

Subdivision Regulations

§301. Regulation of Land Development, Subdivision and Stormwater Management.

1. No Land Development or Subdivision of a lot, tract or parcel of land by any means or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development, (except in an agricultural subdivision), no street or road, sanitary sewer, storm sewer (including storm water drainage ditches), water line or other utility, or easement therefor, no construction of new or additional impervious or surfaces with reduced permeability (driveways, parking lots, etc), no diversion or piping of any natural or man-made stream channel, no installation, replacement or substantial repair of storm water systems or appurtenances, shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings or properties abutting thereon, except in strict accordance with the provisions of this Ordinance.

2. No lot in a Subdivision may be sold, no permit to erect any building upon land in a Subdivision and/or a Land Development may be issued; no construction, cuts, grades or fills shall be permitted for any street, sanitary sewer, storm sewer (including storm drainage ditches) or water line unless and until a plan has been approved and recorded in accordance with the provisions of this Ordinance, and until all improvements required by this Ordinance have been constructed or guaranteed in accordance with the provisions of this Ordinance.

3. To the contrary notwithstanding, a lot which does not front upon a Public Street, may be sold to the owner of the adjoining lot which does front upon a Township street subject to the following conditions:

A. The deed or other instrument conveying said lot to the owner of the adjoining lot fronting upon the Township street shall contain a covenant restricting the transfer of said lot and the construction or placement of a building or other structure upon said lot substantially in the following form: "The hereinbefore described lot or parcel of ground may not be transferred or conveyed without a transfer and conveyance to the same grantee of the adjoining lot which fronts upon a Township street; nor may any building or structure be erected upon said lot or parcel of ground other than a private garage and storage shed incidental to the dwelling house unless and until such lot or parcel of ground is brought into conformance with the provisions of 'The Tyrone Township Subdivision and Land Development Ordinance'; and

B. Such lot shall not be transferred or conveyed by such owner without a transfer or conveyance to the same transferee of the adjoining lot which fronts upon a Township street unless and until such lot or parcel of ground is brought into conformance with the provisions of this Ordinance; and

C. Until said lot shall be brought into conformance with the provisions of this Ordinance said lot shall not be transferred or conveyed by such owner without a transfer or conveyance to the same transferee of the adjoining lot which does front upon a Township street.

4. No building, sewer and/or other permits for other onsite construction activity may be issued/commenced until the public improvements proposed within Subdivision or Land Development are completed to satisfaction of the Township.

§302. Plans and Procedures for Major Land Development, Subdivisions and Stormwater Management.

A. Land Development and Subdivision.

1. Any person desiring to make a Subdivision and/or Land Development shall file with the Township Secretary an application for development permit on a form provided by the Township, together with a filing fee as established from time to time by the Board of Supervisors, which shall be accompanied by five (5) copies of a preliminary plan of the subdivision or Land Development prepared in accordance with the Pennsylvania Engineer Land Surveyor and Geologist Registration Law. The Township Secretary shall forthwith, provide one (1) copy of the plan to the Township Planning Commission, and the Township Engineer for review and comment as set forth herein.

2. Five (5) complete copies of DEP sewage facilities planning modules shall be submitted with said application.

3. The copies of the preliminary plan shall be submitted and accompanied by: Erosion Sedimentation and Control Plans; Storm Water Management Plan; offsite easement/right-of-way plats; Engineer's Estimate for cost of construction of public improvements; a certificate of title and affidavit or other documentation approved by the Township, indicating that the person desiring the Subdivision and/or Land Development is the owner of record of the real estate comprising the Subdivision and/or Land Development, including but not limited to, the lots and streets, as well as the real estate abutting both sides of any street depicted on the plat and/or plan if said street is not a public street owned and maintained by any local, State or Federal government. If any person requesting Land Development and/or Subdivision is not the owner of the real estate which is the subject of the Land Development and/or Subdivision, the owner of said real estate shall sign an affidavit indicating that said person joins in the request for Subdivision and shall be jointly and severally liable with the person requesting the Land Development and/or Subdivision with regard to the requirements of this Ordinance.

