

NEWTON TOWNSHIP
LACKAWANNA COUNTY
SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE

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MARCH 7, 1997

DRIVEWAY PERMIT - \$25.00

MAJOR SUBDIVISION - \$500.00 FLAT RATE
PLUS 5.00 PER LOT
PLUS \$200.00 PER LOT, RECREATION FEE

MINOR SUB-DIVISION - \$75.00 FLAT RATE
PLUS 5.00 PER LOT

LAND DEVELOPMENT - \$500.00 - SAME AS MAJOR SUBDIVISION

NEWTON TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 95-9-11-2

AN ORDINANCE AMENDING THE NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO REVISE THE DEFINITIONS OF *MINOR SUBDIVISION* AND *MAJOR SUBDIVISION*.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, pursuant to the authority granted by the Pennsylvania Municipalities Planning Code, as amended, and be it enacted and ordained, by the Board of Supervisors of Newton Township, Lackawanna County, Pennsylvania, that the Newton Township Subdivision and Land Development Ordinance of 1993 is hereby amended as follows:

ITEM 1 - Amend the definition of *Minor Subdivision* in Section 204 to read as follows:

A. MINOR SUBDIVISION

The division of land into two (2) but less than five (5) lots or parcels and not involving the creation of any new streets, water or sewer lines. However, if any parcel or lots created by an approved minor subdivision (excluding the original tracts or parcel) is subdivided again, it shall be necessary to apply for a major subdivision.

ITEM 2 - Amend the definition of *Major Subdivision* in Section 204 to read as follows:

B. MAJOR SUBDIVISION

Any subdivision that is not a minor subdivision.

ENACTED AND ORDAINED into law by the Board of Supervisors of Newton Township, Lackawanna County, Pennsylvania, this 11 day of September, 1995.

Raymond E. Kelen
Lee Jamison
David N. Bugh

ATTEST:

Melissa Welton
Secty

SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE
OF
NEWTON TOWNSHIP,
LACKAWANNA COUNTY

ARTICLE I
GENERAL PROVISIONS

101 ADOPTION - AUTHORITY - TITLE

THE BOARD OF SUPERVISORS OF NEWTON TOWNSHIP, PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED, 53 P.S. 10101 ET SEQ., HEREBY ENACTS AND ORDAINS THE FOLLOWING ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF NEWTON TOWNSHIP. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS "THE NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

102 Jurisdiction

This Ordinance is intended to be consistent with the requirements of Article V of the Pennsylvania Municipalities Planning Code as amended. The Provisions of this Ordinance are supplemented by the Pennsylvania Municipalities Planning Code requirements and where said Municipalities Planning Code requirements are not specifically stated in this Ordinance said applicable Municipalities Planning Code requirements shall nevertheless apply.

102.1 Application

This Ordinance shall apply to all subdivisions and land developments in Newton Township proposed after the effective date of this Ordinance. No subdivision of any lot, tract, or parcel of land nor any land development shall be affected, no street, sewer system, storm sewer, water system, or other facilities, in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for common use of occupants of buildings or lands abutting thereon, no lot may be sold, no permit to erect any building may be issued and no building may be erected, except upon approval of the final plan and in strict accordance with the provision of these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed as herein provided.

102.2 Prior Approvals and Ordinance Changes

If an applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of his application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five year period shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in 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. (See also Section 308).

102.3 Previously Filed Maps

In cases where a map was filed and put on record prior to the enactment of this Ordinance or other prior regulations and any improvements shown on said map have not been installed or completed, said improvements shall be designed and installed in accord with Articles V and VI of this Ordinance. (See also Section 308).

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Newton Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities.

Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Newton Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the Township.

No provision of this Ordinance shall be construed to deny the right of any property owner to use and develop his land as may be permitted under this Ordinance, but rather the purpose of this Ordinance is to insure such land uses will cause minimal disturbances to natural features and to the environment and that reasonable measures are taken to mitigate any adverse impacts of such uses.

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ARTICLE II
DEFINITIONS

201 Tense, Gender and Number

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

202 General Terms

- A. The words "DEVELOPER", "PERSON", "SUBDIVIDER" and "OWNER" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- B. The word "STREET" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial and road.
- C. The word "BUILDING" includes structures and shall be construed as if followed by the phrase "OR PART THEREOF".
- D. The term "OCCUPIED" or "USED" as applied to any building shall be construed as though followed by the words "OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED".
- E. The word "LOT" includes plot, parcel, tract, site or any other similar term.
- F. The word "WATERCOURSE" includes channel, creek, ditch, drain, dry run, river, spring and stream.
- G. The word "ABUT" shall include the words "DIRECTLY ACROSS THE STREET FROM".
- H. The words "SHOULD" and "MAY" are permissive.
- I. The words "SHALL" and "WILL" are mandatory and directive.

203 Terms Or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1993

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

APPLICATION - 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 approval of a subdivision plat or plan or for approval of a development plan.

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of the Township, unsubdivided land or by any combination of the above.

BOARD OF SUPERVISORS - The Board of Supervisors of Newton Township, Lackawanna County, Pennsylvania.

BUILDING - Any structure having a roof supported by columns or walls, used or intended to be used for the shelter enclosure of any persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, with the exception of meeting minimum side yard requirements.

BUILDING SETBACK LINE - The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way line or lot line. Such line shall be measured at right angles from the street right-of-way line or lot line which abuts the property upon which said building is located and shall be parallel to said right-of-way or lot line.

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK - A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

CARTWAY (ROADWAY) - The graded portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

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

COMMISSION OR PLANNING COMMISSION - The Newton Township Planning Commission.

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 set aside, designed and intended for the use and enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public or community facilities. Land designated for common open space shall as determined by the Board of Supervisors, be useable for same.

NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1993

COMPREHENSIVE PLAN - The complete plan or any part of the plan for the development of Newton Township adopted in accordance with the Pennsylvania Municipalities Planning Code.

COUNTY - The County of Lackawanna, Commonwealth of Pennsylvania.

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.

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

DOUBLE FRONTAGE LOT - A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

DRAINAGE FACILITY - Any ditch, gutter, pipe, culvert, storm sewer or other such structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off of streets, public right-of-ways, parks, recreational areas, or any part of any subdivision or contiguous land areas.

DRAINAGE PLAN - A plan showing all existing and proposed facilities to collect and distribute surface drainage, described by grades, contours, and topography.

DRIVEWAY - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

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

EROSION - The removal of soil by the action of wind and/or water.

FUTURE RIGHT-OF-WAY

- A. The right-of-way width required for expansion of existing streets to accommodate future traffic loads.
- B. The right-of-way established for future access to or through developed land or undeveloped land.

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

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

- A. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;

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

LOT - A designated parcel, tract or area of land, regardless of size, established by a plot or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how it is conveyed.

LOT AREA - The total area contained within the lot lines of the lot excluding the area of any public right-of-way.

LOT, DEPTH - The average horizontal distance between the front lot line and the rear lot line.

LOT IMPROVEMENT SUBDIVISION - The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and the Newton Township Zoning Ordinance AND no new lots are created; or the combination or reallocation of small lots into a larger lot or lots.

LOT, WIDTH - The average horizontal distance measured at the building setback line between the side lot lines.

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LOT LINE, FRONT - That boundary of the lot which is along an existing or proposed right-of-way. In the case of corner lots, the side having the lesser dimension.

LOT LINE, REAR - That boundary of a lot most distant from and most nearly parallel to the front line.

LOT LINE, SIDE - Any boundary of a lot which is not a front or rear lot line.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and, said lot being specifically designated by diversion from other lots in the mobile home park.

MOBILE HOME PARK - A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes.

MODEL HOME - A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

MODULAR HOME - A dwelling unit constructed in accord with State standards for same and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Unlike a mobile home, a modular home is not manufactured with a permanent hitch or other device to allow re-transport of the unit and does not have wheels or axles permanently attached to its body or frame.

MUNICIPALITY - Newton Township, Lackawanna County, Pennsylvania.

OWNER - The owner of record of a parcel of land.

PERFORMANCE GUARANTEE - A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins

and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PLAN OR PLAT - A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation including the following:

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township.
- B. PRELIMINARY PLAN - A complete plan prepared by a registered professional engineer and/or by a registered professional land surveyor, identified as such with the wording Preliminary Plan in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a registered professional engineer's and/or a registered professional land surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. RECORD PLAN - The copy of the final plan which contains the original endorsement of the Township Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds at Scranton, Pennsylvania.

PLANNING COMMISSION - The Planning Commission of Newton Township, Lackawanna County, Pennsylvania.

POSITIVE DRAINAGE - Sufficient slope to drain surface water away from buildings without ponding.

PUBLIC - The general citizenry and/or the specific residents of a particular subdivision or land development project.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the Pennsylvania Municipalities Planning Code.

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."

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

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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.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street. (See Section 601.1, H for prohibitive).

RESUBDIVISION - Any subdivision or transfer of land laid out on a plan whether or not approved previously by the Township which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved or recorded plan.

REVERSE FRONTAGE LOTS - Lots which front on one public street and back on another with vehicular access solely from only one street.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

RUN-OFF - That portion of rainfall or snowmelt which does not enter the soil but moves across the surface.

SEDIMENT - The resultant residue from erosion - mud.

SHOULDER - The improved portion of a street immediately adjoining the travelway for parking and for access to abutting properties.

SEWAGE DISPOSAL, CENTRAL - A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment plant or subsurface or other type disposal area in compliance with the Pennsylvania Department of Environmental Resources regulations.

SEWAGE DISPOSAL, ON-SITE - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot from one individual dwelling or other type unit.

SIGHT DISTANCE - The length of street, measured along the centerline, which is continuously visible from any point four and one-half (4 1/2) feet above the centerline to an object four (4) inches above the ground.

STREET - A strip of land, including the entire right-of-way, whether public or private designed to provide access to a lot or lots, by vehicular traffic or pedestrians.

- A. MAJOR TRAFFIC STREET - Streets serving large volumes (4,000 vehicles per day and up) of comparatively high-speed traffic, including those classified as Class 1 and Class 2 highways by the Pennsylvania Department of Transportation.
- B. COLLECTOR STREET - Streets which, in addition to giving access to abutting properties, intercept minor streets and provide routes to community facilities and to major traffic streets and

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serve or are anticipated to serve 1,000 to 4,000 vehicles per day or less.

