economic and Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Township Board of Supervisors meeting at which such Plan is to be considered.

4) Design Standards and Improvements in Designated Flood Hazard Areas.

a) General.

- 1) Where not prohibited by this or any other laws or ordinances, land located in any designated Flood Hazard Area may be platted for development with the provision that the Developer construct all Buildings and Structures to preclude flood damage in accordance this and any other laws and ordinances regulating such development.
- 2) No Subdivision or Land Development, or part thereof, shall be approved if the proposed development or improvement will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- 3) Building sites for residences or any other type of Dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Flood Hazard Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of the site the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits

of the proposed Structure and access shall meet the requirements of Section 514.a.3. above.

- 4) Building sites for Structures or Buildings other than for residential use shall not be permitted in any floodway area. Sites for such Structures or Buildings outside the floodway in a Flood Hazard Area shall be protected as provided for in Section 514.a.1. above. However, the Board of Supervisors may allow the Subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood elevation if the Developer otherwise protects the area to that height or assures that the Buildings or Structures will be flood proofed to the Regulatory Flood Elevation.
- 5) If the Township determines that only a part of a proposed Plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- 6) When a Developer does not intend to develop the Plat himself and the Board of Supervisors determines that additional controls are required to insure safe development, they may require the Developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded Plat.

b) Drainage Facilities.

- 1) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along Streets, and provide positive drainage away from Buildings and on-site waste disposal sites.
- 2) Plans shall be subject to the approval of the Township. The Township may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage Plans shall be consistent with any Township Storm Water Management Plan, County Plan, and/or as approved by the Municipal Engineer. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- 3) The finished elevation of proposed Streets and driveways, shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of Streets and driveways to determine compliance with this requirement and as required by other provisions of this ordinance shall be submitted with the Final Plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- 4) All wastewater systems located in any designated Flood Hazard Area whether public or private shall be flood proofed up to the Regulatory Flood Elevation.

- 5) All water Systems located in any designated Flood Hazard Area, whether public or private, shall be flood proofed up to the Regulatory Flood Elevation.
- 6) All other public or private utilities and facilities, including but not limited to: gas and electric, shall be elevated or flood proofed up to the Regulatory Flood Elevation.

Section 515 Solar Energy Facilities

515.1 Purpose: The purpose of this Section is to provide requirements for the construction, operation, and decommissioning of Solar Energy Systems in Munster Township, subject to reasonable conditions that will protect the public health, safety, and welfare. Nothing contained herein is intended to amend, repeal, supersede, or conflict with other Ordinances of the Township as to the matters addressed in those Ordinances.

515.2 Accessory Solar Energy Systems

1. Regulations Applicable to Accessory Solar Energy Systems (ASES):

- a) ASES shall be permitted in the Township, provided that a person desiring to construct and use ASES shall first obtain a permit from the Township and pay its applicable administrative fee for issuance of the same, which fee may be established by the Township by Resolution and amended thereafter by subsequent Resolution as determined necessary by the Board of Supervisors, unless such ASES are exempt here from as more fully set forth in Section 4.A.1. Permits will be issued for 25-years.
 1. If the person desiring to construct an ASES has not commenced such construction within 5 years from the date of issuance of a permit and the permittee wishes to begin construction, the permittee shall be bound by any and all changes in this Ordinance or regulations applicable to the construction of ASES that have been enacted since the time of permit approval.
- b) Exemptions. ASES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- c) The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code and its supporting regulations, as amended, and with all other applicable Federal, State, and

local laws and regulations. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards established by any applicable Federal, State, or local law, rule, or regulation, as amended. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Township.

- d) ASES installers must certify that they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP-approved installer by meeting or exceeding one of the following requirements:
 - 1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - 2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
 - 3. For residential applications, a registered home improvement contractor with the Pennsylvania Attorney General's office.
- e) All on-site utility, transmission lines, and plumbing associated with any ASES shall be placed underground.
- f) The owner of an ASES shall provide the Township with written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
- g) The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
- h) Glare shall be prevented or minimized to the extent possible as follows:
 - 1. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
 - 2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- i) A noise study shall be performed and included in the application. The noise study is to be performed by an independent noise study expert and paid for by the applicant. Noise from a ASES shall not exceed 60 dBA as measured at the property line, excluding noise caused or contributed to by natural sources thereof such as wind, rain, hail, flowing water, or otherwise.

j) Solar Easements.

1. Where an applicable subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
 2. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
 - i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
 3. If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
- k) Prior to the issuance of a permit by the Township, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
1. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 2. The right to prohibit the development on or growth of any trees or vegetation on such property.
- l) Decommissioning. The following shall apply to decommissioning of ASES:
1. Prior to a permit being approved and/or issued to an ASES Owner and/or Operator, the said Facility Owner and/or Operator must submit to the Township financial security (which shall be in addition to any other financial security

required pursuant to any applicable Subdivision and Land Development Ordinance) which shall be deposited with the Township in an amount sufficient to cover the costs of decommissioning all improvements or common amenities including, but not limited to, the solar panels and any base and footing, storm water detention and/or retention basins and other related drainage facilities, and electrical apparatus and restoration of the land to its original condition including forestry plantings of the same type and density as the original.

2. Such financial security for decommissioning shall be in the form of a bond, satisfactory in form to the Township Solicitor whose review of same shall be reimbursed to the Township by the Facility Owner and/or Operation and posted with a bonding company chosen by the party posting the financial security, provided said bonding company is authorized to conduct such business with the Commonwealth. The financial security shall meet the following:
 - i. Such bond shall provide for and secure to the Township the decommissioning of any improvements.
 - ii. The amount of the bond to be posted for the decommissioning of any improvements shall be equal to One Hundred and Ten (110%) Percent of the estimated cost thereof. The Township may adjust the required amount of the bond by Resolution every three (3) years. Subsequent to said adjustment, the Township may require the ASSES Owner and/or Operator to post additional security in the form of an increased bond in order to assure that the financial security equals said One Hundred Ten (110%) Percent. Any additional security shall be posted by the ASSES Owner and/or Operator in accordance with this subsection, and any additional review of any future bond form by the Township's Solicitor shall be reimbursed by the ASSES Owner and/or Operator to the Township.
 - iii. The amount of financial security required shall be based upon an estimate of the cost of decommissioning of any improvements, submitted by the ASSES Owner and/or Operator and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the ASSES Owner and/or Operator or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the ASSES Owner and/or Operator. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the ASSES Owner and/or Operator.
3. As the work of decommissioning of any improvements proceeds, the party posting the bond may request the governing body to release, or authorize the

release, from time to time, such portions of the bond(s) necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board of Supervisors shall request the Township engineer to certify, in writing, to the Board of Supervisors that such portion of the decommissioning of any improvements has been completed. Upon such certification, the Board of Supervisors shall authorize release by the bonding company of an amount as estimated by the Township engineer fairly representing the value of the decommissioning of any improvements.