4. The preliminary plan shall include the exact nature of the work to be performed, plans and profiles of all streets, the lot lay-out and shall show thereon all existing streets adjacent to, abutting or leading into said Land Development and/or Subdivision, the course, structure and capacity of all drains, ditches, streams, water courses and drainage facilities, the method of draining from water and utility lines, fire hydrants, sanitary sewers, storm sewers, location of easements including offsite easements, and any other necessary information and details that may be required under ordinances, including sewer ordinances, rules and regulations prescribed by the Township, as well as any applicable State and Federal law.

5. Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, Applicants shall present evidence to the Board of Supervisors that the Subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

6. Township Planning Commission review preliminary plan and recommendation shall be as follows:

A. At least one copy of the preliminary plan shall be forwarded to the Township Planning Commission for review and comment. The said Planning Commission shall consider the preliminary plan to determine if it meets the standards set forth in this Ordinance and any other applicable Township Ordinance or Commonwealth statute.

B. The Township Planning Commission shall act on the preliminary plan within sixty (60) days of the official filing date, but in any event shall act on the said plan in time for the Board of Supervisors to render their decision within ninety (90) days from the official filing date. The official filing date shall be calculated from the date of the regular meeting of the Township Planning Commission next following the date that a complete application is filed.

Should the next regular meeting occur more than thirty (30) days following the filing of the application or a final order of the court, said ninety (90) day period shall be measured from the thirtieth day following the day the complete application was filed or after a final order of the court remanding an application.

C. The Township Planning Commission shall recommend whether the preliminary plan shall be approved, approved with modifications, or disapproved, and shall notify the Board of Supervisors in writing thereof, including, if disapproved, a statement of reasons for such action.

D. In making its recommendation, the Township Planning Commission shall consider the recommendations of the Township Engineer, Township Staff, the Sewage Enforcement Officer, the Blair County Planning Commission, interested residents, and the recommendations of any agency or agencies from which a review was requested or which have jurisdiction over the said subdivision.

7. Approval/ Disapproval of the preliminary plan shall be as follows:

A. Within ninety (90) days of submission by the developer, the Board of Supervisors, or its duly authorized representative, shall inform the developer, in writing that the preliminary plan as submitted has been approved, approved with conditions, or disapproved. If disapproved, the written notice shall explain the reasons for the failure of the preliminary plan to meet any requirements, including a citation of the provisions of the statute or ordinance relied upon in denying approval of the preliminary plan. If the plan is approved with conditions (the same to be set forth by the Township in the written notice which shall specify which conditions must be met and/or the defects found in the plan, and the requirements which have not been met, including specific reference to provisions of any statute, this or any other ordinance which have not been fulfilled), the said conditions must be accepted in writing by the developer within thirty (30) days of the decision, and if not so accepted, the preliminary plan shall be deemed to be rejected.

B. The decision of the Board of Supervisors to approve or approve with conditions shall be in writing and shall be communicated to the Developer personally or mailed to him at his known address not later than fifteen (15) days following the decision.

8. If approved, a copy of the preliminary plan shall be returned to the Developer with a notation thereon that the preliminary plan has received preliminary approval and that a final plan may be submitted. Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the subdivider or Developer to the general scheme of the subdivision shown, unless a revised preliminary plan is submitted, and permits the subdivider or Developer to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan.

9. Township Planning Commission review of final plan and recommendation shall be as follows:

A. The Township Planning Commission shall review the final plan and requisite materials for compliance with the approved preliminary plan and for conformance to the requirements of this Ordinance.

B. The said Planning Commission shall act on the final plan within sixty (60) days of the official filing date thereof.

C. The Township Planning Commission shall recommend whether the final plan shall be approved, approved with conditions, or disapproved, and shall notify the Board of Supervisors in writing thereof, including, if approved with conditions or disapproved, a statement of reasons for such recommendation.

