TULPEHOCKEN TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT

ORDINANCE OF 1993

DRAFT

April, 1993

Technicon Enterprises, Inc.
P.O. Box 391
Oley, Pennsylvania 19547
(215) 987-4607
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Technicon Enterprises, Inc.
P.O. Box 391
Oley, Pennsylvania 19547
(215) 987-4607
ORDINANCE NO. 1993 -

AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, REGULATING AND CONTROLLING THE SUBDIVISION AND DEVELOPMENT OF LAND; PROVIDING PROCEDURES AND REQUIREMENTS FOR THE APPROVAL OF PLATS AND REPLATS OF LAND; PRESCRIBING DESIGN STANDARDS AND OTHER REQUIREMENTS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND IMPOSING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, AND IT IS HEREBY ENACTED AND ORDAINED by the authority of the same, as follows:
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ARTICLE I
TITLE, SHORT TITLE, AND PURPOSE

100. **Title**
An Ordinance establishing rules, regulations and standards governing the subdivision of land and/or land development within the Township of Tulpehocken, Berks County, Pennsylvania, pursuant to the authority set forth in Article V of Act 170, The Pennsylvania Municipalities Planning Code as amended, and setting forth procedures to be followed by the Township Planning Commission and the Board of Supervisors in applying, administering, and amending these rules, regulations, and standards and prescribing penalties for the violation thereof.

101. **Short Title**
This Ordinance shall be known, and may be cited as, the "Tulpehocken Township Subdivision and Land Development Ordinance of 1993."

102. **Purpose**
These regulations are for the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of the Township, for adequate open space for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens.
ARTICLE II

§ JBMISSION AND REVIEW PROCEDURES

201. General

Hereafter all plans for the subdivision or land development within the corporate limits of the Township shall be reviewed by the Township Planning Commission and other Municipal, State, or County officials as deemed necessary and shall be approved or disapproved by the Board of Supervisors in accordance with procedures specified in this Ordinance. The provisions and requirements of this Ordinance shall apply to and control all land subdivisions which have not been recorded in the Office of the Recorder of Deeds in and for Berks County, Commonwealth of Pennsylvania, prior to the effective date of this Ordinance provided, however, that any change in a recorded plan, except as noted in Section 213.3, shall constitute a resubdivision and shall make said plan subject to any and all requirements of this Ordinance. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Ordinance.

202. Special Procedures for Land Development Plans

Land Development plans shall be reviewed and approved or disapproved in accordance with the procedures specified in this Ordinance. Occasionally situations involving only one lot may arise whereby it is unclear whether or not a Land Development plan is required by the Ordinance. In this event the Developer may present information regarding the development to the Township Planning Commission. The information shall be sufficient to illustrate the type and extent of development and potential impact of the proposal on traffic, stormwater management, sewage disposal, water supply, or similar concerns. The Township Planning Commission shall review the information and make a recommendation to the Board of Supervisor’s as to whether or not the Land Development procedures of this Ordinance should be followed. The Township Planning Commission may wish to consult with the Township Engineer or Solicitor prior to making its recommendation. The Board of Supervisors shall, after consideration of the Township Planning Commission’s recommendation, make the final decision as to whether or not the Ordinance shall apply.

203. Submission of a Sketch Plan

203.1 Plan to be Filed with the Township - Copies of the Sketch Plan for all proposed subdivisions and all required supporting data shall be submitted to the Township Secretary or his representative by the subdivider or his representative authorized in writing to submit the plan.
203.2 **Number of Copies** - Six (6) legible black-line or blue-line paper prints of the Sketch Plan shall be required. Plans shall fully comply with requirements of Section 301.1 of this Ordinance.

203.3 **Filing Fee** - The Township Secretary or his representative shall collect a filing fee as established by the Board of Supervisors for all subdivisions or land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions or land developments. The subdivider or developer shall pay the fee due at the time of submission of a Sketch Plan.

203.4 **Distribution of Sketch Plan** - The Township Secretary or his representative shall refer the Sketch Plans to the following:

A. Two (2) copies to the Township Planning Commission.
B. One (1) copy to the Board of Supervisors.
C. One (1) copy to the Township Engineer.
D. One (1) copy to the Township Zoning Officer.

203.5 **Number of Copies and Distribution of Sketch Plan of Record**

Nine (9) legible black-line or blue-line paper prints of the Sketch Plan of Record shall be required. Plans shall fully comply with requirements of Section 3.14. The Township Secretary or his representative shall refer the Sketch Plan of Record to the following:

A. Two (2) copies to the Township Planning Commission.
B. One (1) copy to the Board of Supervisors.
C. One (1) copy to the Township Engineer.
D. One (1) copy to the Township Zoning Officer.
E. Two (2) copies to the County Planning Commission.
F. One (1) copy to the Township Sewage Enforcement Officer.

204. **Review of Sketch Plan**

A Sketch Plan shall be considered a submission for discussion between the Subdivider and the Township. Submission of a Sketch Plan shall not constitute official submission of a plan except in the case of the exemptions identified in Section 213.
204.1 With respect to any Sketch Plan submitted less than ten (10) calendar days prior to the next scheduled meeting of the Township Planning Commission, the Township Planning Commission may decline to review the plan at such meeting.

204.2 At one or more regularly scheduled or special meetings the Township Planning Commission shall review the Sketch Plan to determine its conformance to the requirements of this Ordinance and determine whether the proposed development is permitted under the Zoning Ordinance. The Township Planning Commission shall suggest any modifications of the Plan which it deems necessary to secure conformance to the regulations of this Ordinance or which it believes are in the public interest.

204.3 Within ten (10) calendar days after the final meeting at which the Sketch Plan is reviewed by the Township Planning Commission, the Township Planning Commission Secretary shall send to the following parties written notice of the Township Planning Commission’s action in regard to the Sketch Plan, and, except in the case of a Sketch of Record, any prerequisites to review of the Preliminary Plan by the Township Planning Commission:

A. The Board of Supervisors.
B. The County Planning Commission (Sketch Plan of Record Only).
C. The Subdivider or his agent.
D. The Township Zoning Officer.

204.4 The action of the Township Planning Commission shall be made within ninety (90) days following the date of its next regular meeting following the date the application is filed, provided that should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day after the date the application was filed.

204.5 In the case of a Sketch Plan of Record, the Sketch Plan shall be reviewed by the Board of Supervisors at one or more regularly scheduled or special meetings and either approved or disapproved by the Board of Supervisors after consideration of the comments from the Township Planning Commission. **The appropriate planning module must be approved by PaDER prior to approval by the Board of Supervisors.** Within ten (10) days after the final meeting at which the Sketch Plan of Record is acted upon by the Board of Supervisors, the Township Secretary shall notify in writing the parties listed in Section 203.5 of the
action taken by the Board of Supervisors regarding the Sketch Plan of Record. The written notification shall state the findings and reasons upon which the action is based and shall be stated in the minutes of the meeting at which the Board of Supervisors reviewed the plan. When the plan as submitted is not approved, the report shall specify the requirements and sections of this Ordinance which have not been met. The Board of Supervisors shall act on the Plan within the ninety (90) day time period referred to in Section 204.4.

205. **Official Submission of Preliminary Plan**

205.1 **Submission to Township** - Within one (1) year of the Township Planning Commission's approval of the Sketch Plan, a Preliminary Plan shall be officially submitted to the Township. However, an extension of time may be granted by the Board of Supervisors upon written request. Preliminary Plans submitted after this expiration of time for which no time extension has been granted may be considered as a new Sketch Plan. Copies of the Preliminary Plan and all required supporting data shall be officially submitted to the Township Secretary or his representative by the subdivider/developer or his representative authorized in writing to submit the plan, but only after action by the Township Planning Commission pursuant to Section 204.3 above.

205.2 **Official Submission of Preliminary Plan shall comprise:**

A. Four (4) completed copies of the Application for Review of Preliminary Subdivision Plan/Land Development Plan.

B. Nine (9) legible black-line or blue-line paper prints of the Preliminary Plan which shall fully comply with the requirements of Section 302 of these regulations.

C. Five (5) completed copies of the Site Investigation and Percolation Test Report whenever soil percolation tests are required.

D. Four (4) copies of all other required information including the proposed erosion and sediment plan.

E. **Township Filing Fee** - The Township Secretary or his representative shall collect a filing fee as established by the Board of Supervisors for all subdivisions or land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions or land developments.
F. **County Filing Fee** - The Township Secretary or his representative shall collect a filing fee as established by the County for all subdivisions or land developments. County fees shall be in the form of a separate check or money order made payable to the County of Berks.

G. The subdivider or developer shall pay the fee due at the time of official submission of a Preliminary Plan and official submission shall not be deemed to have been made until receipt of all of the above (Sections 205.2.A through and including 205.2.F), by the Township Secretary or his representative.

205.3 **Distribution of Preliminary Plan** - The Township Secretary or his representative shall refer the Preliminary Plan, after all required fees have been collected, to the following:

A. Two (2) copies to the Township Planning Commission, including two (2) copies of the application form and all other required reports.

B. Two (2) copies of the plan to the County Planning Commission and one (1) copy of all other required supporting reports.