4. The owner of any participating property which is subject to decommissioning shall be given the option to keep the road(s) created on such owner's property by or in connection with construction of any ASES.
5. When the ASES Owner and/or Operator has completed the decommissioning of all improvements, such Owner and/or Operator shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid decommissioning of all improvements and shall send a copy thereof to the municipal engineer. The Board of Supervisors shall direct and authorize the Township engineer to inspect the site. The Township engineer shall indicate to the Township approval or rejection of said decommissioning of all 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.
6. The Board of Supervisors shall notify the ASES Owner and/or Operator as to the Township Engineer's acceptance or rejection of the decommissioning. If the decommissioning is acceptable, the Township shall release the bond. If the decommissioning is not acceptable, the ASES Owner and/or Operator shall, within thirty (30) days of notice by the Township of the deficiencies, correct the same and in the event the said deficiencies are not so corrected within the said time period, or in the event the decommissioning is not commenced, the Township may utilize the bond to accomplish the same as set forth herein.
7. If the components of the Facility being decommissioned are disposed of by the ASES Owner and/or Operator, such disposal shall be in accordance with all applicable Federal, state, and local laws, rules, and regulations.
8. In the event that any decommissioning of improvements which are required have not been completed as provided in this ordinance and permit, the Board of Supervisors of the Township is hereby granted the power to enforce any corporate bond by appropriate legal and equitable remedies. If proceeds of such bond are insufficient to pay the cost of decommissioning of improvements covered by said security, the Board of Supervisors of the Township may, at its option, proceed with decommissioning of all improvements and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

9. The ASES Owner and/or Operator shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of decommissioning of improvements, including review of any plans, documents, or materials by the Township's engineer and/or Solicitor in connection therewith, as well as view of the site, if necessary. 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 performed for the Township, as well as any attorney's fees incurred by the Township in connection therewith.
 10. Where herein reference is made to the municipal engineer, said engineer shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.
 11. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 12. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
 13. The ASES owner shall, at the request of the Township provide information concerning the amount of energy generated by the ASES in the last 12 months.
- m) Permit Requirements. The following shall apply to all ASES permits:
1. ASES permit applications shall document compliance with this Section and Section 4 above and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
 2. The ASES permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
 3. ASES shall comply with the Township's subdivision and land development requirements. The installation of ASES shall also be in compliance with all other applicable Federal, State, and local laws, rules, codes, and regulations.
 4. The ASES owner and/or operator shall repair, maintain and replace the ASES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the ASES in good repair and operating condition. The ASES must also be properly maintained and kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Township shall give written notice to the ASES owner and/or operator specifying the violation to the owner and/or operator of the ASES and

permitting thirty (30) days for the ASES to conform to the law or to remove the ASES.

2. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- a) A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- b) ASES mounted on roofs or walls of any building shall be subject to any applicable Airport Hazard Zoning Ordinance or similar Ordinance so as not to provide any obstruction to any flight into or out of any airport within a 10-mile radius of the ASES.
- c) Solar panels shall not extend beyond any portion of the roof edge.
- d) Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that street-facing solar panels will not create a safety hazard to a pedestrian or motorist, or due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
- e) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.
- f) The vertical clearance of the solar array shall be 10 feet or less from the surface of the ground and provide a stabilized condition below the array.
- g) Erosion control Best Management Practices (“BMPS”) shall be provided to minimize the potential for accelerated erosion to occur along the drip line of the solar array.
- h) If the height of the solar panels exceeds 10 feet, additional erosion controls (rip rap or some other type of energy dissipation) will be required to prevent and minimize accelerated erosion and scour along the dripline of the solar panel.

3. Ground Mounted Accessory Solar Energy Systems:

- a) Setbacks. The minimum setbacks from front, side, and rear property lines shall be those which comply with the Munster Township Subdivision and Land Development Ordinance (SALDO). The minimum setback for any ground mounted ASES from any public highway shall be fifty (50) feet as measured from the base thereof.
- b) Storm Water Management. The following shall apply to all ASES systems:

1. Regardless of the mounted angle of any solar panels, all ground mounted ASES shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
 2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance by the ground mounted ASES with any applicable municipal stormwater management regulations.
- c) Screening. Ground mounted ASES shall be screened from any adjacent property that is a residence. The screen shall consist of plant materials which provide a visual screen in compliance with the Munster Township SALDO. In lieu of planting landscape screening, a decorative fence may be used that meets the approval of Munster Township.
 - d) Signage/Security. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
 - e) Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
 - f) Ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the system.
 - g) The vertical clearance of the solar array shall be 10 feet or less from the surface of the ground and provide a stabilized condition below the array.
 - h) Erosion control Best Management Practices (“BMPS”) shall be provided to minimize the potential for accelerated erosion to occur along the drip line of the solar array.
 - i) If the height of the solar panels exceeds 10 feet, additional erosion controls (rip rap or some other type of energy dissipation) will be required to prevent and minimize accelerated erosion and scour along the drip line of the solar panel. In no case shall ground-mounted solar panels be greater than 15 feet in height.
 - j) Solar panels shall be situated on slopes 10% or less. ASES and Principal Solar Energy Systems proposed on slopes exceeding 10% shall be subject to the Pennsylvania BMP Manual and requires additional stormwater BMP’s such as, but not limited to infiltration trenches, infiltration berms, and retention grading. In no occasion shall ground-mounted solar panels be located on moderately steep slopes as defined by the Munster Township SALDO.

515.3 Principal Solar Energy System

1. Regulations Applicable to all Principal Solar Energy Systems (PSES):

- a) PSES shall be permitted in the Township, provided that a person desiring to construct and use PSES shall first obtain a permit from the Township and pay its applicable administrative fee for issuance of the same, which fee may be established by the Township by Resolution and amended thereafter by subsequent Resolution as determined necessary by the Board of Supervisors, unless such PSES are exempt here from as more fully set forth in Section 5.A.2.
- b) Exemptions. PSES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Ordinance that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- c) The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM),), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- d) PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - 1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - 2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- e) The owner of a PSES shall provide the Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
- f) No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

- g) No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- h) The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- i) A noise study shall be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 60 dBA as measured at the property line, excluding noise caused or contributed to by natural sources thereof such as wind, rain, hail, flowing water, or otherwise.
- j) Solar Easements. The following shall apply to all solar easements:
 - 1. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - 2. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
 - i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
 - 3. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
- k) Decommissioning. The following shall apply to decommissioning of PSES:

1. Prior to a permit being approved and/or issued to an PSES Owner and/or Operator, the said Facility Owner and/or Operator must submit to the Township financial security (which shall be in addition to any other financial security required pursuant to the Township's SALDO) which shall be deposited with the Township in an amount sufficient to cover the costs of decommissioning all improvements or common amenities including, but not limited to, the solar panels and any base and footing, storm water detention and/or retention basins and other related drainage facilities, and electrical apparatus and restoration of the land to its original condition including forestry plantings of the same type and density as the original.
2. Such financial security for decommissioning a PSES shall be in the form of a bond, acceptable in form to the Township's Solicitor, posted with a bonding company chosen by the party posting the financial security, provided said bonding company is authorized to conduct such business with the Commonwealth. The financial security shall meet the following:
 - i. Such bond shall provide for and secure to the public the decommissioning of any improvements.
 - ii. The amount of the bond to be posted for the decommissioning of any improvements shall be equal to One Hundred and Ten (110%) Percent of the estimated cost. The amount of the bond shall be adjusted by Resolution every three (3) years from the anniversary of the initiation of operation of the PSES. Subsequent to said adjustment, the Township may require the PSES Owner and/or Operator to post additional security in the form of an increased bond in order to assure that the financial security equals said One Hundred Ten (110%) Percent. Any additional security shall be posted by the PSES Owner and/or Operator in accordance with this subsection.
 - iii. The amount of financial security required shall be based upon an estimate of the cost of decommissioning of any improvements, submitted by the PSES Owner and/or Operator and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the PSES Owner and/or Operator and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the PSES Owner and/or Operator. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the PSES Owner and/or Operator.
3. As the work of decommissioning of any improvements proceeds, the party posting the bond may request the governing body to release, or authorize the

release, from time to time, such portions of the bond(s) necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board of Supervisors shall request the Township engineer to certify, in writing, to the Board of Supervisors that such portion of the decommissioning of any improvements has been completed. Upon such certification, the Board of Supervisors shall authorize release by the bonding company of an amount as estimated by the Township engineer fairly representing the value of the decommissioning of any improvements.