- C. MINOR STREET - Streets which are used primarily for abutting properties and serve or are anticipated to serve less than 1,000 vehicles per day.
- D. MARGINAL ACCESS STREET - Minor streets, parallel to and adjacent to major traffic streets providing access to abutting properties and control of intersections with major traffic streets.
- E. MINIMUM ACCESS STREETS - See Section 603.7.

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUBDIVIDER - See "Developer".

SUBDIVISION - The division of 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 devisee, transfer of ownership or buildings or lot development; provided, however, that the subdivision 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 residential dwellings shall be exempted.

- A. MINOR SUBDIVISION - A subdivision that creates four (4) lots or less; does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, a central water supply, a central sewage disposal system, or stormwater facilities.
- B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision. Any resubdivision of any parcel having been previously subdivided since April 12, 1993, the effective date of this Ordinance.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to 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.

SUPERVISORS - The Newton Township Board of Supervisors.

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

NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1993

TOWNSHIP - Newton Township, Lackawanna County, Pennsylvania.

TRAVELWAY - The portion of the cartway used for steady movement of vehicles.

WATERCOURSE - A discernable, definable natural, man made or altered course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and may be permanent in nature or it may originate from a temporary source such as a runoff from rain or melting snow.

WATER SUPPLY, CENTRAL - A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with the Pennsylvania Department of Environmental Resources regulations.

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Resources if such compliance is required.

WETLANDS - An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the criteria of the U.S. Fish and Wildlife Service; and being regulated by the PA DER and the U.S. Army Corps of Engineers. (See Section 613 for wetland requirements.)

ZONING ORDINANCE - The Newton Township Zoning Ordinance.

SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE
OF
NEWTON TOWNSHIP,
LACKAWANNA COUNTY

ARTICLE III
PLAN PROCESSING PROCEDURES

301 General

All plans, whether major or minor, for the subdivision and/or development of land within the corporate limits of Newton Township shall be submitted to and reviewed by the Township Planning Commission and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Governing Body in accordance with the procedures specified in this Article.

301.1 Applicant

The Applicant shall provide evidence to the Planning Commission of his ownership of, or other equitable interest in, the parcel to be subdivided, and a written statement authorizing any representatives, and the extent of their authority, to make application to the Board.

301.2 Field Inspections

It shall be implicit in any request for plan approval that the land owner automatically grants the Planning Commission, the Township Board of Supervisors, or anyone designated by either Board, the right to enter upon the area proposed for the subdivision for the purpose of becoming familiar with the property, making necessary observations or tests or for any other reasonable and lawful purpose, until such time as the parcel is no longer under Planning Commission consideration.

The Planning Commission may, at the time of Sketch Plan or Preliminary Plan submittal or at any other time deemed appropriate by the Board, schedule a Field Inspection of the parcel proposed for subdivision. The Applicant or his representative shall, upon request by the Board, accompany the Board or designated representative, and to facilitate the inspection, the Applicant shall have the approximate centerline(s) of any proposed streets marked with temporary stakes.

301.3 Meeting Attendance

The Applicant or his duly designated agent or representative shall attend the meeting of the Planning Commission at which the subdivision is considered, otherwise no action on the subdivision will be taken unless there is cause for a denial.

302 Sketch Plan

302.1 Sketch Plans

Prior to the submission of a Preliminary Plan, applicants are encouraged, but not required, to submit a sketch plan to the Planning Commission at a regularly scheduled meeting. The purpose of the Sketch Plan is to establish:

- A. The overall objectives of the applicant.
- B. The extent to which the proposed plan conforms with the provisions of this Ordinance.
- C. If the said plan shall qualify as a major or a minor subdivision and/or land development.

302.2 Detailed Review

Applicants may request, by letter to the Planning Commission, a detailed review of a Sketch Plan by the Commission. In such cases four (4) copies of the Sketch Plan and supporting documents shall be submitted to the Township Secretary at least five (5) days prior to the Planning Commission meeting at which the plan is to be discussed. When a Sketch Plan has been properly submitted for detailed review, the plan shall be reviewed and discussed by the Township Planning Commission at the next regularly scheduled meeting.

302.3 Non-formal Filing

A sketch plan and/or a sketch plan submitted for detailed review shall be considered only a submission for discussion between the applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All sketch plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission and the ninety (90) day review period shall not be initiated.

303 Preliminary Plans for Major Subdivisions and Land Developments

All applications for major subdivisions and land developments shall be submitted to Newton Township and processed in accord with this Section 303.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Township Secretary by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Submitted - The official submission of the Preliminary Plan shall include the following:

- A. Eleven (11) completed copies of the subdivision and/or land development plan review application. Twelve (12) copies are required if a state road abuts or transverses the subdivision.
- B. Eleven (11) legible blue-line paper prints of the Preliminary Plan. Twelve (12) prints are required if a state road abuts or transverses the subdivision.
- C. Six (6) copies of the required DER Sewage Planning Module(s).
- D. Five (5) copies of all other required supporting data and information as required in Article VI of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Township Secretary shall collect a preliminary plan filing fee as established by resolution of the Board of Supervisors for all subdivisions and land development.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions and land developments.
- B. The applicant shall pay the fee at the time of application for review of the preliminary plan.

303.1.4 Preliminary Plan Submission Verification - Upon receipt of the Preliminary Plan and supporting data the Township Secretary shall check the submittal for the required number of copies of all documents.

- A. The Township Secretary shall complete the plan submittal verification and shall notify the Applicant of any and all deficiencies or omissions in the submittal.
- B. If the submittal is complete, the Township Secretary shall accept the said plans and documentation and forward a copy of the plan submittal verification to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt or initiate the ninety (90) day review period.

303.1.5 Official Date of the Preliminary Plan Submission - The official date of the preliminary plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Township Secretary

of the required number of copies of all documents for the preliminary plan submittal, the Planning Commission shall examine the submittal to determine that all documents are complete and in proper form.

1. If the Planning Commission determines that submittal is not complete or not in the proper form the Applicant shall be notified in writing by the Township Secretary of the deficiencies and the submittal shall not be accepted for review by the Planning Commission until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmittal.
 2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the preliminary plan submission and forward it to the Applicant.
- B. If the first meeting of the Planning Commission following the date of submittal verification by the Township Secretary (Section 303.1.4) occurs more than thirty (30) days following the date of submittal verification, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of submittal verification. (This Section provides compliance with Section 508 of the Pennsylvania Municipalities Planning Code.)

303.1.6 Distribution of the Preliminary Plan - The Township Secretary shall, immediately after the official date of submission and upon notice of same from the Planning Commission, refer the Preliminary Plan and applicable supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Lackawanna County Planning Commission
- B. The Township Engineer
- C. The Township Zoning Officer
- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Lackawanna County Conservation District
- G. The PA Department of Transportation when applicable.
- H. The Newton Ransom Fire Company.

- I. Any other Engineer, Consultant, or Agency designated by the Township.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this Section 303.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the applicant within fifteen (15) days of when the decision was made.

If approval is recommended, the plans and written notice of said recommendation along with the sewage planning and other documentation shall be forwarded to the Board of Supervisors. If approval with conditions is recommended such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

303.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submittal" as established pursuant to Section 303.1.5.

303.2.3 Board of Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the applicant as provided in Section 303.2.2. When a preliminary plan has been approved subject to any conditions and/or modifications, and the Applicant does not agree and accept the said conditions and/or modifications, in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the preliminary plan shall become an automatic disapproval and the said plan shall be resubmitted as required by Section 303 of this Ordinance, including a new filing fee.

303.2.4 Board of Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at

which the Preliminary Plan is considered and communicated in writing to the applicant as provided in Section 303.2.2.

303.3 Reviewing Agency and Officials Comments

Prior to taking action on the Plan, the Planning Commission and the Board of Supervisors may consider the comments and the recommendations provided pursuant to Section 303.1.6 and may request such additional information as deemed necessary.

303.4 Lackawanna County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Preliminary Plan to the County Planning Commission.

303.5 Sewage Planning Modules

The Board of Supervisors shall concurrently make its decision on the Planning Module for Land Development to amend or revise the Township's Official Sewage Facilities Plan, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Resources. Preliminary Plan approval shall be conditional upon Department of Environmental Resources sewage planning approval.

303.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the Major Subdivision Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

303.7 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

304 Final Plans for Major Subdivisions and Land Developments

All final plans for major subdivisions and land developments shall be submitted and processed in accord with this Section 304.

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision or land development has previously been granted an unconditional Preliminary Plan approval in accord with

Section 303 of this Ordinance or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.

- B. All improvements shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Township shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to Section 303.

304.3 Sections

Final Plans may be submitted in sections, each covering a portion of the entire proposed subdivision and/or land development as shown on the Preliminary Plan.

- A. Each section in the subdivision and/or land development, except the last section, shall contain a minimum of twenty-five (25%) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board of Supervisors may approve a lesser percentage based upon a request for waiver.
- B. When a final plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries and the order of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - Copies of the Final Plan and all required supporting documentation shall be submitted to the Township Secretary by the Subdivider or his authorized representative at least ten (10) working days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include the following:

- A. Eleven (11) completed copies of the subdivision and/or land development plan review application. Twelve (12) copies are required if a state road abuts or transverses the subdivision.
- B. Eleven (11) legible blue-line paper prints of the Final Plan. Twelve (12) prints are required if a state road abuts or transverses the subdivision. Following recommendation for approval by the Planning Commission and when all corrections

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have been made to the Final Plan, five (5) blue-line prints shall be submitted for final signature. Two (2) reproducible plans on mylar shall also be submitted.

- C. Six (6) copies of all required approvals and or permits, from the Pennsylvania Department of Environmental Resources for sewage disposal.
- D. Five (5) copies of all other required supporting data and information as required in Article VI of this Ordinance.

304.4.3 Final Plan Filing Fee - The Township Secretary shall collect a final plan filing fee as established by the Board of Supervisors for all subdivisions and land developments.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions and land developments.
- B. The applicant shall pay the fee at the time of application for review of the Final Plan.

304.4.4 Final Plan Submission Verification - Upon receipt of the Final Plan and supporting data the Township Secretary shall check the submittal for the required number of copies of all documents.

- A. The Township Secretary shall complete the plan submittal verification and shall notify the Applicant of any and all deficiencies or omissions in the submittal.
- B. If the submittal is complete, the Township Secretary shall accept the said plans and documentation and forward a copy of the plan submittal verification to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt or initiate the ninety (90) day review period.