D. In making its recommendation, the said Planning Commission shall consider the recommendations of the Township Engineer, the Blair County Planning Commission, the Township Sewage Enforcement Officer, the Township staff and the recommendations of any agency or agencies from which a review was requested or which may have jurisdiction over the said subdivision.

10. Approval/disapproval of final plans shall be as follows:

A. The Board of Supervisors shall act upon the application for approval of a final plan and render its decision and communicate to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, 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 day following the day the application has been filed.

B. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to the applicant's last known address not later than fifteen (15) days following the decision.

C. If the final plan is approved with conditions (the same to be set forth by the Township in the written notice and shall specify which conditions must be met and/or the defects found in the plan, and the requirement which have not been met, including specific reference to provisions of any statute, this or any other ordinance which have not been fulfilled), the same must be accepted in writing by the Developer within thirty (30) days of the decision, and if not so accepted, the final plan shall be deemed to be rejected.

D. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute, the provisions of this Ordinance and any other ordinance relied upon.

11. The final Plan of Lots shall contain thereon: a dedication clause dedicating all rights of way, easements, parks or open space, in a form that is acceptable to the Township and that has been approved by the Township Solicitor; and Developer shall perpetually operate and maintain the storm water management facilities. The final plan shall also be prepared in accordance with Pennsylvania Engineer Land Surveyor and Geologist Registration Law.

12. Five (5) copies of the final plan and other exhibits required for approval shall be submitted to the Board of Supervisors after the plan has received preliminary approval together with the following: signature of adjoining Landowners for road takeover, if required; all offsite easements duly executed and notarized; approval by Blair County Conservation District and any other local, state and/or government agency having jurisdiction of erosion and sedimentation control plan; PennDOT and Federal occupancy permits if required; general permit approval from DEP if required; DEP planning module approval; DEP Part I and/or Part II Water Quality Management Permit; and any other applicable approvals and/or permits.

13. If approved, a copy of the final plan shall be returned to the Developer personally or mailed to the Developer at the Developer's last known address not later than fifteen (15) days following the decision with a notation on said final plan that the plan has received final approval, subject to Section 306(2) herein.

14. Upon final approval by the Board of Supervisors, the proper signatures of the Board of Supervisors shall be imprinted on the final plan together with the date of approval subject to all conditions of this Ordinance being fulfilled.

15. At the time of final approval by the Board of Supervisors, the Board of Supervisors shall fix a period of time within which all improvements shall be completed by the Developer.

16. Before acting on any Land Development and/or Subdivision plan, the Board of Supervisors may hold a public hearing thereon after public notice.

17. The final plat or record plan shall not be signed nor recorded until all requirements of local, state and federal laws, rules and regulations affecting the Development have been satisfied by Developer as determined by the Township, and an agreement drafted by the Township is executed by and between the Township and the Developer (hereinafter "Developer's Agreement") setting forth the understanding of the parties as to construction requirements, liability of the parties and such other conditions as may be deemed necessary by the Board of Supervisors to protect the health, safety and welfare of Township residents, including, but not limited to, limiting the number of building permits issued until all public improvements are completed in compliance with this Ordinance and the Developer's Agreement.

B. Plans and Procedures for Minor Subdivision.

1. Any person desiring minor subdivision approval for any parcel of real estate shall provide to the Township:

A. A plat containing the entire parcel in question, proposed subdivision lines, existing and proposed easements and/or rights-of-way; building restriction lines; and the public street(s) involved.

B. Said Plat with shall be submitted in the form of a final plan as specified in Section 302 A herein and shall be accompanied with:

1. Fully completed DEP sewage facilities planning module form or letter from DEP stating form is not required.
2. PennDOT and Federal occupancy permits.
3. Storm water management Plan.
4. Soil erosion, sedimentation and control plan with letter of approval from the Blair County Conservation District or other state and/or federal agency having jurisdiction including supporting documentation and calculations.
5. All Pennsylvania DEP permits.
6. All other applicable permits and/or approvals.

