

Definitions

§201. Definitions. As used in this Ordinance, except where the context clearly indicates otherwise, the following words or phrases have the meaning indicated below:

ACT - The Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. Sections 680.1-680.17, as amended by Act of May 24, 1984, No. 63).

AGRICULTURE SUBDIVISION - the division of land by lease for agricultural purposes into parcels of more than ten (10) acres, and not involving any new street or easement of access or any residential dwelling.

APPLICANT - a land owner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

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

CHANNEL - A perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONSERVATION DISTRICT - The Blair County Conservation District.

COUNTY - Blair County, Pennsylvania.

CULVERT - A closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment. [Ord. 10-12-00]

DESIGN CRITERIA - (1) Engineering guidelines specifying construction details and materials. (2) Objectives, results, or limits which must be met by a facility, structure, or process in performance of its intended functions.

DESIGN STORM - (see storm frequency).

DETENTION - The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION POND OR BASIN - A basin or reservoir, usually small, constructed to impound or retard surface runoff temporarily.

DEVELOPER - The person, persons, or any corporation, partnership, association, or other entity or any responsible person therein or agent therefor that undertakes the activities associated with changes in land use. The term "developer" is intended to include but not necessarily be limited to the term "subdivider", "owner", and "builder" even though the individuals involved in successive stages of a project may vary.

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

DISCHARGE - The flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

DRAINAGE - (1) In general, the removal of surface water from a given area. Commonly applied to surface water and ground water.

DRAINAGE AREA - (1) The area of a drainage basin or watershed, expressed in acres, square miles, or other unit of area. Also called catchment area, watershed, river basin. (2) The area served by a sewer system receiving storm and surface water, or by a watercourse.

ENCROACHMENT - Any structure or activity which in any manner changes, expands or diminishes, the course, current or cross section of any watercourse, floodway or body of water.

EROSION - Wearing away of the lands by running water, glaciers, winds and waves.

EROSION CONTROL - The application of measures to reduce erosion of land surfaces.

FRONTAGE -- The horizontal or curvilinear distance along the public street line upon which a lot abuts. Vehicular access shall be provided along the frontage.

GROUND COVER - Materials covering the ground surface.

GROUND WATER - Subsurface water occupying the saturation zone, from which wells and springs are fed.

GROUND WATER RECHARGE - Replenishment of ground water naturally by precipitation or runoff or artificially by spreading or injection.

IMPERVIOUS - Not allowing or allowing only with great difficulty the movement of water; impermeable.

IMPROVEMENT(S)/PUBLIC IMPROVEMENT(S) - any street, road, walkway, curb, gutter, streetlight fire hydrant, shade tree, water main, sanitary sewer, storm sewer, paved parking area intended for use by members of the public, retention/detention facility, buffer area, screening of obtrusive use, designated open and/or recreational area and/or any other similar type of structure, area, or item as may be designated by the Township.

INFILTRATION - (1) The flow or movement of water through the interstices or pores of a soil or other porous medium. (2) The absorption of liquid by the soil.

LAND DEVELOPMENT - any of the following activities:

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

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

(2) The division or allocation of land or space, whether initially or cumulatively, between 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.

B. A Subdivision of land.

C. Any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics.

D. "Land development" does not include development which involves:

(1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling when such units are intended to be a condominium, however, all Pennsylvania Department of Environmental Resources sewage facilities planning requirements shall apply to such dwellings.

(2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as the

location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LAND DISTURBANCE - Any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

LAND OWNER - 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 tenant if authorized under the lease to exercise the rights of the land owner, or other person having a proprietary interest in land, shall be deemed to be a land owner for the purposes of this Ordinance.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. Each Lot to be created hereunder shall abut a Public Street and each lot shall have a location along the public right of way that is suitable for a driveway, as may be set forth herein and unless otherwise exempted.

MAINTENANCE - The upkeep necessary for efficient operation of physical properties.

MINOR SUBDIVISION -

A. A subdivision consisting of not more than two (2) lots, tracts, parcels or other divisions of land, each of which fronts a minimum of seventy-five (75) feet upon a public street.

B. Minor Subdivision approval shall not be granted for any lot if such lot requested to be so divided shall have been in any way the subject of a subdivision within two (2) years prior to the application for such minor subdivision.

C. A Minor Subdivision shall conform to DEP sewage facilities planning requirements and storm water management requirements of the Township.