304.4.5 Official Date of the Final Plan Submission - The official date of the final plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Township Secretary of the required number of copies of all documents for the final plan submittal, the Planning Commission shall examine the submittal to determine that all documents are complete and in proper form.
 - 1. If the Planning Commission determines that the submittal is not complete or not in the proper form the Applicant shall be notified in writing by the Township Secretary of

the deficiencies and the submittal shall not be accepted for review by the Planning Commission until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmittal.

2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the final plan submission and forward it to the Applicant.
- B. If the first meeting of the Planning Commission following the date of submittal verification by the Township Secretary (Section 304.4.4) occurs more than thirty (30) days following the date of submittal verification, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of submittal verification. (This Section provides compliance with Section 508 of the Pennsylvania Municipalities Planning Code.)

304.4.6 Distribution of the Final Plan - The Township Secretary shall, immediately after the official date of submission and upon notice of same by the Planning Commission, forward the final plan and supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Lackawanna County Planning Commission
- B. The Township Engineer
- C. The Township Zoning Officer
- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Lackawanna County Conservation District
- G. The PA Department of Transportation when applicable.
- H. The Newton Ransom Fire Company.
- I. Any other Engineer, Consultant, or Agency designated by the Township.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to

reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this Section 304.5. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, the plans shall not be signed but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

304.5.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to Section 304.4.5.

304.5.3 Board of Supervisors Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the applicant as provided in Section 304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by Section 304 of this Ordinance, including a new filing fee.

304.5.4 Board of Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the applicant as provided in Section 304.5.2.

304.6 Reviewing Agency and Officials Comments

Prior to taking action on the Plan, the Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to Section 304.4.6 and may request such additional information as deemed necessary.

304.7 Lackawanna County Planning Commission Comments

No recommendation shall be made by the Planning Commission and no official action shall be taken by the Board of Supervisors or Planning Commission until the Township has received and considered the comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Final Plan to the County Planning Commission.

304.8 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

The Board of Supervisors shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the developer, and have been certified as complete by the Township Engineer or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

304.11 Recording of the Final Plan

The Subdivider shall file the final record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The mylar plan of the subdivision or land development with the Recorder's seal shall be submitted to the Township by the Subdivider immediately after recording. If the Subdivider fails to record the final record plan in the Recorder's office within the required ninety (90) day period and return the sealed mylar to the Township, the action of the Township Supervisors shall be deemed null and void and a resubmission of the plan shall be made to the Board of Supervisors.

305 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and shall be processed in accord with this Section 305.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the Minor Plan and all required supporting documentation shall be submitted to the Township Secretary by the Subdivider or his authorized representative at least ten (10) working days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

305.1.2 Number of Copies to be Submitted - The official submission of the Minor Subdivision Plan shall include the following:

- A. Six (6) completed copies of the minor subdivision plan review application. Seven (7) copies are required if a State road abuts or transverses the subdivision.
- B. Six (6) legible blue line prints of the Minor Subdivision Plan. Seven (7) copies are required if a State road abuts or transverses the subdivision. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Minor Subdivision Plan, five (5) blue-line prints shall be submitted for final signature.
- C. Four (4) copies of the sewage planning modules.
- D. Four (4) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.
- F. Additional copies of the plan or any other information may be required.

305.1.3 Minor Subdivision Plan Filing Fee - The Township Secretary shall collect a Minor Subdivision Plan filing fee as established by the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.
- B. The applicant shall pay the fee at the time of application for review of the Minor Subdivision Plan.

305.1.4 Minor Plan Submission Verification - Upon receipt of the Minor Plan and supporting data the Township Secretary shall check the submittal for the required number of copies of all documents.

- A. The Township Secretary shall complete the plan submittal verification and shall notify the Applicant of any and all deficiencies or omissions in the submittal.
- B. If the submittal is complete, the Township Secretary shall accept the said plans and documentation and forward a copy of the plan submittal verification to the Applicant.

- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt or initiate the ninety (90) day review period.

305.1.5 Official Date of the Minor Subdivision Submission - The official date of the Minor Subdivision Plan submission shall be determined as follows:

- A. The Planning Commission shall examine the Minor Subdivision submittal to determine that all documents are complete and in proper form.
1. If the submittal is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submittal shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmittal.
 2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward it to the Applicant.
- B. If the first meeting of the Planning Commission following the date of submittal verification by the Township Secretary (Section 305.1.4) occurs more than thirty (30) days following the date of submittal verification, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of submittal verification. (This Section provides compliance with Section 508 of the Pennsylvania Municipalities Planning Code.)

305.1.6 Distribution of the Minor Subdivision Plan

The Planning Commission shall submit a copy of the minor subdivision application to the Lackawanna County Regional Planning Commission and may distribute the plan to the following for review:

- A. The Township Engineer
- B. The Township Zoning Officer
- C. The Township Solicitor
- D. The Township Sewage Enforcement Officer
- E. The PA Department of Transportation when applicable.

F. Any other Engineer, Consultant or Agency designated by the Township.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission may make its recommendation at the meeting when the Minor Subdivisions Plans are submitted and found to be complete; or at its discretion, make its decision at a subsequent meeting so that the comments provided pursuant to Section 305.1.6 may be considered. In any case, the Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the recommendation is made.

If approval is recommended, the plans and written notice of said recommendations along with the sewage planning documentation, shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

305.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to 305.1.5.

305.2.3 Board of Supervisors Approval with Conditions - When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor Subdivision Plan is considered and communicated in writing to the applicant as provided in Section 305.2.2. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept in writing the said conditions and/or modifications within fifteen (15) days of receipt of said written notice, said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and said plan shall be resubmitted as required by Section 305 of this Ordinance, including a new filing fee.

305.2.4 Board of Supervisors Denials - When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor Subdivision Plan is considered and

communicated in writing to the applicant as provided in Section 305.2.2.

305.3 Reviewing Agency and Officials Comments

The Board of Supervisors shall consider the comments and the recommendations pursuant to Section 305.1.6 and may request such additional information as deemed necessary.

305.4 Lackawanna County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Lackawanna County Planning Commission or after thirty (30) days following transmittal of the Minor Subdivision Plan to the County Planning Commission.

305.5 Sewage Planning Modules

The Board of Supervisors shall concurrently make its decision on the Planning Module for Land Development to amend the Township's Official Sewage Facilities Plan and if approval is granted the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Resources. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Resources sewage planning approval.

305.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the Minor Subdivision Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

305.7 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.8 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

305.9 Recording of the Final Plan

The Subdivider shall file the final record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of

endorsement by the Township Supervisors. The mylar plan of the subdivision or land development with the Recorder's seal shall be submitted to the Township by the Subdivider immediately after recording. If the Subdivider fails to record the final record plan in the Recorder's office within the required ninety (90) day period and return the sealed mylar to the Township, the action of the Township Supervisors shall be deemed null and void and a resubmission of the plan shall be made to the Board of Supervisors.

306 Lot Improvement Subdivisions

Lot improvement subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Lackawanna County Recorder of Deeds, (The applicant shall certify to the Board that the subject map is, in fact, on record.) and which do not involve the creation of any new lot lines, may be submitted directly to the Board of Supervisors. A new map for such lot improvements shall not be required; however, the combination shall be effected by the execution of an "Owners Affidavit" for same which shall be recorded with the Lackawanna County Recorder of Deeds upon the signature of the applicant and the Board of Supervisors. The "Owner's Affidavit" shall be in such form as required by the Board of Supervisors upon the recommendation of the Township Solicitor; and shall include a reference to the lot numbers of the subject lots and the Plat Book and page number where the map is recorded.

Lot improvement subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in Section 305 of this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in Section 404.3 of this Ordinance shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Board of Supervisors with the recommendation of the Township Solicitor; and said documents shall be turned over to the Township Solicitor who shall record same. The fee for lot improvement subdivisions shall be established by Resolution of the Board of Supervisors in accord with Section 804 of this Ordinance and shall include the costs of recording.

307 Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Board, provided all parcel(s) subdivided therefrom are surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) front on a public road.

308 Affect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

308.1 Pending Action

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Township Zoning, Subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

308.2 Project Completion

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 (5) years from such approval.

308.3 Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be 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.

308.4 Substantially Completed Improvements

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change or 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 plat pertaining to zoning classification or density, lot, building, street or utility location.

308.5 More Than Five Years

In the case of a preliminary plat calling for the installation of improvements beyond the five (5) 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 schedule shall be updated annually by the Applicant on 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 Board of Supervisors in its discretion.

308.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in 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 landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

308.7 Landowner Failure

Failure of landowner to adhere to the aforesaid schedule of submission 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 Township subsequent to the date of the initial preliminary plan submission.

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ARTICLE IV
PLAN REQUIREMENTS

400 Level of Detail

In order to assure the proper design and installation of development improvements, final design and construction documents shall be submitted as indicated below: (See also Section 504)

- A. At the time of Preliminary Plan application:
 - 1. Roads, guiderails, stream crossings and other associated improvements
 - 2. Stormwater management facilities
 - 3. Soil erosion and sedimentation controls
- B. At the time of Final Plan application:
 - 1. Sewage disposal facilities
 - 2. Water supply facilities

401 Sketch Plan Requirements for Formal Review

A Sketch Plan shall show or be accompanied by the following data, legible in every detail and drawn to scale but not necessarily showing precise dimension.

- A. Name of the subdivision and/or development.
- B. Name and address of land owner and/or land developer. (if corporation give name of officers.)
- C. Location map.
- D. North arrow.
- E. Graphic scale.
- F. Written scale.
- G. Date sketch plan was completed.
- H. Names of adjacent property owners and tax map numbers, including those across adjacent roads.

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- I. Proposed and existing street and lot layout on immediately adjacent tracts including street and subdivision names and right-of-way widths.
- J. Existing man-made and/or natural features:
 - 1. Water courses, lakes and wetlands (with names).
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and structures.
 - 4. Approximate location of tree masses.
 - 5. Utility lines, wells and sewage system(s).
 - 6. Any and all other significant features.
- K. Location of permanent and seasonal high water table areas and 100 year flood zones.
- L. Tract boundaries accurately labeled.
- M. General street and lot layout showing approximate widths, depths and areas.
- N. Location and extent of various soil types by Soil Conservation Service classification.
- O. Location and type of rights-of-way or other restrictive covenants which might affect the subdivision and/or development.
- P. The following site data shall be labeled on the plan:
 - 1. Total acreage of the subdivision and/or development.
 - 2. Total number of lots proposed.
 - 3. Total lineal feet of new roads.
 - 4. County property tax assessment number.
 - 5. Zoning district of the subdivision and/or development and statement of compliance.
 - 6. Any and all other significant information.
- Q. A map of the entire contiguous holding of the owner and/or developer showing the plan for any future development.
- R. A statement of the type of water supply and sewage disposal proposed.