4. The owner of any participating property which is subject to decommissioning shall be given the option to keep the road(s) created on such owner's property by or in connection with construction of any PSES.
5. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
6. The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.
7. When the PSES Owner and/or Operator has completed the decommissioning of all improvements, such Owner and/or Operator shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid decommissioning of all improvements and shall send a copy thereof to the municipal engineer. The Board of Supervisors shall direct and authorize the Township engineer to inspect the site. The Township engineer shall indicate to the Township approval or rejection of said decommissioning of all 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.
8. The Board of Supervisors shall notify the PSES Owner and/or Operator as to the Township Engineer's acceptance or rejection of the decommissioning. If the decommissioning is acceptable, the Township shall release the bond. If the decommissioning is not acceptable, the PSES Owner and/or Operator shall, within thirty (30) days of notice by the Township of the deficiencies, correct the same and in the event the said deficiencies are not so corrected within the said time period, or in the event the decommissioning is not commenced, the Township may utilize the bond to accomplish the same as set forth herein.
9. In the event that any decommissioning of improvements which are required have not been completed as provided in this ordinance and permit, the Board of Supervisors of the Township is hereby granted the power to enforce any corporate bond by appropriate legal and equitable remedies. If proceeds of such bond are insufficient to pay the cost of decommissioning of improvements covered by said security, the Board of Supervisors of the Township may, at its

option, proceed with of decommissioning of all improvements and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

10. The PSES Owner and/or Operator shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of decommissioning of improvements, including review of any plans, documents, or materials by the Township's engineer and/or Solicitor in connection therewith. 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 performed for the Township, as well as any attorney's fees incurred by the Township in connection therewith.
 11. Where herein reference is made to the municipal engineer, said engineer shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.
 12. Each PSES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 13. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
 14. The PSES owner shall, on an annual basis, provide information concerning the amount of energy generated by the PSES in the last 12 months.
- l) Permit Requirements. The following shall apply to all PSES permits:
1. PSES Permit applications shall document compliance with this section. Applications filed pursuant to this Ordinance shall comply with the Subdivision and Land Development Ordinance of Munster Township, including but not limited to compliance with §301, and shall contain the following:
 - i. A narrative describing the proposed PSES, including an overview of the project, the project location, the approximate generating capacity of the PSES, the approximate number, representative types and height or range of heights of the panels or other PSES equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, a detailed description of the materials contained in the panels, and a description of all ancillary facilities.
 - ii. An affidavit or similar evidence of agreement between the Landowner of the real property on which the PSES is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the PSES ("Participating Landowner Agreement").

- iii. Identification of the properties or portions thereof on which the proposed PSES will be located, and the properties adjacent to where the PSES will be located.
 - iv. A site plan showing the planned location of the PSES property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the PSES to the substation(s), ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- 2. A PSES permit will be issued for 25 years, but shall be revoked if the PSES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSES not to be in conformity with this Ordinance.
 - (i) If the person desiring to construct an PSES has not commenced such construction within 5 years from the date of issuance of a permit and the permittee wishes to begin construction, the permittee shall be bound by any and all changes in this Ordinance or regulations applicable to the construction of PSES that have been enacted since the time of permit approval.
 - 3. Prior to the issuing of any building permit for an PSES, the applicant must perform the geochemical testing outlined in Exhibit “A” attached hereto relative to on-site discharges annually and down/up gradient residential and public water supply located within 500 feet of the PSES site. The results of such testing shall be evaluated based on the detection limits contained in the drinking water standards promulgated by U.S. Department of Environmental Protection (EPA). Said testing shall also be performed after construction, after any major modification to the PSES, at the time of decommissioning, and 1 year after removal of all panels. At all times the results of the testing shall be in compliance with the aforementioned EPA drinking water standards. If testing reveals that the wells of any surrounding properties have been damaged or contaminated, the PSES owner and/or operator shall be responsible for correction of said conditions including, but not limited to, drilling a new well and/or decontamination of the surrounding properties.
 - 4. The installation of PSES shall be in compliance with all other applicable Federal, State, and local laws, rules, codes, and regulations.
 - 5. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition. The PSES must also be properly maintained and kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

In the event of a violation of any of the foregoing provisions, the Township shall give written notice to the PSES owner and/or operator specifying the violation to the owner and/or operator of the PSES and permitting thirty (30) days for the PSES to conform to the law or to remove the PSES.

6. If at any time new panels are installed that are different in composition from those initially installed as part of the PSES, the owner and/or operator shall provide a new detailed description of the materials used in the construction of said panels.

2. Ground Mounted Principal Solar Energy Systems:

- a) Setbacks. The minimum setbacks from front, side, and rear property lines shall be a minimum of one hundred fifty (150) feet from any adjacent property. The minimum setback for any ground mounted PSES from any public highway shall be one hundred (100) feet as measured from the base thereof.
- b) Storm Water Management. The following shall apply to all PSES systems:
 1. Regardless of the mounted angle of any solar panels, all ground mounted PSES shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
 2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance by the ground mounted PSES with any applicable municipal stormwater management regulations.
- c) Screening. Ground mounted PSES shall be screened from any adjacent property that is a residence. The screen shall consist of native plant materials which provide a visual screen. In lieu of a planting landscape screen, a decorative fence may be used subject to approval by Munster Township.
- d) Signage/Security. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the PSES shall be locked to prevent unauthorized access or entry.
- e) Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- f) Security. The following shall apply to all PSES systems:
 1. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
 2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

g) Access. The following shall apply to all PSES systems:

1. At a minimum, a 25-foot-wide access road must be provided from a state or Township roadway into the site and a cul de sac built on-site sufficient in size to permit large and emergency vehicles to turn around and exit the same. To the extent that the Munster SALDO provides dimensions or size of turning radius for a cul de sac in any land development, such dimensions or size as used therein shall control here.
 2. Access to the PSES shall comply with the municipal access requirements in the Munster Township SALDO.
 - h) The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
 - i) If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
 - j) The vertical clearance of the solar “array” shall be 10 feet or less from the surface of the ground and provide stabilized conditions below the “array.” Erosion control BMPs shall be provided to minimize the potential for accelerated erosion to occur along the drip line of the solar “array.”
 - k) If the height of the solar panels exceeds 10 feet, additional erosion controls (rip rap or some other type of energy dissipation) will be required to prevent and minimize accelerated erosion and scour along the drip line of the solar panel. In no case shall ground mounted solar panels be greater than 15 feet in height.
 - l) Solar panels shall be situated on slopes 10% or less. ASES and Principal Solar Energy Systems proposed on slopes exceeding 10% shall be subject to the Pennsylvania BMP Manual and requires additional stormwater BMP’s such as, but not limited to infiltration trenches, infiltration berms, and retention grading. In no occasion shall ground-mounted solar panels be located on moderately steep slopes as defined by the Munster Township SALDO.
3. Roof and Wall Mounted Principal Solar Energy Systems:
- a) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.
 - b) PSES mounted on roofs or walls of any building shall be subject to any applicable Airport Hazard Zoning Ordinance or similar Ordinance so as not to provide any obstruction to any flight into or out of any airport within a 10-mile radius of the PSES.
 - c) Solar panels shall not extend beyond any portion of the roof edge.