C. One (1) copy to the Board of Supervisors including one (1) copy of the application form and other required reports.

D. One (1) copy of the plan to the Township Engineer and all other required reports.

E. One (1) copy to the Township Zoning Officer.

F. One (1) copy to the Township Sewage Enforcement Officer.

G. One (1) copy to the Township Solicitor.

206. **Review of Preliminary Plan**

206.1 **Review by the Township Engineer**

The Township Engineer shall review the Preliminary Plan to determine its conformance to the Township Subdivision and Land Development Ordinance. The Township Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Township Engineer shall be submitted to the Township Planning Commission prior to or at the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.
206.2 **Review by the Township Zoning Officer**

The Township Zoning Officer shall review the Preliminary Plan to determine its conformance to the Township Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Section 302, to determine if information shown is in accordance with the latest amendments to the Zoning Ordinance. The report from the Zoning Officer as to the accuracy of the information shown shall be submitted to the Municipal Township Planning Commission prior to or at the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

206.3 **Review by the Township Sewage Enforcement Officer**

The Township Sewage Enforcement Officer shall review the Preliminary Plan to determine its conformance to the requirements of Pennsylvania Department of Environmental Resources if on-lot-sewage is utilized for the subdivision. The report of the Township Sewage Enforcement Officer shall be submitted to the Township Planning Commission prior to or at the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

206.4 **Review by the Township Planning Commission**

A. When a Preliminary Plan has been officially submitted, such plan shall be reviewed by the Township Planning Commission at a regular scheduled or special meeting, provided that such submission has been received no less than ten (10) calendar days prior to such meeting. Preliminary Plans received within said ten (10) day period may be reviewed at the next scheduled meeting at the discretion of the Township Planning Commission.

B. During review of the Preliminary Plan, the Township Planning Commission shall consider the reports of the Township Engineer and the Township Zoning Officer, before making its final decision.

C. If the decision of the Township Planning Commission is favorable, or if it is unfavorable because the requirements of this Ordinance have not been met, or the Township Planning Commission deems changes, or if modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore shall be given in written form by the Secretary of the Township Planning Commission within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed to the Subdivider and his Agent. Copies of such action shall also be submitted to the following:
1. The Board of Supervisors.

2. The Township Engineer.

In addition, the Township Planning Commission shall make available to the Board of Supervisors copies of all reports received from County Planning Commission, Pennsylvania Department of Transportation, Township Zoning Officer and Township Engineer.

206.5 Review by the Board of Supervisors

A. When a Preliminary Plan has been officially referred to the Board of Supervisors by the Township Planning Commission together with its recommendation, such Plan shall be reviewed at a regularly scheduled meeting or at the discretion of the Board of Supervisors at a special meeting.

B. The Board of Supervisors shall review the Preliminary Plan and the reports and recommendations thereon of the Township Planning Commission, the County Planning Commission, (if same has been received), the Township Engineer, and by any other officials and official boards of the Township, to determine the Preliminary Plan conformance to the standards contained in this Ordinance. The Board of Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

C. The action of the Board of Supervisors either approving or disapproving the Preliminary Plan, shall be noted with the date of such action and the signature of the Chairman or Vice Chairman on two (2) copies of the preliminary plan. The findings and reasons upon which the action is based and citing provisions of the statute or ordinance relied upon shall also be stated in the minutes and in writing. Subject to the requirements of Section 206.5.B, within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed and an approval or rejection decision is rendered, the Secretary of the Township shall send written notice of the findings, action taken, and reasons thereof to the Subdivider or his Agent. Copies of such action shall also be submitted to the following:

1. The County Planning Commission.

2. The Township Planning Commission.

One copy of the Plan shall be maintained for the permanent records of the Township, and one copy shall be sent to the subdivider or his agent.
D. In any event, the Board of Supervisors shall render its decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the planning commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time.

E. Approval of Preliminary Plan shall not constitute acceptance of a subdivision or land development for recording. Approval is only an expression of approval of a general plan to be used in preparing the Final Subdivision or Land Development Plan for final approval and recording upon fulfillment of all requirements of this Ordinance.

F. When a Preliminary Plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision/land development 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.

G. No official action shall be taken by the Board of Supervisors with respect to a Preliminary Plan until the Township has received the report of the County Planning Commission, provided, however, that if the report is not received within thirty (30) days after transmittal to the County Planning Commission then the Board of Supervisors may officially act without having received and considered such report.

207. Submission of Final Plan

Within one (1) year of Board of Supervisors's approval of the Preliminary Plan, a Final Plan shall be officially submitted to the Township. However, an extension of time may be granted by the Board of Supervisors upon written request. Final Plans submitted after this expiration of time for which no time extension has been granted may be considered as a new Preliminary Plan.

The Final Plan shall conform in all respects to the Preliminary Plan as previously reviewed by the Township Planning Commission and the Board of Supervisors and shall incorporate all modifications required by the Township in its review of the Preliminary Plan.
The Township may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed Preliminary Plan.

207.1 Plans to be filed with the Township - Copies of the Final Plan and all required supporting data shall be officially submitted to the Township Secretary or his representative by the subdivider or his representative authorized in writing to submit the plan.

207.2 Official submission of Final Plan shall comprise:

A. Four (4) completed copies of the Application for Review of a Final Plan.

B. Seven (7) legible black-line or blue-line paper prints of the Final Plan which shall fully comply with Section 303 of this Ordinance.

C. Two (2) copies of all other required information including the following, if applicable:

1. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall be approved by the Township Solicitor as to their legal sufficiency.

2. Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

3. Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Township Planning Commission or Board of Supervisors may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Township on behalf of his heirs, successors, and assigns and approved by the Township Solicitor and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:

   a. The street shall conform to Township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the Township specifications.

   b. An offer to dedicate the street shall be made only for the street as a whole.
c. The method of assessing repair costs shall be stipulated.

d. Agreement by the owners of 60% of the front footage thereon shall be binding on the owners of the remaining lots.

4. Wherever approval by the Pennsylvania Department of Environmental Resources is required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision, the Municipal Township Planning Commission shall require that two (2) copies of such certification of approval be submitted with the Final Plan.

5. Whenever required under the rules and regulations of the Department of Environmental Resources, a copy of the approved Erosion and Sediment Control Plan or permit shall accompany the Final Plan submission.

6. Any proposed intersection of a new street with a state legislative route must receive an "Occupancy Permit" from the Pennsylvania Department of Transportation (Penn DOT). A letter from Penn DOT indicating approval of the intersection as proposed must accompany Final Plan submission.

7. Whenever a Sewage Facilities Planning Module is required under the rules and regulations of the Department of Environmental Resources, a copy of PaDER's letter approving the planning module shall accompany the Final Plan.

8. Whenever approval is required for water supply or sanitary sewage disposal from a Municipal Authority or Private Water Company, two (2) copies of such approvals shall be submitted with the Final Plan.

9. If applicable letters from utility companies, electric, gas, telephone, cable television indicating that they have received Final Plans shall be required to be submitted with Final Plans.

D. **Township Filing Fee** - The Township Secretary or his representative shall collect a filing fee as established by the Board of Supervisors for all subdivisions or land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions or land developments.
E. **County Filing Fee** - The Township Secretary or his representative shall collect a filing fee as established by the County for all subdivisions or land developments that require Final Plan submission. County fees shall be in the form of a separate check or money order made payable to the County of Berks.

F. The subdivider or developer shall pay the fee at the time of official submission of a Final Plan and official submission shall not be deemed to have been made until receipt of all of the above (Sections 207.2.A through and including 207.2.E), by the Township Secretary or his representative.

207.3 **Distribution of Final Plan** - The Township Secretary or his representative shall refer the Final Plan, after all required fees have been collected, to the following:

A. Two (2) copies to the Township Planning Commission, including two (2) copies of the application form and other required reports.

B. One (1) copy to the Board of Supervisors, including one (1) copy of the application form and other required reports.

C. One (1) copy to the Township Engineer.

D. One (1) copy to the Township Zoning Officer.

E. One (1) copy to the Township Sewage Enforcement Officer.

F. Two copies to the County Planning Commission in cases where the county did not receive the Preliminary Plan or in cases where significant changes have been made to the Preliminary Plan.

208. **Review of Final Plan**

208.1 **Review by the Township Engineer**

The Final Plan shall be reviewed and a report submitted as required under Section 206.1 for Preliminary Plans.

208.2 **Review by the Township Zoning Officer**

The Final Plan shall be reviewed and a report submitted by the Township Zoning Officer as required under Section 206.2 for Preliminary Plans.
208.3 Review by the Township Planning Commission

The Final Plan shall be reviewed, in accordance with the procedure required under Section 206.4 of this Ordinance for Preliminary Plans. In addition:

A. Before acting on any subdivision plan, the Township Planning Commission may hold a public hearing thereon after public notice.

B. If all the requirements of this Ordinance are met and the review is favorable, the Township Planning Commission shall authorize its Chairman, with the secretary so attesting to endorse the Record Plan or endorsed by a majority of the Township Planning Commission members, together with the date of such action.