402 Preliminary Plan Requirements for Major Subdivisions and Land Developments

Preliminary Plans shall be prepared by a Professional Engineer and/or a Registered Land Surveyor as applicable and required by State law. Preliminary Plans shall be submitted pursuant to the following:

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of not more than one-hundred (100) feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and approximate dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Plan Information

The Preliminary Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or the Registered Professional Land Surveyor (as applicable) responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.

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- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including but not limited to the following:
 - 1. Water courses, ponds and lakes, with name of each.
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Approximate location of tree masses.
 - 5. Utilities, wells and sewage systems.
 - 6. Location and description of any certified historic site, structure, or stone walls.
 - 7. Location and size of culverts with the direction of water flow.
 - 8. Wetlands in accord with Section 613.
 - 9. All other significant man-made or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and flood zones as shown on the most recent FIA/FEMA mapping.
- M. Location and extent of various soil types by SCS classification and the location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.

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- O. Location, width and purpose of any proposed rights-of-way or other easements.
- P. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
- Q. Contour lines, at an interval of not more than five (5) feet based on actual topographic survey. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements.
- R. The full plan of the proposed subdivision and/or development, including:
 - 1. Location and widths of all streets, suggested types (major, collector, minor) and all rights-of-way with a statement of any conditions governing their use.
 - 2. Proposed street names.
 - 3. Building setback lines.
 - 4. Lot lines with dimensions.
 - 5. Lot and/or parcel sizes.
 - 6. Lot numbers.
 - 7. A statement of number of lots and/or parcels.
 - 8. A statement of the intended use of all non-residential lots and/or parcels.
 - 9. A statement of the total acreage in the proposed subdivision and/or development.
 - 10. County tax assessment property number.
 - 11. Any and all other significant information.
- S. Zoning data, including all of the following, when applicable:
 - 1. Zoning district designations, bulk and density standards.
 - 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 - 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development, shown on location map.
- T. A title block shall be included on the lower right corner of all Preliminary Plans.

- U. In the case of land developments, the location and configuration of project buildings, parking areas, streets, access drives, driveways and all other planned facilities.

402.3 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions and land developments.

- A. Typical street cross-section drawings for all proposed streets showing the following:
1. Typical cut sections.
 2. Typical fill sections.
 3. Superelevated sections.
 4. Typical parallel drainage.
- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. The latest deed of record.
- G. Water Supply Information
1. A statement from a Professional Engineer of the type and adequacy of the water supply system proposed to serve the project.
 2. Preliminary design of any central water supply system.
 3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

5. A copy of any application for any permit, license or certificate required by DER or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DER or PA PUC.

H. Sewage Disposal Information

1. Completed sewage planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act, Act 537 as amended.
2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
3. A copy of any application for any permit, license or certificate required by DER or the PA Public Utility Commission for the construction and operation of any proposed central sewage collection or treatment system system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DER or PA PUC.

- I. A statement from a Professional Engineer relative to any public utility, environmental or other permits (e.g. wetlands, streams encroachment, certificate of public convenience) required and if none are required a statement to that effect.
- J. Soil erosion and sedimentation control plan approved by the Lackawanna County Conservation District.
- K. Drainage/stormwater management plan.
- L. Bridge designs and a statement by the applicants engineer regarding any state or federal approvals required.
- M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- O. Preliminary layout of utilities prepared in cooperation with the applicable utility company to show how electric, gas, telephone and/or cable T.V. service will be provided. A letter shall

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accompany the plan indicating that the utility plan has been reviewed by the appropriate utility company involved and that service will be provided.

402.4 Additional Information

The Planning Commission and/or the Board of Supervisors shall require any other necessary information based on the specific characteristics of the proposed project.

402.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submittal with Preliminary Plan applications.

403 Final Plan Requirements for Major Subdivisions and Land Developments

Final Plans shall be prepared by a Professional Engineer and/or a Registered Land Surveyor as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

403.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of not more than one-hundred (100) feet to the inch.
- B. All dimensions shall be in feet and decimals to nearest 100th; bearings shall be in degrees, minutes and seconds.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

403.2 Final Plan Information

The Final Plan shall contain the following information:

- A. Name of project.

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- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or the Registered Professional Land Surveyor (as applicable) responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including but not limited to the following:
 - 1. Water courses, ponds and lakes, with name of each.
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Approximate location of tree masses.
 - 5. Utility lines, wells and sewage systems.
 - 6. Location and description of any certified historic site or structure and stone walls.
 - 7. Location and size of culverts with the direction of water flow.

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8. Wetlands in accord with Section 613.
9. All other significant man-made or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and flood zones as shown on most recent FIA/FEMA mapping.
- M. Location and extent of various soil types, SCS classification for each and location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location, width and purpose of any proposed rights-of-way or other easements.
- P. Location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
- Q. Contour lines, at an interval of not more than five (5) feet based on actual topographic survey. Contour lines at a closer interval may be required if more detail is deemed necessary by the Township. If deemed appropriate by the Township, contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded.
- R. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all perimeter monuments shall be shown and described.
- S. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location of all other streets and/or roads within the property.
- T. The full plan of the proposed development, including but not limited to the following information and data:
 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 2. All dimensions in feet and hundredths of a foot.
 3. All bearings to the nearest one second of the arc.
 4. Street names.
 5. Street widths and right-of-way and easement widths.

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6. A clear sight triangle shall be shown for all street intersections.
 7. Block and lot numbers.
 8. Total tract area and area of each lot in square feet or acres.
 9. Location and type of permanent monuments and markers which have been set in place.
 10. Building setback lines for each lot or the proposed placement of each building.
 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
 12. A statement of intended use of all non-residential lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book and page.
 13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
 14. Lackawanna County tax map number.
- U. Zoning data, including all of the following, when applicable:
1. Zoning district designations, bulk and density standards.
 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development. (Show on location map)
- V. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
1. Building setbacks.
 2. Corner lot sight easements.
 3. Corner lot driveway locations.
 4. Utility and drainage easements including ownership and maintenance responsibility.
 5. "All lots shown on this plan are subject to the rules and regulation contained in the Newton Township Zoning Ordinance."

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6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Resources and Newton Township."
 7. "Individual owners of lots must apply to the Township for a sewage permit and well permit prior to the construction of any on-lot sewage disposal system or well".
 8. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
- W. A title block shall be included on the lower right corner of all Final Plans.
- X. Approval/Signature blocks for the Board of Supervisors.
- Y. The following general notes shall be included on all Final Plans, if applicable:
1. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following, "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof".
 2. In the event of a "lot improvement" proposal, "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, page ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
 3. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, Section 420) and for access to roads under the jurisdiction of Newton Township pursuant to Newton Township Road Encroachment Ordinance."
 4. In the case where wetlands are present, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands, and, the Developer represents and warrants that the wetlands have been accurately and properly identified and delineated.

"This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser(s)."

5. When on-site subsurface sewage disposal is proposed "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DER planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to any construction on any lot".
6. In cases where the requirement for sewage planning is waived by the Township "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the Township.
2. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.

403.3 Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for major subdivisions and land developments:

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 1. Typical cut sections.
 2. Typical fill sections.
 3. Typical superelevated sections.
 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. The latest deed of record.
- F. Water Supply and Sewage Disposal Information

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1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 2. All other documentation required to demonstrate compliance with Section 607 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.
- I. Soil erosion and sedimentation control plan approved by the Lackawanna County Conservation District.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required state or federal approvals.
- L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- N. Improvements construction documentation required by Article V.

403.4 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

403.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submittal with Final Plan applications.

403.6 Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas. The Township Supervisors, with the recommendation of the Planning Commission, shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

404 Minor Subdivision, Final Plan Requirements

Plans for minor subdivision shall be prepared by a Professional Engineer and/or Registered Land Surveyor as applicable and required by State law; and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of not more than one hundred (100) feet to the inch.
- B. All dimensions shall be in feet and decimals to the nearest 100th; bearings shall be in degrees, minutes and seconds.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eight and one-half by eleven (8 1/2 x 11) inches and no larger than twenty-four by thirty-six (24 x 36) inches.
- E. Plans shall be legible in every detail.

404.2 Minor Plan Information

- A. Name of subdivision
- B. Name and address of owner of record. (if a corporation give name of each officer).
- C. Name and address of Developer if different from land owner. (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or Registered Land Surveyor (as applicable) responsible for the preparation of the subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).

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- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and width of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, man-made or natural including utilities, wells and sewage systems.
- S. Wetlands in accord with Section 613.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including, total acreage, number of lots, existing zoning district and tax map number.
- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types by SCS classification for each type, and locations of soil test pits and wells.

- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- Z. The proposed areas for location of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Approval/signature blocks for the Board of Supervisors.
- CC. A title block on the lower right corner.

404.3 General Notes

The following general notes shall be on all final plans, if applicable:

- A. In the event the subdivision incorporates a minimum access street pursuant to Section 603.7, the following: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof."
- B. In the event of a "lot improvement" proposal, "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, page ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, Section 420) and for access to road under the jurisdiction of Newton Township pursuant to Newton Township Ordinance No. ___, Road Encroachment."
- D. In the case where wetlands are present, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands, and, the Developer represents and warrants that the wetlands have been accurately and properly identified and delineated.

"This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser(s)."
- E. When on-site subsurface sewage disposal is proposed "This approval in no way certifies or guarantees the suitability of any lot for

the installation of a subsurface sewage disposal system. The DER planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to any construction on any lot".

- F. In cases where the requirement for sewage planning is waived by the Township "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the Township.

"The approval of this subdivision by the Township Supervisors shall not in any manner be construed to be or to constitute an approval of compliance by the Developer with statutes or regulations promulgated by any State or Federal agencies relating to wetlands existing on the within subdivision. The Township shall have no liability or responsibility to the purchaser(s) or to any other regulations with respect to the within subdivision or any lands contained therein."

404.4 Supporting Documents and Information

- A. Four (4) copies of the required Planning Module(s) for Land Development along with the site investigation reports.
- B. Typical cross-sections for any private access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.

404.5 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

404.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submittal with minor subdivision applications.

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in Section 404 of this Ordinance for Minor Subdivisions shall also apply to Lot Improvement Subdivisions which require survey map submission. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot improvements on the approved plans; and said deeds shall be recorded along with the approved plans.