- d) Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that street-facing solar panels will not create a safety hazard to a pedestrian or motorist, or due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
- e) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

ARTICLE VI

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

Section 601 General

It is the purpose of this Article to set forth the required improvements in all Subdivisions and Land Developments, and the construction standards required. Where not set forth, they shall be in accordance with the prevailing standards as established by the Municipal Engineer. Alternate improvement standards may be permitted if the Township deems them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Township believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the citizenry of the County.

Any or all of the following improvements as may be required by the Township, pursuant to the authority granted in the municipal code, considering the needs of the area in which the proposed Subdivision is located, must have been completed in accordance with the requirements established by this Ordinance as well as in accordance with the requirements of the responsible public authority affected, public officials, or Municipal Engineer for that portion included in the final Plat. If the improvements are not completed, then satisfactory arrangements must have been made with the Township to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final Plat.

The following improvements shall be installed by the Subdivider. The Final Plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or Financial Security has been established with the Township.

Section 602 Required Improvements

602.1 Monuments:

For all Subdivisions with the exception of Property Line Changes, at least one (1) monument shall be set, preferably at an angle, in the perimeter of the Subdivision. The monument shall meet the following specifications:

- a) Monuments shall be of concrete or stone with a minimum size of Six (6) inches by six (6) inches by thirty (30) inches and shall be marked on the top with a copper or brass dowel;
- b) Monuments shall be set under direct supervision of a Registered Land Surveyor so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the monument is level with the top of the surrounding ground;
- c) Monuments shall be set at the intersection of lines forming angles in the boundary of the Subdivision or Development or at the intersection of street lines.

- d) Monument locations must be shown on the 'Final Plan'. Any monuments that are removed shall be replaced under direct supervision of a Registered Land surveyor at the expense of the person removing the monument.

602.2 Markers:

Markers shall consist of iron pipes, iron, steel bars, or copper weld markers, at least fifteen (15) inches long and not less than three-quarters (3/4") inches in diameter.

- a) Markers shall be set at the beginning and ending of all curves along street property lines;
- b) Markers shall be set at all points where lot lines intersect curves either front or rear;
- c) Markers shall be set at all of the property lines of lots;
- d) Markers shall be set at all other lot corners;
- e) Markers shall be placed so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the marker is level with the top of the surrounding ground; and
- f) Markers shall be set under the direct supervision of a Registered Surveyor.

602.3 Streets:

All streets shall be graded to the full width of the right-of-way surfaced and improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the Subdivider and approved by the Municipal Engineer. In Subdivisions where sidewalks are not required, the sidewalk areas shall be graded in the same manner as if sidewalks were to be constructed.

- a) Streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications as contained in Section 503 of this Ordinance.
- b) Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the Subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Township.

602.4 Curbs:

Where required, curbs shall be installed to the standards specified in Section 504 of this Ordinance.

602.5 Sidewalks:

Where required, sidewalks shall be installed to the standards specified in Section 505 of this Ordinance.

602.6 Wastewater Collection and Treatment:

The method of wastewater disposal in a proposed Subdivision shall be determined by the Township, in accordance with any adopted sewage facility plan. Generally, where a public wastewater collection system has the capacity and is within one thousand (1,000) feet of, or where Plans approved by the governing bodies provide for the installation of such public wastewater collection facilities to within one thousand (1,000) feet of the proposed Subdivision; the Subdivider shall provide the Subdivision with a complete wastewater collection system to be connected to the existing or proposed public system. The system shall be designed by an Engineer and meet the regulations of the Pennsylvania Department of Environmental Protection and the respective Municipal Authority.

To aid the Township in making their decision upon the best method of wastewater disposal within a proposed Subdivision, the Subdivider shall submit two (2) copies of the "Sewage Planning Module" with the "Preliminary Plan".

In cases where no municipal wastewater collection and treatment facilities are available as previously defined, a plan for wastewater disposal that best meets the needs of the proposed Subdivision will be presented by the Developer for Township approval. This plan is to include, but will not limited to: community system, an interim treatment plant, individual on-lot septic tanks, or other satisfactory methods of wastewater disposal.

The Township shall recommend the most suitable type of wastewater disposal in consideration of the Department of Environmental Protection action on the Sewage Planning Module, the individual site characteristics of the proposed Subdivision, and both the short-range (5 to 10 years) water and sewer program and the long-range (20 year) County water and sewer plan. Regardless of the method of wastewater disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facilities Act 537, as amended, and other applicable local, state, and federal regulations. A Sewage Planning Module approval or waiver shall be obtained prior to Township plan approval authorizing construction.

Upon completion of the wastewater system, community disposal system, and/or interim treatment plant, one (1) copy of as-built drawings shall be filed with the Township and one (1) copy shall be filed with the respective Municipal Authority.

602.7 Water:

Where a municipal water supply system has the capacity and is within one thousand (1,000) feet of, or where plans approved by the governing body or private, water company provide for the installation of municipal water supply facilities to within one thousand (1,000) feet of the proposed Subdivision, the Subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply. The system shall

be designed by an Engineer and meet the regulations of the Pennsylvania Department of Environmental Protection and the respective Municipal Authority. Evidence of issuance of permits from the Pennsylvania Department of Environmental Protection, when such permits are required, shall be presented to the Township prior to approval of plans authorizing construction.

In cases where no municipal or community water supply system is available, each lot in a Subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection.

The plans for installation of the mains of a water supply system shall be prepared for the Subdivision with the cooperation of the applicable water supply agency and approved by its Engineer. A statement of approval from the agency of the water supply to which the Subdivision will be connected shall be submitted to the Township with the "Preliminary Plan".

Upon the completion of the water supply system, one (1) copy each of the as-built drawings for such system shall be filed with the Township.

- 602.8** Storm Water Management Control: Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface runoff away from Buildings into the natural drainage system of the area, storm water management control improvements, as required by the Municipal Engineer and/or any Township Stormwater Management Ordinance, and State regulation shall be installed and maintained in accordance with the plans submitted by the Subdivider or Developer and approved by the Municipal Engineer. The improvements shall be designed and constructed to the standards set forth in Section 511 of this Ordinance and/or any Township Stormwater Management Ordinance. Outlets shall be approved by the owner of properties affected and by the Township.

One (1) copy of as-built drawings of stormwater management control systems shall be filed with the Township. Under no circumstances shall storm sewers be connected with sanitary sewers.

- 602.9** Off-Street Parking: Each proposed Dwelling unit in a Subdivision shall be provided with two (2) off street parking spaces. Such off-street parking spaces may be provided as an individual garage, carport, and/or driveway, preferably located behind the building line, or in a parking compound adjacent to or near the Dwelling Units served. Driveway and parking compounds shall provide two (2) usable parking spaces each containing two hundred (200) square feet.

- 602.10** Street Name Signs:

Street name signs shall be placed at all intersections in conformance with Township specifications. Signs shall be paid for by the Subdivider and installed by the Township.