C. The Record Plan with Township Planning Commission's endorsement, shall be forwarded to the Board of Supervisors.

208.4 Review by the Board of Supervisors

The Final Plan shall be reviewed in accordance with the procedures as required under Section 206.5 of this Ordinance for Preliminary Plan. In addition:

A. Before acting on any subdivision plan, the Board of Supervisors may hold a public hearing thereon after public notice.

B. If the Board of Supervisors approves the Final Plan, the Record Plan shall be signed by the Chairman or Vice Chairman and the Secretary so attesting, or endorsed by a majority of the Board of Supervisors, together with the date of action.

C. A performance guarantee or a certificate of satisfactory installation, as required under Section 210, shall be required before plans are released for recording.

209. Recording of Final Plan

209.1 After approval by the Board of Supervisors and the Township Planning Commission, and with all endorsements indicated on the Record Plan, the Subdivider or Developer shall record the approved plan. No subdivision or land development plan may be legally recorded unless it bears the Township approval and seal. The plan must also indicate that review by the county has taken place.
209.2 After the Final Plan has been approved by the appropriate Township authorities, the County Planning Commission shall receive, as approved, two (2) prints, the Recorder of Deeds shall receive one print and the Township shall receive one print bearing the County Recorder's Stamp.

209.3 The subdivider shall file the Record Plan with the County Recorder of Deeds within (90) days of the date of final approval by the Board of Supervisors. The Recorder's Certificate that the approved plan has been recorded with Deed Book and page numbers indicated shall be submitted to the Township. If the subdivider fails to record within such period, the action of the Board of Supervisors and Township Planning Commission shall be null and void unless an extension of time is granted in writing by the Board of Supervisors after written request to do so by the subdivider.

210. **Completion of Improvements or Guarantee Thereof**

210.1 No plan shall be finally approved unless all improvements have been installed or guaranteed in accordance with this Ordinance.

210.2 All required improvements must be installed to the satisfaction of the Township Engineer and the Board of Supervisors.

210.3 In lieu of completing all required improvements, a Subdivision Improvements Agreement required by the Board of Supervisors shall be executed by the Subdivider and a performance guarantee shall be posted. The Board of Supervisors may exercise its discretion as to the types of financial security it may approve.

210.4 Financial security shall secure the completion of required improvements within one (1) year of the date fixed in the subdivision plan for their completion. The financial security shall be equal to 110 percent of the estimated cost of these required improvements and related engineering and solicitor's fees. The Board of Supervisors may, prior to final release, require retention of ten percent of the estimated cost of these improvements.

210.5 The cost of these improvements shall be established by submission in writing to the Board of Supervisors of an estimate prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. If an estimate is not submitted within a reasonable time, the costs of these improvements shall be established by the Township's Engineer.
210.6 If more than one (1) year from the date of originally posting financial security is required for completion, the financial security may be increased: (1) by an additional ten (10) percent for each one (1) year period beyond the original date of posting the financial security; or (2) to an amount not exceeding 110 percent of the cost of completing the remaining required improvements by using the procedure in 210.5 above. Any extension or the total of any extensions shall not be for more than three (3) years. All requests for extensions shall be submitted to the Board of Supervisors in writing.

210.7 If required improvements are to be installed under the jurisdiction of a public utility or Township authority, financial security shall be posted in accordance with the regulations of such public utility or Township authority.

210.8 The Board of Supervisors shall not condition the issuance of permits upon actual completion of improvements if financial security has been provided. Occupancy permits shall not be withheld provided the following conditions have been met:

A. The streets have been improved to a permanently passable condition as determined by the Township; and

B. All other required improvements necessary for reasonable use and occupancy have been completed.

211. Release of Performance Guarantees

211.1 All performance guarantees shall be released in whole or in part upon compliance with the following procedure:

A. When the subdivider has completed all or a portion of these required improvements, the subdivider or developer may request the Board of Supervisors in writing to release or authorize the release of portions of the financial security related to the completed improvements. The Board of Supervisors shall direct and authorize the Township Engineer to inspect these improvements.

B. The Township Engineer shall file a written report with the Board of Supervisors. This report shall recommend approval or rejection, either in whole or in part. If these improvements, or any portion thereof, shall not be approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

C. Upon receipt of the Township Engineer's report, the Board of Supervisors shall authorize release of an amount estimated by the Township Engineer that fairly represents completed improvements.
D. The Board of Supervisors shall have forty-five (45) days from the receipt of requests to take final action. If the Board of Supervisors fails to comply with this time limitation, the Board of Supervisors shall be deemed to have approved the release of funds requested.

E. If any portion of these required improvements shall not be approved by the Board of Supervisors, these shall be completed or corrected. Upon completion or correction, the above procedure shall be followed for the approval of any release in whole or in part.

212. Dedication and Maintenance Guarantee

212.1 All improvements shown on the subdivision plan, recorded or otherwise, shall be deemed to be private until such time as these have been accepted by dedication to the Board of Supervisors.

212.2 Before acceptance by dedication of any improvements, the Board of Supervisors shall require the subdivider to file a maintenance guarantee by posting financial security. This financial security shall be posted for no longer than eighteen (18) months from the date of acceptance by dedication and shall not exceed fifteen (15) percent of the actual cost of these dedicated improvements.

213. Plans Exempted from Standard Procedures

213.1 Simple Subdivision (Sketch Plan of Record)

In the case of any subdivision in which all proposed lots will have frontage on and direct vehicular access to an existing improved Township or State road, the parcel being subdivided will be divided into no more than two (2) lots or parcels, and the lots will be used for only single family detached dwellings, the Township Planning Commission or Board of Supervisors may, at its discretion, permit the Subdivider to submit only a Sketch Plan of Record to the Township, rather than Sketch, Preliminary and Final Plans.

A. The Sketch Plan of Record shall be reviewed in accordance with Section 204.5 of this Ordinance, and shall contain all information required by Section 301.4 of this Ordinance.

B. The Sketch Plan of Record shall be submitted to the County Planning Commission for review.

C. The results of soil probes, percoaltion tests, and appropriate D.E.R Planning Module shall accompany the Sketch Plan of Record.
D. The Sketch Plan of Record shall include appropriate provisions for an Erosion and Sediment Control Plan and stormwater management, as applicable.

E. Further subdivision from a tract recorded under this section will require a review of plans in accordance with the standard procedures of this Ordinance (Sketch, Preliminary, and Final plans).

F. Recording of Sketch Plans of Record shall be in accordance with the provisions of Section 209 of this Ordinance for Final Plans.

213.2 Subdivision Along Existing Roads, With More Than Two Lots (Sketch to Final)

In the case of any Subdivision in which all proposed lots will have frontage on and direct vehicular access to an existing improved Township or State road and the parcel being subdivided will be divided into more than two lots or parcels and the lots will be used for only single family detached dwellings, the Township Planning Commission or the Board of Supervisors may, at its discretion, permit the Subdivider to submit only Sketch and Final Plans to the Township, rather than require the Subdivider to submit Sketch, Preliminary and Final Plans.

A. The Sketch Plan shall contain all information required by and shall be submitted and reviewed in accordance with Section 301 of this Ordinance.

B. The Final Plan shall contain all information required by and shall be submitted and reviewed in accordance with Section 303 of this Ordinance. The Final Plan may be submitted following notification of approval of the Sketch Plan. Final Plans submitted after one (1) year of the Board of Supervisors's approval of the Sketch Plan or after any extension of time that may have been granted by the Board of Supervisors upon written request may be considered as a new Sketch Plan.

C. The Final Plan shall be submitted to the County Planning Commission for review.

D. The results of soil probes, percolation tests, and appropriate D.E.R. Planning Module shall accompany the Final Plan.

E. Submissions to and reviews from the Berks County Conservation District and the Pennsylvania Department of Transportation may also be required by the Township Planning Commission.
F. Further subdivision from a tract recorded under this section will require review of plans in accordance with the standard procedures of this Ordinance (Sketch, Preliminary, and Final plans).

213.3 Resubdivision

Any replatting or resubdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with this Ordinance, except that:

A. Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:

1. No lot or tract of land shall be created or sold that is smaller than required by the Township Zoning Ordinance, and

2. Easements and rights-of-way shall not be changed, and

3. Street locations and block sizes shall not be changed, and

4. No lot shall be created which does not abut a street, and

5. Open space and recreation areas shall not be reduced, and

6. The number of lots shall not be increased, and

7. The previous Record Plan shall be specifically identified as superseded.

B. In every case wherein lot lines are changed as permitted above, the Subdivider shall:

1. Submit to the Secretary of the Township Planning Commission seven (7) copies of the original plan, seven (7) copies of the revised plan, and seven (7) copies of a report describing all changes which have been made. The distribution and review shall be the same as for Preliminary Plans.

2. When the Plan does comply with Section 213.3.A.1-7, the Subdivider shall submit the required number of copies of the Record Plan to the Township Secretary for the endorsement by the Township Planning Commission and Supervisors. After the Record Plan is endorsed by the Township, the subdivider shall record the plan.