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ORDINANCE
OF
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LACKAWANNA COUNTY

ARTICLE V
IMPROVEMENT CONSTRUCTION AND GUARANTEES

501 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Township for recording in the office of the Lackawanna County Recorder of Deeds until:

- A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are certified by the Township Engineer; or,
- B. An Improvements Construction Guarantee in accord with Section 503 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by the Township.

Any approval granted by the Board of Supervisors for any improvement required by this Ordinance shall be for subdivision approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

502 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Township shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

- A. Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Township. The bond shall be payable to the Township.
- B. Escrow Account - A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial

institution for establishing an escrow account shall be subject to approval by the Township.

- C. Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Township.
- D. The following requirements shall apply to the financial guarantees set forth in this Section 503.1:
1. The funds of any guarantee shall be held in trust until released by the Township and may not be used or pledged by the Developer as security in any other matter during that period.
 2. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Township for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
 3. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to Section 503.2.
 4. The guarantee shall not be withdrawn, or reduced in amount, until released by the Township.

503.2 Amount of Security

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 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 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 and ten (110) percent.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania 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 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 Pennsylvania and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair

and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as established on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this Section 503.2.

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Township to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

- A. Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.
1. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
 2. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify in writing to the Board of Supervisors the completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements. 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.
- B. Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Board of Supervisors.

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1. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.
2. Inspection - Within ten (10) days of receipt of said notice, the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
3. Report - The Township Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending 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, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
4. Action - Within fifteen (15) days of receipt of the Township Engineer's report, the Board of Supervisors shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. 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.
5. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this Section 503.4, shall be followed.
6. Enforcement Remedies - 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 plan, the Board of Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee 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 purposes.

504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

504.1 Construction Plans and Drawings

Prior to the initiation of construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Township for approval, final construction plans which have not previously been submitted and approved detailing the design and installation of all improvements and documenting compliance with this Ordinance.

504.2 Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements.

504.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Township Engineer shall prepare a Township Inspection Schedule to assure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (eg. back filling of sewer or water line trenches). This may require a full-time inspector and may include but not be limited to such tests as pressure testing of conveyance lines or vacuum testing.

504.4 Notice

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Township Inspection Schedule.

504.5 Cost

The cost of all inspections conducted by the Township shall be borne by the Developer.

505 Improvement Maintenance Guarantee

505.1 Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount determined by the Board of Supervisors but not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in Section 503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the twenty-four (24) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the twenty-four (24) month period, the Township may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said twenty-four (24) month period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.
- B. After the expiration of the twenty-four (24) months from the date of the final approval of the subject improvements and if all improvements are certified by the Township Engineer to be in good condition, the Township shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

506 Continued Ownership and Maintenance of Improvements

The Developer shall provide for the approval of the Township and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements and/or common areas.

506.1 Private Operation and Maintenance

A. Land Developments

In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements and common areas with the owner of the land development.

B. Residential Developments

In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners

Association to assume the ultimate ownership of all development improvements and common areas and responsibility for maintenance of such improvements and common areas which are not dedicated to the Township. Membership in the Property Owners Association shall be mandatory for all property owners in the development.

C. Any Improvements Which Will Remain Private

In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with Section 503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Township and shall be in an amount of not less than fifteen (15) percent of the cost of system construction as required by the Township.

D. Failure To Operate and Maintain Improvements

If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with Township requirements and/or the needs of the users of said improvements, the Township shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Board shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefitting from said proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in Section 803 of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication to Township

The offer of dedication to the Township and the acceptance by the Township of any roads or associated drainage facilities shall be governed by the Township Road Dedication Ordinance, as amended. The Township may accept only roads and associated drainage facilities, but shall not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements. However, this shall not preclude Township acceptance of ownership of certain sewage collection, conveyance and treatment facilities in accord with the Township Official Wastewater Facilities Plan. In the case where roads are being constructed and offered for dedication as part of a subdivision or land development regulated by this Township Subdivision and Land Development Ordinance, the Road Dedication Ordinance shall be applied concurrently with respect to procedures.

507 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Board of Supervisors, and if so directed by the Board of Supervisors, enter into a legally binding development agreement with the Township of Newton guaranteeing the installation of the required improvements in accord with the approved plan and all Township requirements.

507.1 Contents

The development agreement shall be in a form suitable for execution by the Board of Supervisors and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Township to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within twenty-four (24) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Dedication of any improvements.

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- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Township.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

507.2 Execution

The final plan shall not be approved by the Board of Supervisors prior to the execution of this agreement, if so required by the Board of Supervisors.

SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE
OF
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LACKAWANNA COUNTY

ARTICLE VI
DESIGN STANDARDS/IMPROVEMENT SPECIFICATIONS

601 General Standards

601.1 Application

The standards and requirements contained in this Article are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Newton Township Planning Commission and by the Newton Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

- A. The development shall conform to the proposals and conditions shown in the Township's Comprehensive Plan. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Township Plan or Official Map shall be considered in the approval of all plans.
- B. Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Township, they are necessary to create conditions essential to the health, safety, and general welfare of the citizens of Newton Township and/or to protect the environment of the Township.
- C. Those areas which are subject to such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards.
- D. The Board may direct the subdivider to preserve trees, groves, topsoil, waterways, scenic points, historic sites, and other community assets or landmarks.
- E. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.
- F. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and land locked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of traffic movement, drainage and other reasonable considerations.

- G. Care shall be taken to preserve natural features such as trees, water courses, views, and historical features, such as buildings, which will add attractiveness and value to the remainder of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Pennsylvania Department of Environmental Resources and the US Army Corps of Engineers.
- E. Lot lines shall follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

601.2 Planned Improvements

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the record plan.

601.3 Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township.

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, County Engineer, Pennsylvania Department of Environmental Resources, Bureau of Forestry or such other State or Federal agency as may be applicable.
- B. If there are no applicable Township or State regulations, the Township Planning Commission and/or the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply.

602 Blocks and Lots

602.1 Configuration

The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

602.2 Blocks

- A. Residential blocks shall have a maximum length of one thousand two hundred (1200) feet.
- B. Commercial blocks shall have a maximum length of six hundred (600) feet.
- C. Blocks shall be of sufficient width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.

602.3 Lots

- A. Lot sizes, depths, and widths shall be governed by the Newton Township Zoning Ordinance.
- B. Lots shall not be divided by municipal boundaries.
- C. All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two lots may be required whenever five lots of an average of less than 300 feet width at the street line are proposed along one side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.

- H. Lots shall be laid out to the edge of any road right-of-way.

603 Streets/Roads

- A. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Township.
- B. Proposed streets shall conform in all respects to the Township Comprehensive Plan and Official Map as such may be developed and apply.
- C. Proposed streets shall further conform to such County and State highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Planning Commission.
- D. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- E. New half or partial streets shall not be permitted, except where essential to reasonable subdivision of a tract in accordance with other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining parts of the street(s) is secured and the construction of the street is carried out simultaneously as a whole. Wherever a tract to be subdivided borders an existing half or partial street, the other part shall be platted within such street.

603.1 Topography

Roads shall be logically related to topography to produce reasonable grades, minimize stormwater run-off and provide suitable building sites.

603.2 Existing Access

Existing private roads or rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this Section 603 or shall otherwise be improved to such standards.

603.3 Street Continuation

Residential streets shall be planned to discourage through traffic; however, the arrangement of streets wherever possible shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

603.4 Subdivision and Street Names

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets.

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Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas and all street names shall be subject to the approval of the Township. Four way street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

603.5 Reserved

603.6 Dead End Streets

Dead end streets shall meet the following design regulations:

- A. Dead-end streets shall have at the closed end a turn-around of a hammer-head or other approved design capable of accommodating emergency vehicles and snow removal and other maintenance equipment. Designs for dead end streets and turn-arounds shall be approved by the Township with the advice of the Township Engineer.
- B. Any temporary dead end street shall be provided with a temporary all-weather turn-around, within the subdivision, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- C. Dead end streets, permanently designed as such, shall not exceed six-hundred (600) feet in length.

603.7 Minimum Access Streets to Back Lots

Minimum access streets may be used to provide access to residential lots which do not front on a public or approved private road provided:

- A. The minimum access street serves no more than three (3) lots, including that lot fronting on the abutting street; and shall not exceed eight hundred (800) feet in length. Any subdivision exceeding these limits shall be considered a major subdivision and all applicable standards shall apply to the lots and road construction.
- B. The minimum access street has a minimum right-of-way width of fifty (50) feet.
- C. Minimum access street entrances or aprons within the adjoining street right-of-way shall be installed by the Developer and/or Subdivider as required in this Ordinance. Construction of the remaining length of the private access street shall be the responsibility of the buyer or buyers of the served lot or lots and said private access street shall not under any circumstances be offered to the Township as a municipal road. The Applicant shall agree to the terms of this Section 603.7 in writing and a covenant shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access street and establishing its future private ownership status.

- D. A minimum access street may be used only to provide access to not more than three (3) lots that cannot legally be further subdivided or improved with more than one (1) dwelling unit, except in full accord with Township requirements.
- E. A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the minimum access street intersects with the right-of-way of the adjoining road.

603.8 Intersections

- A. Center-lines of streets shall intersect as nearly at right angles as possible.
 - 1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.
 - 2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.
- B. Intersections of more than two (2) streets at one (1) point are not permitted.
- C. Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:
 - 1. One hundred fifty (150) feet for minor streets.
 - 2. Two-hundred fifty (250) feet for collector streets.
- D. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for minor streets or streets of lesser classification and thirty (30) feet for collector streets and Township, County or State roads.

603.9 Major Street Frontage

Where a subdivision and/or land development abuts or contains an existing or proposed collector street, or Township, County or State road, the Township may require marginal access streets or reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the major street and separation of local and through traffic.

603.10 Street Right-of-Way, Travelway, Shoulder Widths, and Cross Sections

Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table VI-1 and Table VI-2.

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- A. Right-of-way width shall be measured from lot line to lot line.
- B. Shoulder surfaces shall be graded at a slope one (1) inch per foot away from the pavement edge.
- C. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated, shall be crowned at one-quarter (1/4) inch per foot away from the center-line.
- D. Properly superelevated cross-sections shall be required on collector streets when the curve radii are less than one-thousand five-hundred (1500) feet. The maximum permissible superelevation shall be 0.08 feet per foot.

603.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plan, and the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The Township shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement.