- 602.11** Buffer Area:

All non-residential Subdivisions shall include a landscaped buffer of at least six (6) feet

along all public roadways, and ten (10) feet along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts homes, at least fifty (50) percent of the trees and shrubs shall consist of evergreens. Landscaping shall be at least three (3) feet in height at the time of planting.

Section 603 Recommended Improvements

Although not required, the following improvements are recommended as valuable to safety, convenience, and attractiveness of a Subdivision. They, therefore, are a great asset not only to the Township and the County as a whole, but also to the potential buyer and residents of the area.

603.1 Streetlights:

In accordance with the conditions to be agreed upon by the Subdivider, the Township, and the appropriate public utility, streetlights are recommended to be installed in all medium and high-density Subdivisions. The Subdivider shall be responsible for making the necessary arrangements with the applicable agency and whether or not streetlights are initially installed, the Subdivider shall be responsible for providing utility easements for future street lighting installations.

603.2 Shade Trees:

All possible efforts should be made by the Subdivider to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of two (2) inches shall be planted between the sidewalk and the building line at least five (5) feet from the sidewalk, or between the curb and sidewalk provided the planting strip is a minimum of six (6) feet wide. Preserved shade trees, may be included in the buffer areas required under Section 602.11.

603.3 Fire Hydrants:

Fire hydrants should be provided as an integral part of any water system and shall be in accordance with the specifications set forth by the National Fire Protection Association, and as approved by the respective local fire company. The fire hydrants shall be placed at intervals of not more than one thousand (1,000) feet; and shall contain a minimum of two (2), two and one-half (2-1/2) inch outlets and one (1), four and one-half (4-1/2) inch pumper outlet, unless specified otherwise by the local fire company to insure compatibility with firefighting equipment.

603.4 Underground Wiring:

It is strongly recommended that all electric, telephone, and television cable lines be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utilities.

ARTICLE VII

MOBILE HOME PARK DESIGN STANDARDS

Section 701 General Requirements

The general design standards and required improvements of Articles V and VI and residential design standards shall apply to Mobile Home Park subdivisions or developments even though Streets may not be submitted for dedication. The following additional standards shall also apply to Mobile Home developments.

Section 702 Specific Design Standards

a) Site Location

A Mobile Home Park shall be located on land having a reasonably flat terrain: having an average slope of eight percent (8%) or less. The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by the one hundred (100) year flood and shall have access to public roads. The minimum size requirement for a Mobile Home Park shall be three (3) acres.

b) Placement of Mobile Homes

Each Mobile Home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the axles of the Mobile Home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide; and seventy (70) feet long for each of the two strips. Each Mobile Home site shall also be provided with a poured concrete outdoor patio one (1) foot wide and at least one hundred eighty (180) square feet in area; located at the main entrance to the Mobile Home. The Mobile Home shall be required to be provided with anchors and tiedowns which are able to sustain a total tensile load equal to four times the weight of the particular Mobile Home. The length of each Mobile Home unit shall be parallel with the contour of the land so that no end of the unit is elevated higher than the other from the ground.

c) Mobile Home Lot Requirements

Lot area dimension, setback, and coverage shall meet Township approval and the following minimal requirements:

- 1) Minimum Lot Area - 5,200 square feet per Lot
- 2) Minimum Lot Width - 45 feet
- 3) Minimum Setback from other homes and buildings - 30 feet
- 4) Minimum Setback from Streets, paved areas, common areas - 30 feet

5) Maximum Lot coverage by buildings/structures - 25%

d) Buffer Areas

All Mobile Home Parks projected to contain more than ten (10) units at full build-out shall be bounded by a buffer area with a minimum of thirty-five (35) feet depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except at access road crossings. All Mobile Home Parks projected to contain less than ten (10) units at full build-out shall be bounded by a buffer area with a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except at access road crossings. Buffer areas shall be landscaped and consist of at least 50% evergreens. All landscaping shall be at least three (3) feet in height at the time of planting.

e) Recreation Areas

A Mobile Home Park shall be provided with a recreation area for Mobile Home Park residents. The recreation area shall be no less than five percent (5%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.

f) Laundromats

All Mobile Home Parks projected to contain more than ten (10) units at full build-out shall provide for at least one (1) laundromat for the exclusive use of residents of that park. At least one (1) washer for every ten (10) Mobile Homes and one (1) dryer for every fifteen (15) Mobile Homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the Mobile Home Park. The water and sewerage systems serving the laundromat shall satisfy all ADA requirements and meet all applicable regulations of the Pennsylvania Department of Environmental Protection.

g) Utilities

All utilities serving Mobile Home Lots shall be placed at least four (4) feet underground. Each Mobile Home in the park shall be served by public water and sewerage or central water and sewerage systems as well as electric and other utilities.

h) Drainage

Storm drainage from roofs and paved areas shall be channeled to drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the Mobile Home Park and on every Lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be managed according to the requirements prescribed by the Municipal Engineer, Township Stormwater Management Ordinance, this Ordinance, or State Regulation.

i) Storage Sheds

Each Mobile Home Park shall provide to each Mobile Home an enclosed storage shed or partitioned space in such a shed, either of which shall be at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said Mobile Home.

j) Refuse Storage

Each Mobile Home shall provide its own garbage and refuse containers in accordance with Township regulations pertaining to garbage and other solid wastes, or the Mobile Home Park shall provide a dumpster and private hauling service where individual Mobile Homes cannot be served.

k) Wastewater Systems

Each Mobile Home Lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the Mobile Home drain outlet to the sewer line. Provisions shall be made for plugging the sewer riser pipe when a Mobile Home does not occupy the Lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.

l) Water Systems

Each Mobile Home Lot shall have a water riser pipe with a minimum inside diameter of 3/4-inch which connects the Mobile Home water supply to the central water system. An outside hose bib shall be supplied for each Mobile Home.

m) Parking Areas

Two off-Street parking spaces shall be provided for each Mobile Home. All parking spaces for Mobile Home Lots shall be paved.

n) Sidewalks

All Mobile Home Parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or Portland Cement Concrete to a depth and width approved by the Municipal Engineer between individual Mobile Homes and Streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.

o) Ingress and Egress

Access points to public Streets from a Mobile Home Park shall be located no less than sixty (60) feet from any public Street intersection. Streets within the Mobile Home Park to be offered for municipal dedication shall be constructed to Township specifications as described in Article V, except that one-way Streets shall be allowed, provided access

by fire and other emergency vehicles is not impaired and provided the Street plan is reviewed and approved by the Municipal Engineer. All Streets within Mobile Home Parks, whether offered for municipal dedication or not, shall conform to the following:

- 1) General Requirements - A safe and convenient vehicular access shall be provided from abutting public Streets or roads.
- 2) Access - The entrance road connecting the park Streets with a public Street or road shall have a minimum Cartway width of twenty-four (24) feet. Wherever a Street intersects a public Street, a stop sign shall be installed and maintained in accordance with Township regulations.
- 3) Illumination - All parks shall be furnished with lighting units so spaced and equipped to provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting units shall be installed to avoid glare above the lights and onto adjacent properties.
- 4) Paving - All Streets shall be provided a bituminous or concrete surface which shall be durable and well drained under normal use and weather conditions.

p) Street Signs

Street identification signs shall be provided for all Streets at every intersection in the Mobile Home Park. Such signs shall be purchased by the developer and installed by the Township.