C. Minor subdivision plans shall be submitted for review in accordance with the procedures and standards of Section 302 A herein.

C. Stormwater Management Standards.

1. All proposed stormwater control measures shall be evaluated according to the following performance standard:

A. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

1. To assure that the maximum rate of stormwater runoff after development is no greater than seventy-five (75) percent of the maximum rate of runoff prior to development activities or that amount of runoff permitted pursuant to the County's Stormwater Management Plan affecting the areas in question if the County's said Plan is deemed by law to supercede the Township's regulations with regard to the issue of stormwater runoff; or have performed an engineering study completed by a licensed professional engineer of the Commonwealth of Pennsylvania which demonstrates that no detention is required, and such plan is reviewed and recommended by the Tyrone Township Engineer for approval by the Tyrone Township Board of Supervisors; or
2. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects the health and property from possible injury.

2. The stormwater management plan for the development site shall consider all the stormwater runoff flowing over the site.

3. No discharge of toxic materials shall be permitted into any stormwater management system. Where required by federal and state regulation, the landowner or Developer shall be responsible for obtaining any required (such as NPDES permit) permit for stormwater discharges.

4. All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and sedimentation. Measures to control erosion shall at a minimum meet the standards of the County Conservation District and the rules and regulation of the Pennsylvania Department of Environmental Protection.

D. Mobile Home Parks. The subdivision and land development plan submission and review procedures and the general design standards and the specifications for Improvements set forth in this Ordinance, including Part 4 hereof, shall apply to the regulation of mobile home parks within the Township. The mobile home park construction shall also conform to the procedures and requirements contained within Tyrone Township's "Flood Plains" Ordinance.

§303. Specifications. Specifications for Improvement(s)/Public Improvement(s) and for any other structure, use, area and/or item subject to the provisions of this Ordinance, shall be in accordance with the specifications attached hereto and being specifically incorporated herein and adopted hereby to be hereinafter set forth as Part 4 entitled "Specifications" as the same may be hereinafter amended from time to time by the Board of Supervisors of the Township by resolution.

§304. Inspections. No public improvements shall be taken over or accepted by the Board of Supervisors unless the Township or its authorized agent or inspector has inspected and given written approval of the construction of the public improvements.

§305. Improvements Remain Private Until Accepted. Although all public improvements shall be deemed to be an offer of dedication to the Township upon appearance on and submission with the final plan, every such public improvement including, but not limited to, streets, gutters, water mains, sanitary sewers and/or other such improvements shown on a subdivision plan shall be deemed to be a private improvement until such time as formally accepted by the Township or condemned by the Township in the manner provided by law.

§306. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval and Stormwater Maintenance Fund.

A. Improvements/Guarantee - Final Plat Approval

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this Ordinance, the Developer may deposit with the Township financial security in an

amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L.1242, No.428) known as the "State Highway Law."

2. When requested by the Developer, in order to facilitate financing, the Board of Supervisors, shall furnish the Developer with a signed copy of a resolution indicating approval of the final plat contingent upon the Developer obtaining a satisfactory financial security. The final 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 Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.

3. Without limitation as to other types of financial security which the Township 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.

4. 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.

5. 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 of approval or accompanying agreement for completion of the improvements.

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

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the Applicant or Developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the Applicant 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 Applicant or Developer. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant or Developer.

8. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

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

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of 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 Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board "of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

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

12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Township 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 upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

B. Stormwater Maintenance Fund.

1. Person installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

A. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Township for a period of ten (10) years, as estimated by the Municipal Engineer. After that period of time, inspections will be performed at the expense of the Township.

B. If the storage facility is to be owned and maintained by the Township, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The municipal engineer will establish the estimated costs utilizing information submitted by the Applicant.

C. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The municipal engineer shall determine the present worth equivalents which shall be subject to the approval of the governing body.