A. Access Easements

1. Access easements shall be shown and labeled on the plans to indicate the purpose, easement users and the rights of said users.
2. No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility. (Example: An access to a well lot would be part of the well lot and not a right-of-way across the adjoining building lot.)
3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

B. Utility Easements

1. Utility easements shall be a minimum of ten (10) feet in width and shall be provided along all street rights-of-way in addition to the required street right-of-way width.
2. All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
3. Existing and proposed utility easements shall be included in lot sizes unless otherwise restricted by the utility.

TABLE VI-1
DESIGN STANDARDS FOR STREETS

<u>DESIGN SPECIFICATION</u>	<u>COLLECTOR</u>	<u>MINOR</u>	<u>MARGINAL ACCESS</u>	<u>MINIMUM ACCESS</u>
Right-of-way width (ft)	50 (a)	50 (a)	50 (f)	50
Cartway width (ft)	32	32	32	26
Travelway width (ft)	20	20	20	20
Minimum centerline radii (ft) (b)	300	150	150	75
Minimum sight distance (ft) (b)	300	200	200	100
Maximum grade (%)	6 (c)	8 (d)	8 (d)	8
Shoulder width (ft) (cut or fill)	6	6	6	3

Notes:

- a. Right-of-way width does not include slope, drainage or utility easements. Additional right-of-way and cartway widths may be required by the Board to provide for additional construction requirements such as cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety from fire, panic, or other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width impractical, the Board may modify the above requirements.
- b. Larger radii may be required as determined by alignment to provide required sight distances.
- c. 10% for up to 250 feet in distance.
- d. 12% for up to 250 feet in distance.
- e. The maximum grades in c. and d. above may be repeated if separated by distances of five hundred (500) feet meeting the standard grade requirements for the class of road.
- f. In addition to the right-of-way of the major street it adjoins.

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TABLE VI-2

TRAVELWAY CROSS SECTION										
ALL ROADS			MINIMUM COMPACTED DEPTHS (inches)							
COURSE	MATERIAL		ROAD CLASSIFICATION							
			Collector		Minor		Marginal Access		Minimum Access	
Surface, Wearing	ID-2 Wearing or Equivalent		1.5		1.5		1.5		NA	
Surface, Binder	ID-2 Binder		3		3		3		NA	
Base	Aggregate*	BCBC	8	3	8	3	8	3	8	3
Subbase	See Section 603.18									

SHOULDERS				
TYPE AND MATERIAL	MINIMUM COMPACTED DEPTHS (inches)			
	ROAD CLASSIFICATION			
	Collector	Minor	Marginal Access	Minimum Access
2A Coarse Aggregate	5	5	5	5

ALL MATERIAL SHALL MEET PA DOT SPECIFICATIONS, PUBLICATION 408, LATEST EDITION.
 ALL MATERIAL SHALL BE APPROVED BY THE TOWNSHIP PRIOR TO THE INITIATION OF ANY CONSTRUCTION.
 * Base course aggregate shall be eight (8) inches of approved shale, run-of-bank gravel or other Township approved material, topped with three (3) inches of aggregate meeting PA DOT specifications.

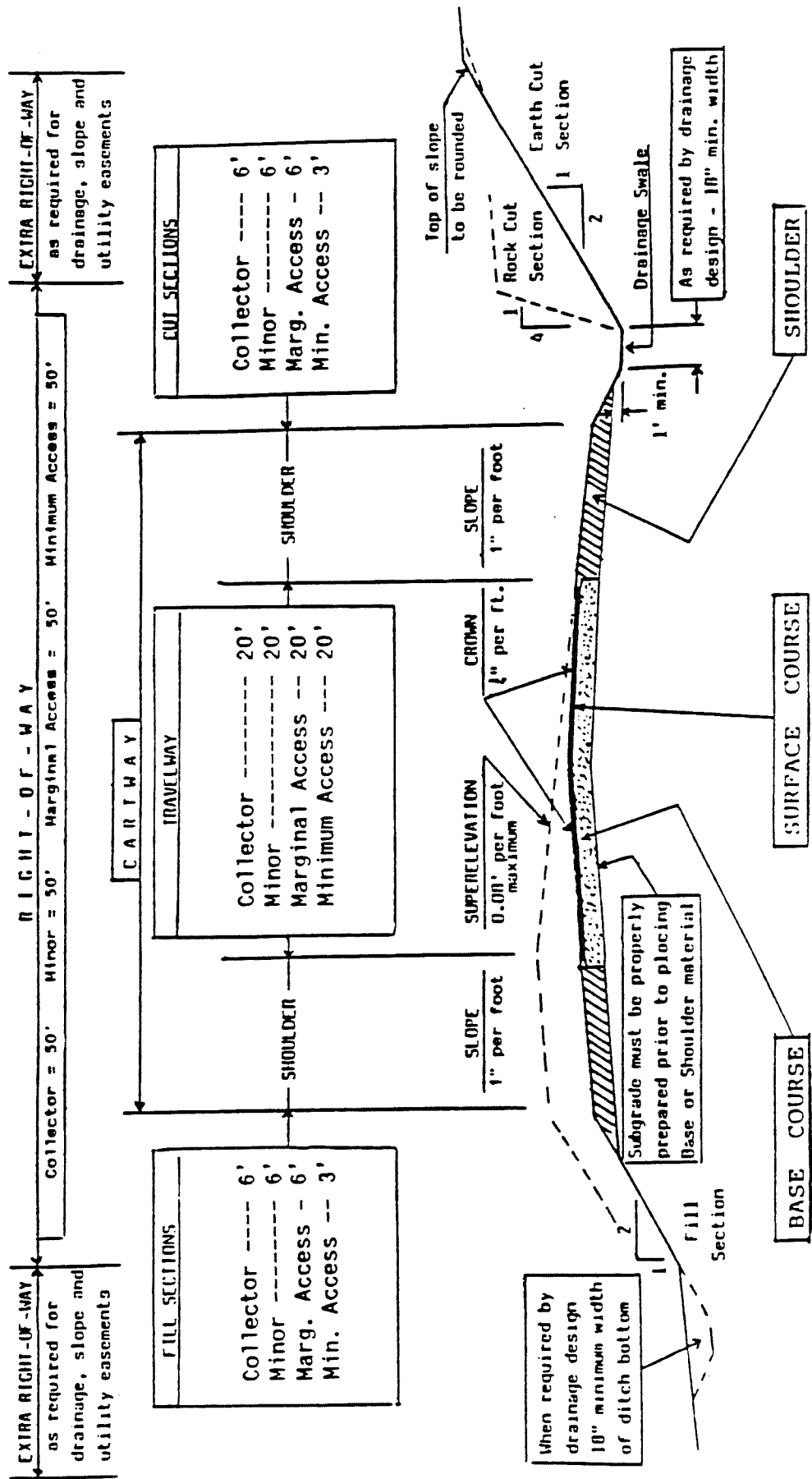


TABLE VI-2 TYPICAL STREET CROSS SECTION

603.12 Street Alignment

Street alignment shall be designed as follows:

- A. Whenever street lines are deflected in excess of seven and one half (7 1/2) degrees, connection shall be made by horizontal curves.
- B. Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.
 1. Sight distances shall be measured from the driver's eye at 3.75 feet above the road surface to a point 0.5 feet above the road surface.
 2. Sight distances at stop intersections shall be measured from the driver's eye at 3.75 feet above the road surface to a point fifteen (15) feet from the nearest edge of the travelway of the through road to a point 3.75 feet above the road surface of the through road.
- C. Between curves the following minimum tangents shall be provided:
 1. One hundred (100) feet on collector streets.
 2. Fifty (50) feet on minor streets.

603.13 Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a dead end street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.
- E. A leveling area for all street intersections shall be provided as follows:
 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for minor street or minimum access street intersections, and all other intersections shall comply with the grades as required on Table VI-1. Crest and sag

vertical curves shall be provided in accordance with Section 603.14.

2. The tangent grade of the connecting street(s) shall not exceed three percent (3%) within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with Section 603.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.

603.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding four (4) percent and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table VI-1.
- B. On minor streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)
- C. Except on minor streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)
- D. The following vertical curve information should be shown on the plans: 1) length of vertical curve, 2) elevation and stationing of the VPI, VPC, VPT and MO.

603.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersection streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan referent, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.
- B. Such triangular area shall be determined by the intersection street center-lines and a diagonal connecting the two points, one point at each street center-line:
 1. One hundred twenty-five (125) feet from the intersection of such street center-lines if either street is a collector or Township, County, or State street.

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2. Eighty-five (85) feet from the intersection of such street center-lines if both streets are minor streets.
3. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

603.16 Residential Driveways

Driveways shall be as follows:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township and approved by the Township Engineer and/or the Pennsylvania Department of Transportation via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed sixteen (16) percent in grade or as otherwise required by state or Township regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on the preliminary and final plans.
- E. A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- F. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting road by type of intersecting road.		
	<u>Twp. County</u> <u>or State</u>	<u>Collector</u>	<u>Minor</u>
Residential	150 ft.	100 ft.	40 ft.

The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- G. Adequate provision shall be made for parallel drainage facilities

603.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with and approval of the Bureau of Dams and Waterways Encroachments, Pennsylvania Department of Environmental Resources, shall be provided. The width of the bridge or stream crossing shall be of a minimum width equal to the cartway (travelway and shoulders) width of the roadway carried by the bridge or stream crossing.

603.18 Clearing and Grubbing

The right-of-way shall be cleared and grubbed to the full width shown on the approved cross-sections.

- A. All trees, stumps, roots and other material deemed unsuitable by the Township shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks and/or boulders shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township prior to the cut and fill operations.

603.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to three (3) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Board of Supervisors for special conditions.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.
- C. All excavations and embankments shall have a continuous slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Township.
- E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- F. Cuts and fills shall not endanger adjoining property.

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- G. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- H. Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner and the Board of Supervisors.
- J. During grading operations, necessary measures for dust control shall be exercised.
- K. Grading equipment shall not be allowed to cross streams and adequate provisions shall be made for the installation of culverts and bridges.

603.20 Sub Grade, Base and Surface

A. Subgrade

- 1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
- 2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
- 3. Unsuitable soils shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Lackawanna County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

B. Subbase and Base Course - Subbase and base course aggregate and BCBC material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of Newton Township.

C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the

Pennsylvania Department of Transportation (Form 408) and the requirements of Newton Township.

- D. Shoulders - Shoulders shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

603.21 Guiderails

Guiderails shall be installed at points determined by the Board of Supervisors with the recommendation of the Township Engineer.