ARTICLE VIII

SUPPLEMENTARY LAND DEVELOPMENT REQUIREMENTS

Section 801 General Requirements and Intent

In accordance with the definition in this Ordinance, per the Pennsylvania Municipalities Planning Code (MPC), Land Development may include various types of Development and Subdivision of Land. In this regard, Articles V and VI delineate design standards and construction requirements which are intended to apply to all types of Development, while Article VII applies standards to the design of Mobile Home Parks. It is recognized by the Board of Supervisors that certain types of Land Development may have needs and requirements not met by these articles. This Article provides such supplementary standards for various forms of non-residential Development such as commercial retail, professional offices, and manufacturing uses. It is the intent of this Article to supplement and not replace any of the standards and requirements of the above referenced Articles.

Section 802 Submission Review Procedures and Plan Requirements

The submission and review procedures contained in Article III and Article IV shall be required for all Land Development proposals, as noted in each applicable Section of the above referenced Articles. In addition, the following shall be required for all proposals for Commercial Retail and Professional Office Development in excess of 5,000 square feet, and for all proposals for manufacturing uses:

- a) A traffic study analyzing the capacity of area Streets, roads, and intersections abutting the Development. The study shall include at a minimum an analysis of the system before Development, at each phase of Development (if applicable), and at full build-out. The study shall include an analysis of capacities, levels of service, and improvements required to maintain acceptable levels of service.
- b) A Landscape Plan for the site prepared by a landscape design or site planning professional.
- c) A sewer and water study of the proposed Development as directed by the Municipal Engineer.

Section 803 Off-Street Parking and Loading:

- a) Commercial Developments within the scope of these regulations shall provide paved parking areas. The minimum number of 9-foot x 18 foot parking spaces to be provided will vary depending upon use and/or interior and/or gross square footage area as summarized below:
 - 1) Department Store 1 space per 200 square feet
 - 2) Other Retail 1 space per 250 square feet
 - 3) Banks and related 1 space per 250 square feet

4) Officers	1 space per 333 square feet
5) Houses of Worship	1 space for every 5 seats
6) Hotels and Motels	1 space per unit
7) Supermarkets	1 space per 200 square feet
8) Sit-Down Restaurants	1 space per 333 square feet
9) Fast-foot Restaurants	6 spaces per 200 square feet
10) Community Buildings	30% of capacity per persons

For uses not classified above, not less than three (3) square feet of paved parking area inclusive of access lanes, for every one (1) square foot of interior floor area.

In addition, paved truck loading, unloading, and maneuvering can be accommodated with the property lines. All commercial establishments in excess of 10,000 square feet of gross floor areas shall provide a loading dock or berth. The gross floor area at which point second dock or berth is required will vary with use as summarized below:

1) Wholesale	40,000 square feet
2) Retail	20,000 square feet
3) Office & Services	100,000 square feet
4) Restaurants	25,000 square feet
5) Hotels/Schools	100,000 square feet

- b) Industrial Developments within the scope of these regulations shall provide a minimum of paved off-street parking in the ratio of one (1) parking space for every employee anticipated during the peak work shift. In addition, paved truck loading areas shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines.
- c) In addition to the requirements for commercial and industrial parking areas noted above, parking facilities provided shall also include the following:

- 1) Illumination

All parking areas shall be illuminated by light standards with a maximum height of forty (40) feet, with sharp cut-off shields on the fixtures to allow the direction of lighting on the lot and to avoid glare above the lot and on adjacent properties.

2) Interior Landscaping

All parking areas shall include interior landscaping of at least ten (10) percent of the area of the parking lot, exclusive of any buffer areas provided under Section 602.11 below. The interior of the parking area includes that area between the frontage or buffer yard and any paved walkways or the Structure, when a walkway is not necessary.

3) Sidewalk

The principal access point for commercial establishments abutting the parking lot shall have a paved sidewalk with a minimum width of five (5) feet.

4) Access Drives

Each parking area shall include adequately sized access drives having a minimum width of twelve (12) feet when separate exit and entrance lanes are provided, and twenty (20) feet when combined exit and entrance lanes are provided.

5) Special Access Designation

Fire lanes and handicap parking stalls appropriately located in relation to the Structure shall be designated by signage and pavement markings.

Section 804 Supplementary Requirements

Non-residential Development shall be designed in a manner that maximizes benefits and minimizes conflicts in relation with public safety. Specific supplementary requirements are as follows:

a) In addition to the parking requirements in Section 803, all non-residential proposals shall meet the following:

1) In cases where more than a single row of parking spaces are required due to projected parking demand and or site conditions the following design configurations shall be followed:

- a) A minimum parking bay width of 45 feet shall be provided for a 45- degree (diagonal) parking, with a one-way and minimum 14 foot wide parking access lane.
- b) A minimum parking bay width of 61 feet shall be provided for a 90- degree (head-in) parking with a two-way minimum 25 foot wide parking access lane.

- 2) All parking areas shall be paved with an asphalt surface or with concrete and include adequate drainage control as approved by the Municipal Engineer and/or in accordance with any Township Stormwater Management Ordinance.
 - 3) Parking areas shall be designed so that vehicles shall not back out onto a public Right-of-Way.
- b) Proposed Developments with drive-in facilities shall meet the following standards:
- 1) No more than two (2) driveways shall be provided to any one property from a public Right-of-Way.
 - 2) The maximum width of driveways shall be no wider than fifty (50) feet.
 - 3) Driveways shall be no closer than thirty (30) feet from any adjacent property line.
 - 4) The intersection of any private drive and a public Right-of-Way shall provide for proper sight distance visibility; in accordance with current Pennsylvania Department of Transportation standards for driveway occupancy.
 - 5) A Driveway Occupancy Permit shall be required from the Pennsylvania Department of Transportation for any driveway access to a State Highway; prior to Plan approval.
 - 6) Gasoline or other Fuel pumps shall be no closer than twenty (20) feet to any public Right-of-Way.
- c) All proposed Structures and Buildings shall be no closer than fifty (50) feet to any Right-of-Way line.
- d) Proposals for industrial and/or commerce parks shall meet the following requirements:
- 1) A fifty (50) foot buffer shall be provided around the proposed park.
 - 2) Any internal illumination shall be of the sharp cut-off variety avoiding glare above and onto adjacent properties.
 - 3) An internal Street or traffic circulation system shall be provided.
 - 4) All Plans for individual Structures or Buildings shall be subject to review under the requirements of this Ordinance.
- e) Proposals for manufacturing facilities shall meet the following requirements.
- 1) Loading docks shall be provided, being at least fourteen (14) feet wide and fourteen (14) feet high; and shall not be located in the front of the Building.
 - 2) All outdoor storage areas shall be buffered by landscaping or a fence.

3) Manufacturing Buildings may not cover more than twenty-five percent of the lot.

Section 805 Street Name Signs

Street name signs shall be placed at all intersections in conformance with the specifications of the Township. They shall be paid for by the Developer and installed by the Township.

Section 806 Buffer Areas

All non-residential Land Developments shall include a landscaped buffer area of at least six (6) feet along all public roadways, and ten (10) feet along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts homes, at least fifty (50) percent of the trees and shrubs shall consist of evergreens. Landscaping shall be at least three (3) feet in height at the time of planting.