3. The Record Plan shall be a clear and legible black-on-white print on material acceptable to the Recorder of Deeds.
C. When on-lot sewage disposal is intended to be utilized, the Township may require that a copy of the Final Plan be submitted to the Township Sewage Enforcement Officer for review, prior to endorsement of the Record Plan.

213.4 Auction Sale. In the case of the proposed subdivision of land by process of auction sale, the following procedure may be used by the subdivider:

A. The Subdivider shall prepare and submit Sketch and Preliminary Plans in accordance with this Ordinance.

B. The Sketch Plan and the Preliminary Plan shall comply with the requirements of this Ordinance and in addition contain the following notation:

This property is intended to be sold by auction on or about _________________, 19__, in whole or in part according to this Plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall proceed until a Final Plan showing such division or property shall have been approved by the Township, in accordance with its regulations, and recorded in the office of the Recorder of Deeds of the County.

C. The auction sale may then proceed in accordance with the above notation, after which the Subdivider shall prepare and submit a Final Plan in accordance with this Ordinance.

213.5 Lot Annexations

Where the conveyance, sale or transfer of land from one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size or adjustment of lot boundaries, and not for the purpose of creating a separate new lot or a land development, the Landowner shall submit a Sketch Plan of Record for review.

A. The Sketch Plan of Record shall contain all information required by, and be submitted and reviewed in accordance with Section 301.4 of this Ordinance.

B. The Sketch Plan of Record shall be submitted to the County Planning Commission for review.

C. Precise bearings and distances shall be shown for the parcel being transferred.
D. Evidence shall be submitted that the parcel from which a parcel is being transferred will not violate, as the case may be, any requirement of the Zoning Ordinance or other Township regulations.

E. If development is proposed for the parcel which has been increased in size, no building permit shall be issued unless the applicable Township regulations are met.

F. The Plan shall contain a notation that the lot in question is being created for the sole purpose of annexation to an adjoining parcel and is not to be considered as a separate building lot of record.

G. The Plan shall, in the Certificate of Ownership, include the signatures of all Landowners involved in the land exchange.

214. Recording Of Lot Annexations

214.1 Documents relating to plans involving lot annexations shall be submitted and recorded as follows:

A. By the time the Plan is submitted to the Board of Supervisors for review, the Landowner shall submit to the Board of Supervisors for its review a copy of the proposed deed for the parcel being annexed, which deed shall include reference to the Plan, the recording information and how the parcel is identified on the Plan and statements that the conveyance is for annexation purposes only and that the parcel is not a separate building lot.

B. Recording approved plan.

C. Recording deed from the Landowner of the parcel being annexed.
ARTICLE III

PLAN REQUIREMENTS

301. Sketch Plan

301.1 The scale and sheet size of the Sketch Plan of a proposed subdivision shall be as required in Section 302.1 for Preliminary Plans. The Sketch Plan shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

A. The words "SKETCH PLAN" in an obvious location of any drawings or supplemental data.

B. Name of the municipality in which the subdivision or land development is located.

C. Name of proposed subdivision or land development or other identifying title. The name should not duplicate any other recently used subdivision name.

D. Name and address of recorded owner and subdivider or developer and of the person or agency preparing the plan.

E. A location map with sufficient information to enable the Township Planning Commission to locate the property being subdivided.

F. A statement of total acreage of the property and the area of each proposed lot.

G. A statement of the proposed use for each lot, parcel and building indicated on the plan.

H. Tract boundaries accurately labeled in clockwise direction.

I. Proposed general lot layout and general configuration of any proposed streets.

J. North points, scales (written and graphic) and date.

K. The zoning district(s) in which the property is located and at least the minimum lot size and lot width required in that district.

L. Soil types, as indicated by the USDA Soil Survey for Berks County.
M. Significant topographical and physical features (e.g. water bodies, flood plains, tree masses, railroad tracks, existing buildings, and contours at minimum of five foot (5') intervals, etc.) on the tract and within fifty feet (50') of the property lines of the tract.

301.2 A letter of intent explaining the concept of development should be filed with the Sketch Plan.

301.3 The Berks County Soil and Water Conservation District shall be consulted where the Sketch Plan would indicate erosion and sediment controls are required.

301.4 In case of a "Sketch Plan of Record", in addition to the above requirements the plan shall also contain the following items:

A. The words "SKETCH PLAN OF RECORD" in an obvious location on any drawings or supplemental data.

B. The source(s) of title of the land being subdivided or developed.

C. Precise bearings and distances for the entire tract and all lot boundaries, accurately labelled, and the location of all required boundary line (perimeter) monuments.

D. The proposed building reserve (setback) line for each lot.

E. All easements or rights-of-way.

F. Name, address, license number and seal of registered engineer or surveyor responsible for the subdivision plan.

G. Names of all owners of all abutting unplatted land and the names of all abutting subdivisions, if any, with the book and page number where recorded.

H. Existing Township zoning regulations, including district designations requirements for lot sizes, front yards, side yards, rear yards, and any zoning district boundary lines transversing the proposed subdivision or land development.

I. Location of all required soil probes and percolation test holes if on-lot sewage is to be utilized.

J. Whenever required under the rules and regulations of Penn DER a copy of the Erosion and Sediment Control Plan shall accompany Sketch Plan of Record submission.
K. Certificates of Accuracy (to be signed by the surveyor), Ownership (to be signed by the owners and notarized) and for Approval by the Township shall be lettered on the plan and blank spaces for stamps of the County Planning Commission and Recorder of Deeds shall be provided. (See sections 303.1. L-P for particulars).

L. Any other information or data which the Township Planning Commission deems appropriate

302. Preliminary Plans

302.1 The Preliminary Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except that:

A. If the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of 1" = 100', or

B. If the subdivision contains more than 100 acres, the plan may be drawn to 1" = 100'.

C. If the subdivision proposes lots with an average frontage of less than fifty (50) feet, the plan may be drawn to a scale of 1" = 20'.

D. The original drawing, and all submitted prints thereof, shall be made of sheets either:

E. eighteen (18) inches by twenty-four (24) inches;

F. twenty-four (24) inches by thirty-six (36) inches;

G. thirty-six (36) inches by forty-eight (48) inches.

302.2 If the Preliminary Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

302.3 The Preliminary Plan shall include all information as required for Sketch Plans under Section 301.1. In addition, the following information shall be shown:

A. Name of the proposed subdivision or identifying title. The name should not duplicate any recently used subdivision names.
B. North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision,

C. Name of record owner (and subdivider),

D. Name, address, license number and seal of registered engineer or surveyor responsible for the subdivision plan,

E. Names of all abutting subdivisions, if any, and the names of all adjacent unplotted land with the book and page numbers where recorded,

F. A key map for the purpose of locating the property being subdivided drawn to a scale of one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning district boundaries, water courses, and any areas subject to flooding, and recorded subdivision plans existing within one thousand (1,000) feet of any part of the property,

G. Total tract boundaries of the property being subdivided showing bearings and distances labeled in a clockwise direction and a statement of total acreage of the property,

H. Zoning data including district designations, requirements for lot sizes, front yards, side yards, rear yards, and any zoning district boundary lines traversing the proposed subdivision or land development,

I. Contour lines at vertical intervals of not more than two (2) feet for land with average natural slope of four (4) per cent or less, and at intervals of not more than five (5) feet for land with average natural slope exceeding four (4) per cent,

**302.4** Location and elevation of the datum to which contour elevations refer shall be the closest United States Coast and Geodetic Survey established bench mark,

A. All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, water courses, flood plain areas based on a one hundred (100) year frequency and other significant man-made or natural features within the proposed subdivision and within fifty (50) feet from the boundaries of the proposed subdivision,
B. All existing buildings or other structures, and the approximate location of all existing tree masses, rock outcrops, and other significant features within the proposed subdivision.

C. All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

D. The full plan of proposed development, including:
   1. Location and width of all streets and rights-of-way, with a statement of any conditions governing their use,
   2. Suggested street names and utility easement locations,
   3. Building setback lines along each street,
   4. Lot lines with approximate dimensions,
   5. A statement of the intended use of all lots and parcels,
   6. Lot numbers and a statement of the total number of lots and parcels,
   7. Water supply, sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities,
   8. Parks, playgrounds and other areas dedicated or reserved for public use, with any conditions governing such use.

E. Location of all required soil probes and percolation test holes, if on-lot-sewage is to be utilized.

F. Any wetlands known to exist or suspected to exist on the property must be delineated on the plan. Such delineation must be performed by a qualified individual who shall be identified on the plan.

G. Whenever required under the rules and regulations of the Pennsylvania Department of Environmental Resources, the proposed erosion and sediment plan shall be shown on the preliminary plan or submitted as a separate plan. If a separate plan, three (3) copies will be required.
The Preliminary Plan shall be accompanied by the following supplementary data as applicable.

A. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on separate profile sheets.

B. Tentative profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

1. One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical.
2. One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical.
3. One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical.
4. One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.

C. In lieu of the separate profile sheets, the tentative finished cartway (pavement) edge of top of curb grades for both sides of each street may be labeled on the Preliminary Plan.

D. Where deemed necessary by the Township Engineer, plans for stormwater management of the proposed development shall be included. The stormwater plans shall be prepared in accordance with the Township Stormwater Management Ordinance.

E. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management and the Pennsylvania Department of Transportation. Calculations for waterway opening shall be included. All designs shall be subject to approval by the Township.

F. Three (3) completed copies of the Planning Module Report, whenever soil percolation test are required by Section 401.
G. Where a Preliminary Plan shows the proposed subdivisions of only a part of the subdivider's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion may be considered in relation to future connections with the unsubmitted portion.

303. Final Plans

303.1 The Final Plan shall be of a size drawn to scale, and shown all information as required for Preliminary Plans under Section 302 in these regulations. In addition the Final Plan shall show the following:

A. The source(s) of title to the land being subdivided or developed, as shown by the records of the County Recorder of Deeds.

B. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to the nearest second. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet; provided, however, that the boundary(s) adjoining additional unplotted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify, using the form specified in the Appendix, to the accuracy of the survey, the drawn plan, and the placement of the monuments.

C. The name (and number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.

D. The following data shall be shown for the cartway edges and right-of-way lines and, if required, the ultimate right-of-way, for all existing, recorded, (except those to be vacated) and/or proposed streets within or abutting the property to be subdivided or developed: The length (in feet, to the nearest hundredth of a foot) of all straight lines and length of the radii, arcs and chords (in feet, to the nearest hundredth of a foot) and central angles (in degrees, minutes and seconds) and the magnetic bearings of chords (in degrees, minutes and seconds) of all curved lines.
E. All straight lot lines shall be dimensioned (in feet, to the nearest hundredth of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds) or by magnetic bearings (in degrees, minutes and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds) and the radius (in feet to the nearest hundredth of a foot) and chord bearings (in degrees, minutes and seconds) and distances (in feet, to the nearest hundredth of a foot).

F. Lot numbers and a statement of the total number of lots (and parcels), and a statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, including the book and page number if covenants are recorded.

G. The proposed building reserve (setback) line for each lot, and/or the proposed placement of each building.

H. The location (and elevation, if established) of all existing and proposed street monuments as required by Section 602.7,

I. All easements or right-of-way where provided for or owned by public services and any limitations on such easements or right-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities,

J. Plan for water supply and distribution including locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts. (This data may be submitted as a separate plan).

K. If the subdivision or land development proposes a new street intersection with a State Route, a letter from the Pennsylvania Department of Transportation approving the proposed intersections shall be submitted with the Final Plan.

L. A Certificate of Accuracy shall be lettered on the plan, using the form in the Appendix, and shall be signed by the surveyor responsible for plan to attest to the accuracy of the survey, the drawn plan, and the placement of required monuments.
M. A Certification of Ownership, Acknowledgement of Plan and Offer of Dedication shall be lettered on the plan, using the form in the Appendix, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.

N. A certificate for approval of the Plan by the Board of Supervisors and by the Township Planning Commission shall be lettered on the plan, using the form in the Appendix.

O. A blank space measuring three and one-half (3-1/2) inches by five and one-half (5-1/2) inches shall be left, preferably adjacent to the Municipal certification, in which the endorsement stamp of the County Planning Commission may be applied.

P. A blank space measuring three (3) inches square shall be left along the edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the Plan when it is presented.

Q. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided,

R. Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Township Planning Commission shall require the subdivider to submit and also to record with the plan, a copy of an agreement made with the Township Supervisors on behalf of his heirs and assigns, and signed by the Township Solicitor, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:

1. That the street shall conform to the Township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township, to restore the street to conformance with the Township specifications,

2. That an offer to dedicate the street shall be made only for the street as a whole,

3. That the method of assessing repair costs be as stipulated, and
4. That agreement by the owners of 51 per cent of the front footage thereon shall be binding on the owners of the remaining lots.

S. Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labelled:

1. Existing (natural) profiles along both cartway edges or along the center-line of each street.

2. Proposed finished grade of the center-line, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway (pavement) edges.

3. The length of all vertical curves.

4. Existing and proposed sanitary sewer mains and manholes.

5. Existing and proposed storm sewer mains, inlets, manholes, and culverts.

T. The profiles shall be drawn at one of the sets of scales as indicated in Section 302.5.B.

303.2 If the Final Plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

303.3 Whenever required under the rules and regulations of the Pennsylvania Department of Environmental Resources, a copy of the Erosion and Sediment Control Plan shall accompany Final Plan submission. The E & S C Plan shall be submitted to the Berks County Conservation District for review prior to Final Plan approval. Permits, when required, shall be submitted with Final Plan.
ARTICLE IV

SOIL TESTING

401. Soil Test Requirements for On-Lot Sewage Systems

401.1 Soil probes and percolation tests shall be performed on each lot of all subdivisions wherein buildings at the time of construction will not be connected to an operating public sewage disposal system or an operating community sewage disposal system.

401.2 Soils testing shall be conducted in accordance with the procedure required by the Pennsylvania Department of Environmental Resources and all applicable Township Ordinances by the appointed Township Sewage Enforcement Officer and all test locations shall be located and shown on the Preliminary Plan by a registered surveyor. There shall be at least one satisfactory location on each proposed lot for an on-lot sewage disposal system as determined by the Township Sewage Enforcement Officer.

401.3 The applicant shall enter the results of the tests, and all other information, on five (5) copies of a Planning Module Report and shall submit these with the Preliminary (or Sketch) Plan to the Township Sewage Enforcement Officer who will review them and upon approval will forward them to the Township Planning Commission.

401.4 Soil percolation tests shall be performed at or near the site of the proposed on-site sanitary sewage disposal facilities, and spaced evenly throughout the proposed absorption area.

401.5 The results of the soil percolation tests shall be submitted to and reviewed by the Township Planning Commission and the County Planning Commission in conjunction with the Pennsylvania Department of Environmental Resources in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided, and the Final Plan lot layout shall be based on this analysis.

401.6 If the analysis of the soil percolation test results reveals that the soil is unsuitable for the intended use at the lot size proposed, the Township Planning Commission may require that the lot size(s) be increased in accordance with the test results or that additional tests be made on each proposed lot at the location of the contemplated disposal facilities, and the data submitted for review.
401.7 The Township may waive the requirements of soil tests in whole or in part, for any lot with an area of ten (10) acres or more. However, any on-lot sewage disposal system installed on such a lot must conform to all the requirements set forth in Chapter 73 of the Pennsylvania Code for the administration of the Pennsylvania Sewage Facilities Act.
ARTICLE V

DESIGN STANDARDS

501. Design Standards

501.1 Application and General Standards

A. The standards and requirements contained in Sections 5 and 6 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Township in reviewing all subdivision and land development plans.

B. Whenever other Township Ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

C. Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

D. Subdivision and land development plans shall give due recognition to the "Official Plans" of the Township and of the County or to such parts thereof as may have been adopted pursuant to statute.

E. Land proposed for subdivision and land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided in accordance with Title 25, Chapter 102, Rules and Regulations, Penn DER.

501.2 Streets

A. General Standards

1. The location and width of all streets shall conform to the "Official Plans" or to such parts thereof as may have been adopted by the Township and/or the County.
2. The proposed streets system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width of the street standards on Section 501.2.C.

3. Where, in the opinion of the Township it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. If a subdivision proposes lots, all of which front on existing public roads, the Township may require the subdivider to reserve land adequate to provide for future street access from the public roads on which the lots front to the land to the rear of the proposed lots. Such reserved areas shall be of such dimensions to permit the construction of streets meeting the standards of this Ordinance.

4. New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.

5. Where a subdivision abuts an existing street of improper width or alignment, the Township may require the dedication of land sufficient to widen the street or correct the alignment.

6. Private streets are prohibited, unless they meet the design and improvement standards of this Ordinance.

B. Partial and Half Streets

1. New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

2. The subdivider shall provide the entire required right-of-way (as specified by Section 501.2.C), or as much thereof as is possible within his property, along all existing streets which traverse or abut his property.
C. **Street Widths**

1. Minimum street right-of-way and cartway (pavement) widths shall be as shown on the "Official Plans" or Comprehensive Plan, or if not shown on such plans, shall be as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Mobile Home or Single Family</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Type</strong></td>
<td><strong>Mobile Home or Single Family</strong></td>
</tr>
<tr>
<td>Major Street</td>
<td>(a)</td>
</tr>
<tr>
<td>right-of-way</td>
<td>(a)</td>
</tr>
<tr>
<td>cartway</td>
<td>(a)</td>
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<td>Collector Street</td>
<td>60' (b)</td>
</tr>
<tr>
<td>right-of-way</td>
<td>36' (b)</td>
</tr>
<tr>
<td>cartway</td>
<td>28' (e)</td>
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<td>Minor Street</td>
<td>50' (e)</td>
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<tr>
<td>right-of-way</td>
<td>28' (e)</td>
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<tr>
<td>cartway</td>
<td>24'</td>
</tr>
<tr>
<td>Permanent cul-de-sac</td>
<td>50' (c) (e)</td>
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<tr>
<td>right-of-way</td>
<td>28' (d) (e)</td>
</tr>
<tr>
<td>cartway</td>
<td>24'</td>
</tr>
<tr>
<td>Marginal Access Street (b)</td>
<td>33'</td>
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<tr>
<td>right-of-way</td>
<td>24'</td>
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<tr>
<td>cartway</td>
<td>24'</td>
</tr>
<tr>
<td>Service Street (b)</td>
<td>24'</td>
</tr>
</tbody>
</table>

**Notes:**

(a) As specified in the "Official Plans", or as determined after consulting with the Township and the Pennsylvania Department of Transportation. A minimum 80' right-of-way shall be required in the absence of the above information.