2. If a storage facility is proposed that also serves as a recreational facility (e.g., ballfield, lake), the Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.

3. If in the future a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

§307. Release from Improvement Bond.

1. When the Developer has completed all of the necessary and appropriate improvements, the Developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township engineer. The

Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township engineer to inspect all of the aforesaid improvements. The Township engineer shall, thereupon, file a report in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, 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 nonapproval or rejection.

2. The Board of Supervisors shall notify the Developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.

3. If the Board of Supervisors or the Township engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Developer shall be released from 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 Board of Supervisors, 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 Board of Supervisors or the Township engineer.

6. Where herein reference is made to the Township engineer, he shall be as a consultant thereto.

7. The Applicant or Developer shall pay the Township Engineer for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Board of Supervisors as from time to time amended and in furtherance thereof shall enter into an appropriate agreement with said Township Engineer. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.

§308. Review Fees.

1. Review fees shall include the reasonable and necessary charges by the Township's professional consultants or engineer for review and report to the Township, and shall be set by resolution of the Board of Supervisors from time to time. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.

2. In the event the Applicant disputes the amount of any such review fees, the Applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the Applicant's request over disputed fees.

3. In the event that the Township and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the Applicant or Developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid as provided in §307(7)(E) herein.

4. Review fees for administrative and legal services necessary for cost including, but not limited to, processing of the plans, preparation of the Developer's Agreement and review of financial security documents shall be paid solely by the Developer prior to final approval of the plans. Said costs shall be submitted to the Developer, in written form deemed appropriate by the Township and shall be paid in full prior to approval of the final plan.

§309. Exemptions. The following are exempt or partially exempt from the provisions of this Ordinance:

A. The conversion of an existing single family detached dwelling or single family semi-detached dwelling when such units are intended to be a condominium with the exception of Pennsylvania Department of Environmental Resources sewage facilities planning requirements.

B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

C. 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 a 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 proper authorities.

§310. Remedies to Effect Completion of Improvements. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the 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 Township purpose.

§311. Modifications.

1. The Board of Supervisors may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and/or as otherwise permitted by law, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. The Board of Supervisors may attach such conditions deemed necessary to all such modifications granted. When the literal compliance with mandatory provisions is shown to the satisfaction of the Board of Supervisors to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, the Board of Supervisors may grant a modification to those requirements.

2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved and the minimum modification necessary.

3. The request for modification may be referred to the Blair County Planning Commission for advisory comments.

4. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

§312. Preventive Remedies.

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

2. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following Applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

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

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

§313. Recording Plats and Deeds.

1. Upon the approval of a final plat, the Developer shall within ninety (90) days of such final approval record, or cause to be recorded such plat in the office of the recorder of deeds of Blair County. The recorder of deeds shall not accept any plat for recording unless such plat officially notes the approval of the Board of Supervisors.

2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

§314. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this 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 (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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

3. District justices shall have initial jurisdiction in proceedings brought under this Section.

§315. Right of Entry/Notification.

1. Right of Entry. Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property to investigate or ascertain the condition of the subject property in regard to an aspect regulated by this Ordinance.

2. Notification. In the event that the Applicant, Developer, owner or his/her agent fails to comply with the requirements of this Ordinance or fails to conform to the requirements of any permit, a written notice of violation shall be issued. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Upon failure to comply within the time specified, unless otherwise extended by the Township, the Applicant, Developer, owner or his/her agent shall be subject to the enforcement remedies of this Ordinance.

§316. Additional remedies. In addition to the above recitals, the Township may also seek remedies and penalties under applicable Pennsylvania statutes, or regulations adopted pursuant thereto, including but not limited to the Storm Water Management Act (32 P.S. Section 693.1-693.27) and the Erosion and Sedimentation Regulations (25 Pennsylvania Code, Ordinance 102). Any activity conducted in violation of this Ordinance which involves stormwater management or any Pennsylvania approved watershed stormwater management plan is declared a public nuisance by the Township and shall be abatable as such.