ARTICLE IX

RECREATIONAL AND SEASONAL LAND DEVELOPMENT STANDARDS

Section 901 General Requirements

A Recreational and Seasonal Land Development includes the improvement and development of land for seasonal and/or leisure time activities. Such Developments are for temporary occupancy and are not intended now or in the future for year-round dwelling purposes, and may include travel trailers, motorhomes, campers, lots intended for tents, and land intended for various other outdoor recreational activities such as hunting and fishing. However, Developments comprised of cottages, cabins, second homes, and other permanent and fixed Dwelling Structures, and any recreational and seasonal lots for sale are excluded from this Article and are viewed as residential Subdivisions in relation to this Ordinance.

901.1 Classification

Whenever any Land Development is proposed, before any contract is made for the sale or lease of any land, and before any permit for development in such proposed Land Development shall be granted; the owner or his agent, shall apply for and secure approval of such proposed Land Development in accordance with the following procedures for Development, as follows:

- a) Minor Development - includes ten (10) or fewer campsites for recreational and/or seasonal use
 - 1) Sketch Plan (optional)
 - 2) Final Plan
- b) Major Land Development - includes eleven (11) or more campsites for recreational and/or seasonal use
 - 1) Sketch Plan (optional)
 - 2) Preliminary Plan
 - 3) Final Plan

901.2 Pre-application Consultation

Prior to filing an application for approval of a Land Development within the Township, the owner or his authorized agent, shall meet with the Board of Supervisors for an official classification of the proposed Development. The Board of Supervisors shall determine whether the proposal shall be classified as a Minor Development or a Major Land Development; and shall advise as to which of the procedures must be followed.

901.3 Official Filing Date

For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Board of Supervisors next following the date the application and Plans are received at the Township Building. Should that said regular meeting occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. On receipt of an application for Land Development approval, the Board of Supervisors shall affix to the application the date of submittal and the official filing date.

901.4 Cambria County Planning Commission Review

All Plans shall be submitted to, reviewed, and approved by the Cambria County Planning Commission in accordance with its prevailing rules and regulations. The Township shall forward to the Applicant any report of the County Planning Commission. The Township shall not approve any application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

Section 902 Submission and Review of Sketch Plan (Optional)

The submission and review of the Sketch Plan for Land Developments shall follow the procedures outlined in Article III, Section 302.

Section 903 Official Submission and Review of the Preliminary Plan

The submission and review of the Preliminary Plan shall follow the procedures outlined in Article III, Sections 304 and 305. Prior to the review and approval of the Preliminary Plan, the Applicant must make application and meet all requirements of the Pennsylvania Department of Environmental Protection Regulations Title 25 Chapter 191 regarding Organized Camps and Campgrounds, as well as any other State regulations which may apply.

Section 904 Official Submission and Review of the Final Plan

The submission and review of the Final Plan shall follow the procedures outlined in Article III, Sections 306 and 307.

Section 905 Recording of the Final Plan

The recording of the Final Plan shall follow the procedures outlined in Article III, Section 308.

Section 906 Performance Guarantees

The submission of required performance guarantees shall follow the procedures outlined in Article III, Section 309.

Section 907 Plan Requirements

Plan Requirements for all Recreation and Seasonal Land Developments shall follow the requirements outlined in Article IV.

Section 908 Design Standards

Recreational and Seasonal Land Developments shall be designed pursuant to be applicable standards and requirements contained in Article V and Article VI in this Ordinance except for the following:

- a) Sections 503 and 602.3 Streets
(with the exception of Section 503.6 which remains in effect for situations as noted in Section 908.1 below)
- b) Sections 504 and 602.4 Curbs
- c) Sections 505 and 602.5 Sidewalks
- d) Section 506 Blocks
- e) Section 507 Lots
- f) Section 602.9 Off-Street Parking

The following Design Standards apply to Recreational and Seasonal Land Developments not covered elsewhere in this Ordinance.

908.1 Streets:

The Land Development shall be designed to provide an access and internal traffic circulation system adequate to accommodate the type and volume of traffic to be generated, and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth, free from mud, dust, and/or standing water. All private streets shall be considered to be required improvements. The following minimum standards apply to all private streets:

- a) Right-of-Way width - 40 Feet
- b) Cartway width - 16 feet for two-way roads, 10 feet for one-way roads
- c) Cartway Construction - Six (6) inches of suitable, compacted, and graded stone base material to provide a permanent and all-weather surface which will facilitate storm drainage management.
- d) Maximum Allowable Grade - The maximum allowable grade for private roads shall be a ten (10) percent slope for distances of no more than 500 feet; however, special drainage measures and considerations will be required on grades exceeding six (6) percent slopes, including special roadway cross sections, grading, shoulder

construction and stabilization, cross drainage structures, and cut-and-fill slopes, as approved by the Municipal Engineer.

- e) Cul-de-sac minimum standards - while there are no minimum or maximum length requirements, excessively long segments are discouraged due to emergency vehicle access considerations. A turnaround area shall be provided at the terminus of all dead-end and/or Cul-de-Sac segments; having an unobstructed maneuvering area of fifty (50) feet in radius.

The internal street and roadway system shall be privately owned, noted as such on the Final Plan; and provide safe and convenient access to all camp sites and facilities. The alignment and gradients of all internal streets and roadways shall be properly adapted to the topography, to the types of anticipated traffic, and to the satisfactory control of surface water. Points of connection between the private street and roadway system and the existing public street system shall be designed to avoid congestion and hazardous intersections, in accordance with Section 503.6.

908.2 Lots

Individual campsites shall be comprised of a minimum area of at least 1,500 square feet, with no more than a total of fifteen (15) individual campsites per acre. Each campsite shall be accessible from the private street or roadway system without the necessity to cross any other campsite. In addition, Recreation Vehicle campsites shall have a minimum width of forty (40) feet, and a minimum depth of fifty (50) feet or thirty percent (30%) longer than the maximum length of recreational vehicle anticipated to occupy the space.

908.3 Parking

Parking spaces shall be provided to accommodate the number and size of vehicles anticipated. Parking spaces for all campsite users shall be on the campsite lot. Additionally, a minimum of one (1) parking space for every two (2) campsites shall be provided for visitors. Parking spaces for visitors may be on a common parking area. Parking spaces shall be of a compacted and graded stone base material to provide a permanent and all-weather surface, supporting the types, lengths, and weights of vehicles using the facility.

908.4 Campsites

Individual campsites and accessory Buildings shall be designed to be at least fifty (50) feet from any arterial highway, or thirty-five (35) feet from any other type of public Right-of-Way. Recreational vehicle campsites for trailers, campers, and/or motorhomes shall contain a stabilized vehicular parking pad of shale, gravel, stone, or other suitable material, and shall be dimensioned that when any space is occupied, no portion of any camping unit shall be within ten (10) feet of any portion of any other camping unit or accessory Building, and at least fifteen (15) feet from any internal private roadway.

908.5 Relationship with Adjoining Properties

The design of proposed Land Developments governed by this Section shall take into account potential effects and impacts on adjacent properties. A landscaped buffer strip having a minimum width of ten (10) feet shall be provided along the perimeter of the Land Development, within which no campsites shall be located.

908.6 Minimum Acreage

The minimum size for a Recreational Vehicle Park is five (5) acres of which ten percent (10%) shall be set aside and developed as common use areas for open and unenclosed recreational facilities, which may include any required buffer area.