(b) No on-street parking.

(c) Minimum turn-around right-of-way radius is 50'.

(d) Minimum turn-around cartway radius measured to external curb is 42'.

(e) These standards reflect no on-street parking to be permitted. If parking is desired in the street, the minimum cartway width shall be increased 36'.
1. Additional right-of-way and cartway widths may be required by the Township for the purpose of promoting the public safety and convenience, or to provide parking in commercial and industrial areas and in areas of high density residential development.

D. Street Grades

1. There shall be a minimum centerline grade of one-half (1/2) per cent.

2. Centerline grades shall not exceed the following:
   a. Minor Street: ten (10) per cent;
   b. Collector Street: six (6) per cent;
   c. Major Street: six (6) per cent;
   d. Street Intersection: five (5) per cent.

3. Grades up to fifteen (12) per cent may be permitted on a through minor street where access to the street is possible over streets with grades of ten (10) per cent or less.

4. The slope of the crown on proposed streets shall be not less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot.

E. Horizontal Curves

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

2. To ensure adequate sight distances, minimum centerline radii for horizontal curves shall be as follows:
   a. Minor Streets: one hundred fifty (150) feet;
   b. Collector Streets: three hundred (300) feet;
   c. Major Streets: five hundred (500) feet.

3. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and major streets.
4. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

F. Vertical Curves

1. Vertical curves shall be provided to permit the following minimum sight distances:
   a. Minor Streets: two hundred (200) feet;
   b. Collector Streets: three hundred (300) feet;
   c. Major Streets: four hundred (400) feet.

G. Intersections

1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees, or more than one hundred and twenty (120) degrees.

2. No more than two (2) streets shall intersect at the same point.

3. Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least one hundred fifty (150) feet between centerlines for minor streets, or four hundred (400) feet between centerlines for collector streets, measured along the centerline of the street being intersected.

4. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5) per cent within fifty (50) feet of the intersection of the nearest right-of-way lines.

5. Intersections with major streets shall be located not less than one thousand (1,000) feet apart, measured from centerline to centerline, along the centerline of the major streets.

6. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
   a. twenty (20) feet for intersections involving only minor streets;
b. thirty (30) feet for all intersections involving a collector street;

c. forty (40) feet for all intersections involving a major street.

7. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

H. **Sight Distance at Intersections**

1. Clear sight triangles shall be provided at all street intersections with proposed new streets and private driveways. Within such triangles, no vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty (30) inches below the height of ten (10) feet, measured from the centerline grade of the intersecting street and driveway.

   Such triangle shall be established to facilitate the driver when positioned ten (10) feet behind the street cartway, to have a clear line-of-sight for a distance determined by the procedure described in the appendix of this ordinance titled Sight Distance Determination, pages A-5 and A-6. This clear sight triangle shall be provided under all circumstances and shall apply regardless of whether or not the triangle can be obtained on the Developer's property.

i. **Cul-de-sac Streets**

1. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

2. Any street dead-end for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
3. Cul-de-sac streets, permanently designed as such, shall not exceed one thousand (1000) feet in length and/or shall not furnish access to more than twenty (20) dwelling units.

   a. If a street has only one entrance but more than one branch or turnaround, the street shall be considered one cul-de-sac, and the length shall be measured from the common entrance to each turnaround; no turnaround may be more than one thousand (1000) feet from the point of the common entrance. The number of dwelling units shall be measured as the total on all branches and turnarounds making use of that common entrance. The township may require a permanent easement for emergency vehicle access be provided and maintained from the end of the cul-de-sac to another street.

   b. Permanent cul-de-sac streets shall include streets with only one entrance which connect with an internal circulation loop. In these cases, the portion of the street which connects the entrance and the internal loop shall not exceed 500 feet and shall not contain more than twenty (20) dwelling units along such portion of street. If the total number of dwelling units in the development exceeds fifty (50) units, the Township may require more than one entrance as a means of reducing traffic congestion.

4. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

5. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround:

   a. If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curb line shall be forty-two (42) feet, and the minimum radius of the right-of-way line shall be fifty (50) feet.

   b. If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
6. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.

7. The centerline grade on a cul-de-sac street shall not exceed ten (10) per cent, and the grade of the diameter of the turn-around shall not exceed five (5) per cent.

J. Street Names

1. Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets.

2. In no case shall the name of a proposed street be the same or similar to an existing street name in the Township and/or in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

3. All street names shall be subject to the approval of the Township.

K. Service Streets (Alleys)

1. Service streets are prohibited in subdivisions for single-family detached residences, except where required to avoid direct driveway access to major streets.

2. No part of any dwelling, garage or other structure shall be located within a distance of sixteen (16) feet of the centerline of the cartway of a service street.

3. Except where other adequate provision is made for off-street loading and parking consistent with the use proposed, service streets shall be required in commercial and industrial districts and shall have a minimum paved width of twenty-two (22) feet.

4. Dead-end service streets shall be avoided, but where this proves impossible they shall be terminated with a paved circular turnaround:

   a. with a minimum radius to the outer pavement edge (curb line) of forty (40) feet if parking is prohibited on the turnaround, or
b. with a minimum radius to the outer pavement edge (curb line) of fifty (50) feet if parking is permitted on the turnaround.

5. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safety vehicular circulation.

6. Service streets may be permitted in other types of residential development provided that the subdivider produces satisfactory evidence of the need for such service streets, provided these are not the primary means of access.

L. Blocks

1. **Layout**
   a. The length, width and shape of blocks shall be determined with due regard to:
      
      (1) Provisions of adequate sites for buildings of the type proposed;
      
      (2) Zoning requirements;
      
      (3) Topography;
      
      (4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

2. **Length**
   a. Blocks shall have a minimum length of five hundred (500) feet and a maximum length of one thousand six hundred (1,600) feet.
   
   b. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
   
   c. Where practicable, blocks along major and collector streets shall not be less than one thousand (1,000) feet long.
3. **Crosswalks**
   a. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities.
   b. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (5) feet.

4. **Depth**
   a. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:
      (1) Where reverse frontage lots are required, or
      (2) Where prevented by the size, topographical conditions of other inherent conditions of property, in which case the Township may approve a single tier of lots.

5. **Commercial and Industrial Blocks**
   a. Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

M. **Lots and Parcels**

1. **General Standards**
   a. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.
   b. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
   c. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
d. Generally, the depth of residential lots should not be less than one (1) nor more than three (3) times their width.

e. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

f. If, after subdividing, there exist remnants of land, they shall be either:

   (1) Incorporated in existing or proposed lots, or
   (2) Legally dedicated to public use, if acceptable to the Township.

2. Lot Frontage

   a. All lots shall have direct access to an existing or proposed public street or to a private street if it meets the requirements of these regulations.

   b. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography of orientation.

   c. All residential reverse frontage lots shall have a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least ten (10) feet in width, across which there shall be no right of access.

3. Driveways and Off-Street Parking

   a. Each proposed dwelling unit in a subdivision shall be provided with at least two off-street parking spaces per family exclusive of garage or carport.
(1) Each off-street parking area shall provide a usable parking space of at least two hundred (200) square feet, and where access to such area is from a collector or major street, adequate turnaround space shall be provided behind the right-of-way line. The grade of such parking area should not exceed five (5) per cent.

b. Commercial and industrial subdivisions shall provide paved parking areas in accordance with the Township Zoning Ordinance.

c. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street curb lines (cartway edges).

d. In order to provide a safe and convenient means of access, grades on private driveways should not exceed fourteen (14) per cent. In addition, driveways should be paved.

e. In order to provide safe and convenient ingress and egress, private driveway entrances should be rounded at a minimum radius of five (5) feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line).

f. Subdivisions which will require access to a highway under the jurisdiction of the Department of Transportation shall contain the following note in compliance with Act 42 of 1986:

"A highway occupancy permit is required pursuant to Section 420 of the State Highway Law before driveway access to state highway ________ is permitted. Access to the state highway shall be only as authorized by a highway occupancy permit."

4. Lot Size

a. Lot dimensions and areas shall be not less than specified by the provisions of the Township Zoning Ordinance.
b. Markers: Metal markers shall be accurately placed at all lot corners.

N. **Sanitary Sewage Disposal**

1. The subdivider shall provide the highest type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions. The following types of sanitary sewage disposal facilities are listed in order of desirability:

   a. Public sanitary sewer and treatment plant system.

   b. Community sanitary sewer system with a temporary sewage treatment plant.

   c. Capped sewers with temporary, approved on-site facilities.

   d. On-lot disposal system in accordance with DER Chapter 73 standards.