603.22 Walks

Pedestrian interior walks may be required where necessary to assist circulation or to provide access to community facilities. Such walks shall have an easement width of not less than ten (10) feet and be surfaced for not less than four (4) feet in width. Construction of walks shall be in accord with generally accepted practices and shall be approved by the Township with the advice of the Township Engineer.

604 Monuments and Markers

Monuments and markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

604.1 Monuments

- A. Monuments shall consist of either:

1. A two (2) inch (inside diameter) galvanized pipe filled with concrete and not less than thirty-six (36) inches in length (preferred 42" to 48").
2. A concrete cylinder four (4) inches in diameter and not less than thirty-six (36) inches in length (preferred 42" to 58").
3. Such other monuments as the Township may approve.

- B. Monuments shall be set flush with the finish grade of the surrounding ground.

- C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

- D. Monuments shall not be placed until road grading has been completed.

- E. Monuments shall be placed as follows:

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1. At all exterior property corners where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)
2. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Township. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

604.2 Markers

- A. Lot markers shall consist of either:
 1. Solid steel rods not less than one-half (1/2) inch and not less than twenty-four (24) inches in length.
 2. Steel pipes not less than three-quarters (3/4) inch in diameter and not less than twenty-four (24) inches in length.
 3. Such other markers as the Township may approve.
- B. Markers normally shall be set two (2) inches above the finish grade of the surrounding ground.
- C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows:
 1. At all points where lot lines intersect street right-of-way lines.
 2. At all points where lot lines intersect exterior property lines.
 3. At all interior lot corners.
 4. At such other lot corners and locations as the Township may direct.

605 Stormwater and Drainage Control

605.1 Purpose

The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater in order to provide

protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.

605.2 Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments and shall be subject to the approval of the Township and Township Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Commission at the time of preliminary subdivision plan submittal. Construction materials shall comply with the latest PA DOT Publication 408 standards and the applicable PA DOT RC standards for construction.

605.3 Compliance with State Regulations

The Plan shall meet the intent of Section 13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements.

605.4 Design Criteria

- A. Stormwater management facilities shall be designed for a storm frequency of ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Soil Conservation Service method) or the rational method shall be used to determine peak discharge and estimate runoff.
- B. In cases where detention of stormwater is proposed, the post development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development. In addition to the ten (10) year storm, storms of less frequency shall also be controlled.

- C. The Board of Supervisors shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

605.5 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the preliminary drainage plan submitted with the preliminary subdivision plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PA DOT Publication 408 standards.
- B. Natural drainage courses and points of natural drainage discharge shall not be altered.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Board of Supervisors adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. In no case shall any pipe system of less than eighteen (18) inches be installed underneath a street or driveway.
- H. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.

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- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

605.6 Maintenance of Stormwater Control Facilities

- A. Maintenance of stormwater control facilities, including easements between lots, shall be the responsibility of the owner of said facilities. A legally binding agreement may be required between the owner and the Township to provide for such maintenance and providing for inspections by the Township.
- B. In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owners association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.
- C. When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- D. If the municipality determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the municipality may cause the work to be done and lien all costs against the property.

606 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Lackawanna County Conservation District and PA DER. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Resources regulations for soil erosion and sedimentation control Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Lackawanna County Conservation District. The

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Applicant shall submit the Plan to the Township at the time preliminary plan application. Preliminary Plan approval shall not be granted by the Township until all required approvals are obtained from the County Conservation District.

607 Water Supply and Sewage Disposal

607.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
- B. Applicants shall present evidence to the Township, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of 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 evidence.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publicly owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.

G. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.

607.2 On-Lot Water Supply

All on-lot water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Resources and/or applicable Township Ordinances. The installation of on-lot wells shall be required by restrictive covenant, such facilities to be installed by the lot purchaser at the time of construction of the principal structure.

607.3 Central Water Supply

A. Public supply

Where a public water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system, in accord with the requirements of the system owner and PA DER.

B. Project Supply

If an approved public water supply is not accessible and water is to be furnished on a project basis, the subdivider shall, upon submission of the Preliminary Plan, submit written evidence that he has complied with all Township, County and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Resources and any other applicable regulations.

C. Deep Well Source

1. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Ground Water Geologist.
2. Wells shall be located away from potential source of pollution and on a reserved parcel of a minimum of one (1) acre.
3. The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.
4. Wells shall be pump tested utilizing a controlled step-drawdown test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term

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pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.

5. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Resources.
6. Documentation of the effect of the projected areawide drawdown of the water table may be required by the Township if the anticipated pumping of ground water warrants such documentation.

D. Water Distribution System

1. All water distribution systems shall be designed and constructed in accord with all Township requirements and PA DER Bureau of Water Quality Management.
2. Before being placed into service, the system must be tested and chlorinated by procedures established by Department of Environmental Resources.
3. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

E. Flow Rates

1. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
2. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
3. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters.

607.4 Fire Fighting

In the case of subdivisions of twenty-five (25) lots or more, or for any multi-family dwellings, the developer shall provide a plan for the supply of water for fire-fighting purposes, said plan meeting the approval of the Board of Supervisors.

607.5 On-Lot Sewage Disposal

All on-lot sewage disposal systems shall comply with the applicable PA DER standards and all Township Ordinances. All residential lots

in developments proposing the use of on-lot sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the plan.

607.6 Central Sewage Disposal System

A. Public Sewage Disposal

Where an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the Township Sewage Facilities Plan" exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the Township Sewage Facilities Plan and PA DER requirements.

B. Project System

If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the subdivider shall, upon submission of the preliminary plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Resources and any other applicable regulations.

1. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
2. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DER and applicable Township Ordinances.
3. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
4. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DER standards; and, a suitable replacement area for the effluent disposal area shall be provided.

608 Utilities

All utility lines required to service the subdivision shall be planned in cooperation with the respective utility companies. A letter shall accompany the Preliminary Plan stating that the utility plan has been reviewed by the applicable utility company and that such plan is approved and that service will be available. All cables, wires,

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conduits, pipes and lines servicing the development shall be subject to the requirements set forth in this Ordinance.

609 Shade Trees

Shade trees shall be provided by the subdivider and planted along the right-of-way line of all streets within the development. Trees shall be of a species and size approved by the Board.

610 Street Lighting

Street lights may be required when considered necessary by the Board and shall be of such design and spacing as required by the Board.

611 Commercial and Industrial Subdivision and Land Developments

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance and the Township Zoning Ordinance. In addition, the following shall apply:

611.1 Access Roads

Access roads and interior roads serving commercial and industrial subdivisions and land developments shall be designed and constructed to collector street standards.

611.2 Ingress and Egress

- A. Driveways to individual lots shall not be permitted to have direct access to any Township, County, or State Road but shall be limited to interior roads.
- B. In order to provide safe and convenient means of access, grades on driveways shall not exceed eight (8) percent and a leveling area of sixty (60) feet in length with a grade not to exceed four (4) percent shall be provided for all driveways to connecting streets.
- C. Ingress and egress to the development shall be restricted to one common access road located as follows: (if the tract exceeds four hundred (400) feet in road frontage, two such access points shall be permitted)
 - 1. Centerline of the driveway shall be a minimum of thirty-five (35) feet from any side property line and sixty (60) feet if abutting a residential zone.
 - 2. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all preliminary and final plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road:
 - a. Township, County, or State Roads - 300 feet.

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- b. Collector streets - 200 feet.
- c. Minor streets - 150 feet.
- d. Other driveways - 75 feet.

Note: Nearest intersection street shall be construed as being on the same or the opposite side of the street on which the tract is located.

- 3. Curbing or traffic barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point(s).

612 Public Sites and Open Spaces

The Township has adopted a Recreation Plan as part of the Township Comprehensive Plan which provides the overall strategy for the provision of park and recreation facilities for the residents of the Township. The goals and purposes of said plan are incorporated herein by reference. Included in the Plan is the use of the Township Building and development of the associated grounds for recreation purposes in cooperation with the Abington Area Recreation Board, and the use of the former Newton-Ransom Elementary School in Newton Center for community activity and recreation purposes.

612.1 Standards

All recreation areas and facilities developed by the Township shall be designed to meet the needs of the residents of the Township and shall be available to all residents of the Township. Said areas and facilities shall be developed in accord with the following standards to the extent deemed necessary by the Planning Commission and the Board of Supervisors. Recreation areas and facilities shall be:

- A. Consistent with the Township Comprehensive Plan.
- B. Suitable for active and passive recreational activities.
- C. Reasonably accessible to all residents of the Township with consideration given to all age groups.
- D. Provided with adequate vehicular access and parking and other necessary infrastructure and facilities.
- E. Developed in accord with an overall site plan intended to preserve to the greatest extent practical, natural vegetation and groves, lakes, ponds and waterways, scenic points, historic sites and structures, community landmarks, and other community assets.

612.2 Fees

In order to adequately provide community park and recreation facilities for the use of the residents of a proposed subdivision or residential land development, a per unit or per lot fee shall be assessed by the Township.

- A. Funds from the fees shall be used in accord with the Township Recreation Plan, this Section 612, and Section 503(11) of the Pennsylvania Municipalities Planning Code.
- B. Fees shall be assessed at the following rates:
 - 1. \$200.00 per lot for any major subdivision as defined by this Ordinance.
 - 2. \$200.00 per dwelling unit for any mobile home park, as defined by this Ordinance, which includes more than eight (8) dwelling units.
 - 3. \$200.00 per dwelling unit in any multi-family residential dwelling project, as defined by the Newton Township Zoning Ordinance, which includes more than eight (8) dwelling units.
- C. Final approval for any subdivision or land development subject to said fees shall not be granted until the required fees have been paid.
- D. An adjustment in fees shall be made for any modification of an approved subdivision or land development plan resulting in the change in the number of lots or dwelling units.

613 Wetlands

All wetlands on the project parcel shall be shown on the plans for all major subdivisions and land developments and a detailed, site specific wetland delineation shall be submitted by the applicant. The Planning Commission or Board of Supervisors may also require such delineation for minor subdivisions. All delineations shall be conducted by a person and/or firm recognized by the US Army Corps of Engineers as qualified to delineate wetlands. The Planning Commission or Board of Supervisors may also require certification of same by the appropriate state and federal agency. If any state or federal permit is required as part of the development process, said permit shall be submitted to the Township along with the subdivision or land development application. See Section 314.3 of the Township Zoning Ordinance for additional requirements.

614 Multi-Family Dwellings

In addition to the applicable regulations and standards of this Ordinance, multi-family dwelling subdivisions and/or land developments

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shall comply with the standards contained in the Newton Township Zoning Ordinance.