D. A Minor Subdivision shall not involve the extension of any public facilities including:

- (1) New streets.
- (2) Paving or other improvements.
- (3) New or improved storm drainage.
- (4) New or improved public facilities or services.

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 constructed so that it may be used with or without a permanent foundation.

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single 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 thereon of mobile homes.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1955."

MUNICIPAL ENGINEER/TOWNSHIP ENGINEER - A professional engineer licensed in the Commonwealth of Pennsylvania, duly appointed by the Township of Tyrone.

NATURAL STORMWATER RUNOFF REGIME - A watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

OUTFALL - (1) The point, location or structure where drainage discharges from a sewer, drain or other conduit. (2) The conduit leading to the ultimate discharge point.

OUTLET CONTROL STRUCTURE - The means of controlling the relationship between the headwater elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

PEAK FLOW - Maximum flow.

PENNSYLVANIA DEP - Pennsylvania Department of Environmental Protection.

PERFORMANCE STANDARD - A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

PERSON - For purposes of this Ordinance, "person" shall be defined as any natural individual, corporation or other entity.

PLAN OF LOTS - A document containing, but not limited to, the description of a lot, size, metes and bounds, rights-of-way, easements (both existing and to be built) and building restriction lines.

PLAT - the map or plan of a subdivision or land development, whether preliminary or final as follows:

A. Preliminary. A proposed plan indicating the lay-out of a subdivision prepared by the developer for submission to the Board of Supervisors of Tyrone Township for its consideration.

B. Final. A complete and exact plan of a subdivision which is presented to the Board of Supervisors of Tyrone Township for approval and which, if approved, the Plan of Lots will be submitted by the developer to the Recorder of Deeds of Blair County for recording in accordance with the law.

PUBLIC GROUNDS - includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq.

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC STREET - any and all streets owned and maintained by any local, state or federal government.

RELEASE RATE PERCENTAGE - The watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

RETENTION POND - A basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

RETURN PERIOD - The average interval in years over which an event of a given magnitude can be expected to recur.

RUNOFF - That part of precipitation which flows over the land.

RUNOFF CHARACTERISTICS - The surface components of any watershed which affect the rate, amount, and direction of stormwater runoff. These may include but are not limited to: vegetation, soils, slopes and man-made landscape alterations.

SCS - U.S. Department of Agriculture Soil Conservation Service.

SINGLE - FAMILY DWELLING - a detached house designed for the use of a single household, including two (2) or more people living as a family and wherein not more than three (3) other people are sheltered or fed for profit.

SEDIMENT - Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

STORAGE FACILITY - (See detention pond and retention pond).

STORM FREQUENCY - The average interval in years over which a storm event of a given precipitation volume can be expected to occur.

STORM SEWER - A sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

STORMWATER - That portion of precipitation which runs over the land.

STORMWATER COLLECTION SYSTEM - Natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets, and pumping stations.

STORMWATER MANAGEMENT PLAN - The plan for managing stormwater runoff adopted by Blair County as required by the Storm Water Management Act.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STRUCTURE -- any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, not including pavement for driveways, or accesses, and associated curbing and stormwater management facilities..

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, 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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - where in the judgment of the Township engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Ordinance) of those improvements required

as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWALE - A low-lying stretch of land which gathers or carries surface water runoff.

TOWNSHIP/MUNICIPALITY - The Township of Tyrone.

TOWNSHIP PLANNING COMMISSION - The five member Planning Commission established, and the members of which are appointed, by the Township of Tyrone.

TOWNSHIP STREET - a street laid out and opened as a public street by the adoption of an ordinance or resolution of the Board of Supervisors of Tyrone Township in accordance with the provisions of the Second Class Township Code.

TWO - FAMILY DWELLING - Any building under a single roof, with or without fire-wall partitions or party walls, designed for occupancy by or occupied by two households living as families. Any Two - Family Dwelling constructed or erected after the enactment of this Ordinance shall be constructed with firewall partitions or firewall party walls only.

WATERCOURSE - Any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED - The entire region or area drained by a river or other body of water whether natural or artificial. A "designated watershed" is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

WATERSHED STORMWATER MANAGEMENT PLAN - The plan for managing stormwater runoff throughout a designated watershed adopted by Blair County as required by the Pennsylvania Storm Water Management Act.

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township