2. Each property shall connect with an approved sewer system, if accessible. Where the sewer is not yet accessible but is planned for extension to the subdivision, the subdivider shall install sewer lines including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the street right-of-way line. When capped sewers are provided on-site disposal facilities shall also be provided.

3. Design of the capped system shall be in accordance with the standards of the Pennsylvania Department of Environmental Resources and shall be subject to the approval of the Township. Installation shall be inspected and approved by the Township with all costs of the inspection to be reimbursed to the Township by the subdivider.
4. If on-site sanitary sewage disposal facilities are to be utilized the Township may require that the subdivider submit an Economic Feasibility Report if the Township considers that such facilities are not the highest type consistent with existing physical, geographical and geological conditions. Such Report shall compare the cost of providing such facilities and the cost of providing such higher type of facility(ies) as per Section 502.2.N.1.

5. When on-site facilities are required, the system design must meet current DER Chapter 73 standards. Before covering and backfilling, all on-site facilities must be inspected by the Sewage Enforcement Officer and must be so installed that they comply with the approved engineering drawings that are part of the plans. Such approval shall be in writing.

6. Two copies of an accurate sketch of on-site facilities shall be provided showing the location of all important features, including pipe size, the run of the various pipes, the location of tile field, location of vents and cleanouts for septic tanks and septic tank capacity.

O. Water Supply

1. Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrant locations to meet the specifications of the Middle Department Association of Fire Underwriters. A copy of the approval of such system by the appropriate public agency or utility company shall be established for the ownership and maintenance of such distribution system.

2. Where such systems are not accessible, particularly where on-site sanitary disposal systems are to be used, a community water supply should be considered. If such a system is provided, it shall be approved by the Pennsylvania Department of Environmental Resources, and appropriate measures provided to ensure adequate maintenance, preferably by the Township.
3. Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, and no well shall be placed within one hundred (100) feet of any part of the subsurface sewage disposal system.

   a. The specifications on wells include, but are not limited to, the following general specification: Wells shall be located uphill from nearby sewage disposal facilities. Wells shall not be closer than 100' from any sewage disposal facility nor less than 50' from lakes, streams, ponds, quarry holes, etc. Wells shall be cased to bedrock and set tightly at least 6' into solid rock, so as to provide a complete seal from surface water from higher strata that might run down along the pipe. If a tight seal cannot be achieved by driving the pipe and rotating and forcing the casing and its shoes into the rock, then internal cement groutings shall be used, and allowed to set up before further drilling is done below the casing. Casing used shall be new and shall have tight threaded or tightly welded joints. There shall be a minimum of 20' of casing below the final or finished grade. Such wells should have a production capacity of at least five (5) gallons per minute of safe, potable drinking water.

P. Storm Drainage

1. Stormwater management plans shall be prepared for proposed subdivisions and land developments in accordance with the Township Stormwater Management Ordinance.

2. Existing natural drainage discharge onto adjacent property shall not be altered and water shall not be diverted or concentrated onto adjacent property without written approval of the affected landowners.
Q. Public Use and Service Areas

1. Public Open Spaces

   a. In reviewing subdivision plans, the Township Planning Commission shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report thereon as it deems necessary in the public interest.

   b. Subdividers shall give earnest consideration to the providing of facilities and the reserving of areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; shopping and local business centers. Areas provided or reserved for such community facilities should be suitably prepared for its use at the expense of the subdivider and should be adequate for building sites, landscaping and off-street parking as appropriate to the use proposed. Prior to the preparation of plans, subdividers of large tracts should review with the staff of the County Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided.

   c. In subdivisions which are intended to provide housing for more than fifty (50) families, the Township Planning Commission shall make a recommendation thereon. Standards to be used by the Planning Commission in requesting the reservation of space for recreation shall be as follows:
Open space and recreational areas should be determined on the basis of project density rather than the size of the site. The following is the required percentage based on number of dwelling units/acre:

<table>
<thead>
<tr>
<th>Density</th>
<th>% of Tract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 3 d.u./a.c.</td>
<td>5%</td>
</tr>
<tr>
<td>3.1 - 6</td>
<td>10%</td>
</tr>
<tr>
<td>6.1 - 10</td>
<td>15%</td>
</tr>
<tr>
<td>10.1 - 15</td>
<td>20%</td>
</tr>
<tr>
<td>over 15</td>
<td>25%</td>
</tr>
</tbody>
</table>

2. **Community Assets**

   a. Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision. Trees shall be preserved wherever possible.

3. **Utility Easements**

   a. Easements with a minimum width of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

   b. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

   c. There shall be a minimum distance of twenty-five (25) feet, measured from the right-of-way line, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.
(1) No company intending to install any petroleum, petroleum products or natural gas transmission line shall be allowed to construct the line on less than fifty (50) foot right-of-way, such line to be installed in the center of the right-of-way, and shall comply to the applicable standards of the Pennsylvania Public Utilities Commission.

d. On July 8, 1970, the Pennsylvania Public Utility Commission issued an order requiring all electric distribution lines to be installed underground in residential developments of five (5) or more family units. This also applies to mobile home parks, apartment houses, and row houses. The order is mandatory and every electric utility company in Pennsylvania must now provide underground service as directed by this order. In compliance with these regulations and with the cooperation of local utility companies, the following procedure will be followed in reviewing lands subject to underground electric service:

(1) Upon receipt of a Preliminary Plan or an official Sketch Plan for review, this Commission will forward a copy of the notice of review to the appropriate utility company if the development would fall subject to the order. This would apprise the utility company of the project status and indicate that a developer would be contacting them in the near future.

(2) The Commission will, upon receipt and review of a Final Plan, forward a letter of review, indicating approval (possibly subject to certain conditions) to all parties including the utility company involved. In this letter, the developer is directed to contact the appropriate utility company and secure an approved plan for the underground electric system. A copy of this approved plan will be required prior to County endorsement of any plan for recording. The responsibility for securing this approval and coordinating the plan with the utility company shall be the developer's or his representatives.
4. **Erosion and Sediment Controls and Guidelines**

   a. Refer to Pennsylvania Department of Environmental Resources Sediment and Erosion Plan, Chapter 102, Title 25.

   b. The Berks County Soil and Water Conservation District shall review all Erosion and Sediment Control Plans and Stormwater Management Plans, and its review comments shall be submitted to the Township Supervisors for use in their review of subdivision plans.

   c. It shall be the responsibility of the Subdivider to submit the application and necessary material to Berks County Conservation District, and to apply for and obtain any permits required for the land disturbance.

   d. Land shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided.

   e. A plan for erosion and sediment control shall be prepared by the Subdivider or the Final Plan shall contain a statement that no earth moving activities shall begin until a lot specific erosion and sediment control plan is prepared. The suitability of the statement relative to the subdivision shall be determined by the Township.

   f. The plan shall meet all requirements of the Berks County Conservation District and the Pennsylvania Department of Environmental Resources and be approved by the Berks County Conservation District, the Township, and the Pennsylvania Department of Environmental Resources, as required.

   g. The following guidelines shall be applied as needed in developing erosion and sediment control measures:
(1) Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be kept to a minimum and shall be done in such a way that will minimize erosion.

(2) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(3) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(4) Disturbed soils shall be stabilized as quickly as practicable.

(5) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(6) The permanent vegetation and mechanical erosion control and drainage measures shall be installed as soon as practical in the development.

(7) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water run-off shall be mechanically retarded.

(8) Until disturbed areas are stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures.

h. The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment controls:

(1) All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings, without ponding.
(2) Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard, and to adequately handle surface runoff.

(3) Natural drainage patterns shall be preserved wherever possible and desirable.

(4) Adequate provisions shall be made to prevent surface water from damaging the cut face of the excavations and the sloping surfaces of fills. Surface runoff from upland watershed areas should be diverted around the project area to minimizing the volume of water within the project area.

(5) Cut and fills shall not endanger adjoining property.

(6) Fill shall be placed and mechanically compacted to minimize sliding and erosion of the soil.

(7) Fills shall not encroach on natural water courses, flood plains, or constructed channels.

(8) Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Township Supervisors and the adjoining landowner.

i. The following guidelines shall be applied as needed in establishing easements as part of erosion and sediment controls:

(1) Nothing shall be permitted to be placed, planted, set or put within the area of any easement. The area should be kept as lawn.

(2) Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be
adequate to preserve natural drainage but not less than twenty (20) feet or as may be required or directed by the Department of Environmental Resources. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Township Planning Commission.

(3) Where storm water or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the carrying off of such water and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The owner shall convey, free of charge, or cost, such easements to the Township upon demand.

5. Solid Waste Management

a. To insure incorporation of adequate provision for solid waste management practices in design of land developments and subdivisions, the following minimum requirements shall be contained on development plans.

(1) The location, size, and type of bulk storage containers shall be shown and shall be adequate to contain all wastes generated between collections.

(2) All bulk storage containers should be located to permit efficient use of collection equipment and to permit maneuverability of such equipment.
(3) All bulk storage containers shall be appropriately screened.