Section 909 Improvements

Where appropriate, the Applicant of any Land Development shall be required to provide the following improvements, or a suitable guarantee pursuant to Section 309, and address at least the following:

- a) Streets and access roads, including, where applicable, parking areas, driveways, curb cuts, and traffic control devices.
- b) Utilities including, where applicable, storm water management facilities, sanitary sewer facilities, water facilities, plumbing facilities, gas lines, electrical facilities, telephone, and other utility facilities.
- c) Any proposed amenities including recreational facilities, meeting facilities, and screening and landscaping.
- d) Any other improvements which may be required for approval.
- e) Procedures and mechanisms guaranteeing the perpetual private maintenance of all improvements by the owner and/or operator of the facility.

Section 910 Minimum Facilities

At a minimum, Land Developments proposed under this Article shall include certain facilities, depending upon the type of camping area planned.

- a) Camping areas intended to primarily serve the needs of overnight tenting camping shall include toilet facilities.
- b) Camping areas intended to primarily serve the needs of overnight camper, trailer, and motorhome users shall include the availability of electric service to individual campsites. Central travel trailer sanitary and water stations, and toilet facilities.

- c) Camping areas intended to serve as longer term destinations shall include back-in parking at campsites. Individual electric and water connections, central travel trailer sanitation station, and central toilet and shower facilities.

The above are minimum requirements, and may be subject to more stringent requirements imposed by Pennsylvania Department of Environmental Protection regulations of Title 25, Chapter 191. The applicant may provide enhanced facilities such as laundry, picnic, swimming, and other facilities. The applicant shall specify the manner in which all facilities are to be privately maintained.

ARTICLE X

FEEES

Section 1001 Payment of Fees

The following fees shall be paid by the Developer, Subdivider or his agent to the Township of Munster by check or money order.

- a) An application fee for Preliminary Plan review, when such plan is required, shall be as established by Resolution by the Board of supervisors;
- b) An application fee for Final Plan review shall be as established by Resolution by the Board of Supervisors;
- c) A fee for review of the plan by the Cambria County Planning Commission, if required, will be set by the Commission;
- d) Financial Security in the amount of 110% of the cost of proposed required improvements, if the completion of such improvements is to be delayed as a condition of final approval. (See Article III);
- e) Final Security for the maintenance of improvements for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their actual cost of installation. (See Article III); and
- f) An inspection fee based on the actual cost of inspection by the Municipal Engineer of required improvements.
- g) A plan review fee based on the actual cost of any plan review by the Municipal Engineer.

ARTICLE XI

RELIEF FROM REQUIREMENTS

Section 1101 General Provisions

From time to time a situation may arise where the standards of this subdivision and Land Development ordinance cause an undue hardship or prove unreasonable in application. Faced with this situation, a modification or alteration of the requirements can be granted from the literal application of the standards. Modifications cannot be contrary to the public interest and must observe the basic purpose and intent of the ordinance.

Requests for a waiver, alteration, or modification of requirements must not be confused with relief granted by a variance under zoning restrictions. A zoning variance requires a difficult five point finding of facts by a zoning hearing board, whereas the subdivision and land development process requires approval be obtained to alter site requirements in accordance with Municipalities planning Code Section 503(5), 503(8), and 512.1. Traditionally, governing bodies grant an alteration or modification to ordinances.

Assurance must be provided that any modification is absolutely necessary and represents the minimum possible modification. Unusual physical circumstances may involve minor adjustments in curve radii, Street Grade or Slope, Cul-de-sac length, or problems over the width of an existing Right-of-Way. In most cases minor design modifications will not jeopardize public safety.

Any request must be submitted in writing, citing the specific provisions or standards from which relief is requested, and should be part of the Preliminary or Final Plan submission. A request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the exact alteration or modification necessary. A record of the request should appear in the official minutes of the Munster Township Board of Supervisors. This record will document the reasons for the request, facts of unreasonableness, and any action taken on the request. Any relief approved should represent the minimum or least possible modification of the standard.

ARTICLE XII

ADMINISTRATION, AMENDMENT, AND ENFORCEMENT

Section 1201 Revision and Amendment

The Munster Township Board of Supervisors may revise or amend in whole or in part these regulations, provided however, that the amendment thereof shall be accomplished in accordance with the provisions of Section 505 of the Act of July 31, 1968 P.L. 247(53 P.S. § 10505) as supplemented and amended.

Section 1202 Modification of Requirements

1202.1 Modified Standards

The provisions of these regulations are the minimum standards for the protection of the public welfare. The Munster Township Board of Supervisors reserves the right to modify or to extend these regulations as may be necessary in the public interest.

1202.2 Waiver

If a majority of the Township Board of Supervisors feels this ordinance causes undue hardship upon a particular Subdivision; they may grant a waiver, providing it does not nullify the intent and purpose of this ordinance. In granting waivers, the Township Board of Supervisors may impose such conditions as will, in its judgment, advance the achievement of the intent of this ordinance. The standards and requirements of these regulations may be modified by the Township Board of Supervisors in the case of a plan or program for community, new town, neighborhood, cluster subdivision, or mobile home park; which in the judgment of the Township Board of Supervisors provides adequate open and public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated; and which also provides such covenants or other legal provisions which will assure conformity to and achievement of the development goals of the Township.

Section 1203 Reconsideration and Appeal

1203.1 Any Subdivider aggrieved by a finding, decision, or recommendation of the Munster Township Board of Supervisors may request and shall receive another opportunity to appear before the Township Board of Supervisors to present relevant information. This request shall be in writing, within thirty (30) days after the original date of action by the Township Board of Supervisors.

1203.2 Upon receipt of such appeal, the Township Board of Supervisors shall hold a Hearing after proper notification of all parties concerned and in a manner prescribed by law.

1203.3 After such Hearing, the Township Board of Supervisors may affirm or reverse the original action of the Township Board of Supervisors by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated

on the records of the Township Board of Supervisors. Affirmative action shall authorize the Subdivider to continue the application from the point at which it was interrupted.

1203.4 Any person aggrieved by action of the Board of Supervisors may appeal, within thirty (30) days, directly to the Court of Common pleas of Cambria County in accordance with and in a manner prescribed by law.

Section 1204 Maintaining Records

The Township Board of Supervisors shall maintain a record of their findings, decisions, and recommendations relative to all Subdivision Plans filed for review. Such records shall be made available to the public for review at the Township offices.

Section 1205 Penalties

Any person who shall subdivide or develop any lot, tract, or parcel of land or shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or common use of occupants of a building abutting thereon; or who wills, or agrees or enters into an agreement to sell any land in a subdivision of land development or erect any buildings or solar energy systems thereon; without having first complied with the provisions of this ordinance and the Act of Assembly under which they have been adopted; shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge 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 magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

Section 1206 Severability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid; such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part or provision declared invalid or unconstitutional.

Section 1207 Effective Date

This ordinance shall become effective five (5) days after the date of final passage.

ORDAINED AND ENACTED By the Board of Supervisors of Munster Township this
_____ day of _____, 2024.

MUNSTER TOWNSHIP
BOARD OF SUPERVISORS

Gene Orlosky, Chairman

Patrick Lee, Vice-Chairman

Francis R. Hoover, Supervisor

Attest: _____
Rose McDermott, Secretary

_____, 2025

I, _____, do hereby certify that the foregoing is a true copy of
an Ordinance adopted by the Board of Supervisors of Munster Township, Cambria County,
Pennsylvania, on _____.

Township Secretary