15 Mobile Home Parks

In addition to the applicable regulations and standards of this Ordinance, mobile home parks shall comply with the standards contained in the Township Zoning or Mobile Home Park Ordinance.

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ARTICLE VII
CAMPGROUND DEVELOPMENT STANDARDS

701 Application

701.1 Sale or Long Term Lease

Campgrounds where the sale or long term lease (ie. exceeding twelve [12] months) of sites is proposed shall meet the lot size and density standards for Mobile Home Parks contained in the Township Zoning Ordinance and the Township Mobile Home Park Ordinance, and shall in all other respects comply with the requirements of this Article VII and the other applicable standards of this Ordinance.

701.2 Transient or Short Term Rental

Transient or short term campgrounds proposed to be developed and held under single ownership and to provide campsites on a maximum twelve (12) month lease or rental period only shall meet the design standards and required improvements set forth in this Article.

701.3 Occupancy

Campsites shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times, and any action toward removal of wheels is hereby prohibited. Moreover, no campsite shall be occupied by more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle for a period of twenty-four (24) hours, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite by restrictive covenant.

701.4 Records

The management of every campsite shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a campsite until the owners and/or management provide evidence of compliance with these provisions.

702 Procedures

702.1 Applications

A campground or expansion of campground shall be considered a land development as defined by this Ordinance and the application for the development of a campground shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

702.2 Design

The design of the campground shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Resources for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Resources before the plan will be considered for final approval by the Township.

703 Minimum Parcel Size

A campground shall have a total contiguous land area of not less than ten (10) acres.

704 Campsite Size and Density

704.1 Size

Each campsite shall have a minimum area of three thousand (3,000) square feet exclusive of street rights-of-way and walkways; and each campsite shall be shown on the plans submitted to the Township. Minimum site frontage shall be fifty (50) feet at the front setback line.

704.2 Density

The total number of lots in any campsite shall not exceed four (4) sites per acre. Density shall be calculated in accord with Section 409.3 of the Township Zoning Ordinance as follows:

The total number of campsites permitted on a project parcel shall be determined by deducting the following areas from the total acreage of the project parcel:

- A. Land contained within public rights-of-way.
- B. Land contained within rights-of-way of existing or proposed private streets, where formal rights-of-way are not involved the width of the street shall be considered fifty (50) feet.
- C. Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service.

D. Land contained within the buffer area required by Section 705.4. and then multiplying the remainder by four (4) sites per acre.

705 Design Standards

In addition to the other applicable standards contained in this Ordinance, the design standards on this Section 705 shall apply to all campgrounds.

705.1 Location

705.1.1 Floodplains - A campground shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.

705.1.2 Nuisances - The site of any proposed campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

705.1.3 Soils and Slopes - Sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

705.2 Soil and Ground Cover

705.2.1 Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.

705.2.2 Erosion Control - All areas of a campground disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. Section 606 of this Ordinance shall apply to all campgrounds.

705.3 Stormwater/Drainage

Campgrounds shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. The requirements of Section 605 of this Ordinance shall apply to all campgrounds.

705.4 Setbacks, Buffer Strips and Screening

705.4.1 Overall Property Line Setbacks - No individual campsite shall be located closer than one hundred (100) feet to any exterior property line of the campground, or from a public road

right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the campground to a height of six (6) feet from the adjacent lands and to serve as a buffer.

705.4.2 Interior Setbacks - No recreational vehicle or tent shall be placed on a campsite less than:

- A. Twenty (20) feet from the front lot line
- B. Twenty (20) feet from the rear lot line
- C. Ten (10) feet from the side lot lines
- D. Fifty (50) feet from the normal high water mark of any lake, stream or other body of water.

705.5 Streets, Access and Parking

705.5.1 Streets

- A. All campground streets shall be constructed of durable material in such amount and placement as to provide a mud and dust free travelway surface with a base course as required by Table VI-2 of this Ordinance.
- B. One way streets shall have a minimum right-of-way width of twenty (20) feet and shall be improved with a travelway not less than fifteen (15) feet in width.
- C. Two way streets shall have a minimum right-of-way width of thirty (30) feet and shall be improved with a travelway not less than twenty (20) feet in width.
- D. The minimum center-line radius of any interior campground street shall be not less than one hundred (100) feet.
- E. The maximum grade of any campground street shall not exceed twelve (12) percent.
- F. No campground street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.

705.5.2 Parking

- A. Parking shall not be permitted on streets or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
- B. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be

NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1993

level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6) inches of compacted crushed stone, bank run gravel or shale.

- C. All campsites designed for tenting may be provided with on-site parking spaces in accordance with Section 705.5.2B or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum of each parking space shall be at least nine (9) feet by eighteen (18) feet, exclusive of any aisle.

705.5.3 Access - There shall generally be at least two (2) points of ingress and/or egress for each campground from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

705.5.4 Site Frontage - Campground sites and parking spaces shall have direct access to and frontage on the interior park street system. Campsites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the campground and providing access to other parcels or developments.

705.6 Utilities

705.6.1 Water Supply and Sewage Disposal - Campgrounds shall be served by a central water supply and a central sewage disposal system as required by Section 607 of this Ordinance.

- A. At least fifty percent (50%) of the campsites designed and improved for recreational vehicles shall be provided with a connection to a central water supply and central sewage disposal system.
- B. All campsites which are not provided with a connection to a central water supply and a central sewage system shall be located within three hundred (300) feet of a bathhouse/toilet facility which shall be equipped with a water supply, toilets, urinals and lavatories in accordance with Department of Environmental Resources regulations.
- C. The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Resources requirements.

705.6.2 Electric - Electric service shall be provided to at least fifty (50) percent of the campsites, and shall be

installed underground in accord with the specification of the electric company providing the service.

705.7 Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Resources. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Resources as frequently as may be necessary to insure that the containers shall not overflow.

705.8 Recreation Area

At least ten percent (10%) of the parcel shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Board of Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities as a condition of approval.

705.9 Landscaping

Plantings shall be provided adequate to screen objectionable views effectively within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the campgrounds and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Board of Supervisors. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

705.10 Other Requirements

There shall be provided in each campground such other improvements as the Board of Supervisors may require whereby such requirements shall at all times be in the best interest of the public health, safety and general welfare.

706 Non-residential Uses

No part of any campground shall be used for non-camping purposes, except such uses that are required for the direct servicing and well-being of

the users of the campground and for the management and maintenance of the campground.

707 Other General Requirements

707.1 Fences

All property lines shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, shall be permitted thereon.

707.2 Nuisances

No noxious or offensive activities or nuisances shall be permitted on any campsite.

707.3 Animals

No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

707.4 Garbage and Refuse Disposal

No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in approved receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk on a campsite.

707.5 Camping Accessories

Picnic tables, benches, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

707.6 Ditches and Swales

Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage; and shall also prevent erosion on his campsite.

707.7 Drilling and Mining

No drilling, refining, quarrying or mining operation of any kind shall be permitted on any campsite.

707.8 Appurtenances

No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to any travel trailer or other recreational vehicle parked in a campground development, and

the removal of wheels or placement of the unit on a foundation is prohibited.

708 Expansions

The regulations of this Article VII shall apply to any expansions of existing campgrounds, including increases in the number of campsites even though no addition to total land area is involved.

SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE
OF
NEWTON TOWNSHIP,
LACKAWANNA COUNTY

ARTICLE VIII
ADMINISTRATION

801 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

802 Waivers/Modifications

802.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

802.2 Conditions

In granting waivers/modifications the Township may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

802.3 Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be a part of the development application, and shall include:

- A. The specific Section(s) of this Ordinance in question.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship.

802.4 Action

If the Township denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Township grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Township shall keep a written record of all actions on all requests for waivers/modifications.

803 Penalties for Violations

The failure of any person, partnership, or corporation to comply with the provisions of this Subdivision and Land Development Ordinance shall constitute a violation of the Ordinance, and the Township may institute any and all legal action and remedies established in this Ordinance and in law to effect the correction of said violation.

803.1 Preventive Remedies

- A. 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.
- B. 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 any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
- (1) The owner of record at the time of such violation.
 - (2) The vendee or lessee of the owner or record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the 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.

803.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

803.3 Jurisdiction

District justices shall have initial jurisdiction in proceedings brought under Section 803.2.

803.4 Transfer

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

803.5 Construction

No person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. No deeds shall be executed or recorded for the transfer of any lots or units, nor shall the construction of any structure be initiated, before the Township has approved the Final Plan and such Plan is filed with the Lackawanna County Recorder of Deeds.

804 Fees

804.1 Resolution

Fees shall be established by Resolution of the Board of Supervisors.

804.2 Supplemental Fees

Prior to approval of the Preliminary application, the developer shall also pay to the Township a supplemental fee sufficient to cover the cost of engineering services, County Planning Commission fees and fees for other related consulting services incurred by the Township. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

804.3 Final Fees

At the time of filing, the Final Application shall be accompanied by a check payable to the Township in an amount determined by the Township sufficient to cover the cost of:

- A. Reviewing engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged by the County Planning Commission and fees for other related consulting services.

804.4 Adjustment

Prior to the final approval of any application, the Municipal Secretary will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment as indicated.

804.5 Disputes

Disputes between the applicant and the township regarding fees shall be settled pursuant to Section 503(i) and 510(g) of the Pennsylvania Municipal Planning Code.

805 Records

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1993

806 Validity

Should any section, subsection, or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

807 Conflicts

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

The Newton Township Subdivision Ordinance enacted on May 1972, as amended, is hereby repealed in total; provided however that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done which would have constituted a violation of the Newton Township Subdivision Ordinance of May 1972, as amended, or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not be repealed hereby, as they pertain to said acts.

808 Adoption

This Ordinance ordained and enacted this 12th day of April 1993, by the Board of Supervisors of Newton Township, to be effective the 14th day of JUNE, 1993.

NEWTON TOWNSHIP BOARD OF SUPERVISORS

Raymond E. Keller
Chairman

Arthur W. Lesner
Vice-Chairman

David M. Borkin
Supervisor

W. A. ...
Solicitor

NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1993

Certification

I, Melissa Weber, Secretary of the Township of Newton, do hereby certify that the foregoing Newton Township Subdivision Ordinance was duly adopted at a properly convened meeting of the Board of Supervisors of Newton Township held on April 12, 1993 at which meeting a quorum was present and voted in favor thereof. I furthermore certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which hearing was advertised in accordance with the provisions of said Act.



Secretary of the Township of Newton