(4) A statement of the method and frequency of refuse collection to be used shall be included on the plan.

b. Where no bulk storage is proposed and individual households are expected to individually establish appropriate collection service, a statement shall be shown on the plan which advises that solid waste storage and collection is an individual household responsibility.
ARTICLE VI
IMPROVEMENT SPECIFICATIONS

601. General Requirements

601.1 Physical improvements to the property being subdivided shall be provided, constructed and installed as shown on the Record Plan, in accordance with the requirements of this Ordinance or other Township Ordinances or regulations, whichever is more restrictive.

601.2 As a condition to review of a Final Plan by the Township Planning Commission and Board of Supervisors, the subdivider shall agree with the Township as to the installation of all improvements shown on the Plan and required by this Ordinance or other Township Ordinances or regulations. Before the Record Plan is endorsed by the Board of Supervisors, the subdivider shall submit an executed original copy of an agreement with the Township as to the responsibilities and obligations for improvements under the provisions of the Ordinance. Such agreement shall be in form and content satisfactory to the Township Solicitor and shall be recorded if deemed appropriate by the Township.

601.3 All improvements installed by the subdivider or developer shall be constructed in accordance with the design specifications of the Township including any promulgated by a Municipal Authority.

A. Where there are no applicable Township specifications, improvements shall be constructed as determined by the Township, in accordance with the specifications of the Township Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources, Pennsylvania Department of Forests and Waters, or such other State agency as applicable. If there are no applicable Township or State Regulations, the Township may authorize that specifications be prepared by the Township Engineer or an Engineering Consultant at the expense of the Owner or Developer.

601.4 Supervision of the installation of the required municipal improvements shall in all cases be the responsibility of the Township or of the appropriate state regulatory agency, at the expense of the owner or developer. It shall be the responsibility of the developer to give to the Township sufficient notice of the time of installation of municipal improvements in order that the Township Engineer may supervise said installation.
602. **Required Improvements**

The following improvements, as shown on the Record Plan, shall be provided by the subdivider.

602.1 **Street Grading:** All streets shall be graded to the full right-of-way width, except that in subdivisions where the average lot frontage (measured at the building reserve line) is one hundred (100) feet or more, streets shall be graded at cartway width, plus ten (10) additional feet on both sides.

602.2 **Cartway Paving:** All streets intended to be dedicated to public use shall be paved to full cartway width (as shown on the Final Plan) in accordance with Township regulations.

602.3 **Curbs:** Curbs as required by the Township shall be installed along both sides of all streets, except where the average lot frontage (measured at the building reserve line) is one hundred (100) feet or larger, and except along service streets. Curbs shall be either the vertical type or the rolled curb and gutter type, except that rolled curbs shall not be used on streets whose grade exceeds six (6) per cent, or on any collector or major streets. The transition from one type of curb to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances.

602.4 **Sidewalks:** Sidewalks shall be a minimum of four (4) feet in width and shall be installed on both sides of all streets except:

A. Where required for the extension of existing, abutting sidewalks, no sidewalks shall be required along minor streets where the average lot frontage is one hundred (100) feet or larger, unless such streets are within the required walking distance area of a school or community facilities encouraging pedestrian traffic.

B. Along service streets.

C. Where required, sidewalks shall be installed on only one (1) side of marginal access streets.
602.5 Storm Sewers: Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Section 501.2.P of these regulations.

A. Wherever a subdivider proposes that individual on-site sanitary sewage disposal system shall be utilized within the subdivision, the subdivider shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed, and in accordance with these regulations. In all other cases, the subdivider or the Township or such other appropriate public or private agency shall provide a complete community or public sanitary sewage disposal system.

B. Where studies by the County Planning Commission and the Township indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to five years), the Township shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, on-site sanitary sewage disposal systems. It shall, however, be the responsibility of the Township or other such appropriate agency to supervise the design and installation of such capped sewers.

602.6 Water Supply:

A. Water supply shall be installed consistent with the design principles and requirements contained in Section 501.2.O of these regulations.

B. Where the subdivider proposes that individual on-site water supply systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed, and in accordance with these regulations.

C. Wherever economically feasible, the subdivision shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the engineer of the appropriate water utility company or the township engineer; the design and installation of such community distribution system shall be subject to the
approval of the Pennsylvania Department of Environmental Resources and such system shall be further subject to satisfactory provision of the maintenance thereof.

D. Fire Hydrants: Wherever a public or community water supply system is provided, fire hydrants shall be installed within 600' of all existing and proposed structures, measured by way of accessible streets (as specified by the Middle Department Association of Fire Underwriters).

602.7 Monuments and Markers:

A. Permanent stone, concrete or steel pin monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property subdivided.

B. All monuments shall be placed by a Registered Surveyor or a Registered Professional Land Surveyor so that the scored (by an indented cross or a drill hole not more than one-quarter (1/4) inch diameter in the top of the monument) point shall coincide exactly with the point of intersection of the line being monumented.

C. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:

1. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks, and

2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.

3. Where sidewalks are existing, a stone point (a four inch square chisel cut with a drill hole in the center) may be substituted for a monument.

D. All streets shall be monumented (preferably on the right-of-way lines or the five (5) foot range line) at the following locations:

1. At least one monument at each intersection;

2. At changes in direction of street lines, excluding curb arcs at intersections;
3. At each end of each curved street line, excluding curb arcs at intersections;

4. An intermediate monument wherever topographical or other conditions make it impossible to sight between two otherwise required monuments;

5. At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined in the future.

E. Markers: Metal markers are to be accurately placed at all lot corners.

602.8 Street Signs: Street name and traffic signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Township. The design and placement of traffic signs shall be in accordance with Penn DOT standards. The cost of all signs shall be borne by the subdivider.

602.9 Street Lights: In accordance with the conditions to be agreed upon by the subdivider, the Township, and the appropriate public utility, street lights may be required to be installed in all subdivisions. The developer shall be responsible for providing utility easements upon consultation with the public service utility company involved.

602.10 Traffic Signals: When deemed necessary by the Township, traffic signals shall be provided and installed subject to Penn DOT standards.

602.11 Landscaping Plan: A landscaping plan shall be furnished for approval by the Township as to kind, size, and location of trees, shrubs and other plantings for all non-residential and multi-family developments.
ARTICLE VII
DEFINITIONS

701. Definitions

701.1 Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations have the meaning indicated:

A. Words in the singular include the plural and those in the plural include the singular.

B. Words in the present tense include the future tense.

C. The words "person", "subdivider", and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.

D. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

701.2 Other terms or words used herein shall be interpreted or defined as follows:

Alley: See Service Street

Annexation: The conveyance, sale or transfer of land from one parcel to an adjacent parcel for the sole purpose of increasing lot size or adjustment of lot boundaries, and not for the purpose of creating a separate new lot or a land development.

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

Application for development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Block: An area bounded by three (3) or more streets.

Board of Supervisors: The Tulpehocken Township Board of Supervisors.
Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind. Some specific building types are further defined:

Attached: a building which has two (2) party walls in common with another building.

Detached: A building which has no party wall.

Multiple Dwelling Building: A building providing separate dwelling units for three or more families.

Semi-detached: A building which has only one (1) party wall in common with another building.

Building Setback Line: The line within a property defining the minimum required front yard distance between any building to be erected, and an adjacent right-of-way.

Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

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

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Planning Commission of the County of Berks.

Crosswalk (Interior Walk): a publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

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

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

Easement: a right-of-way granted, but not dedicated, for limited use or private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Endorsement: The application of the reviewing and/or approving authority's stamp and the signatures of the appropriate authority on the Record Plan.

Engineer: A professional engineer registered by the Commonwealth of Pennsylvania.

Flood Plain: A relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation of water; or an area subject to the unusual and rapid accumulation of run-off of surface water from any source. For the purpose of this Ordinance, the flood plain shall be considered to be the one hundred (100) year flood plain which is an area subject to the above conditions on an average of once every one hundred (100) years. For the purposes of this Ordinance, the areas considered to be flood plain areas within the Township shall be those areas identified as having alluvial soils by the Soil Conservation Service United States Department of Agriculture on the map included in the Soil Survey, provided that when 100 year flood plans have been calculated and mapped by the Federal Insurance Administration as part of the National Flood Insurance Program, that mapping shall be used.

Governing Body: The Tulpehocken Township Board of Supervisors.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.
Land Development: Any of the following activities: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential 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 (ii) 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. (2) A subdivision of land. (3) Except that the following are excluded from the definition of Land Development: (i) 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 or (ii) the addition of an accessory farm building on a lot or lots subordinate to an existing principal building.

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

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term.

Lot Area: The area contained within the property lines of a lot (as shown on the Plan), excluding the area within all street rights-of-way.

Marker: A metal pin of at least 1" outside diameter and at least 30" in length.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
Monument: A stone or concrete monument with a flat top at least 4" in diameter or square and at least 30" in length. Concrete monuments shall contain an iron bar. The bottom sides or radius shall be at least 2" greater than the top, to minimize movements caused by frost.

Municipality: The Township of Tulpehocken.

Performance Guarantee: Any security which is accepted by the Township to guarantee that certain improvements will be made within the subdivision or land development, including performance bonds, escrow agreements and any other collateral or surety agreements.

Plan, Sketch: An informal plan, not necessarily to exact scale, indicating significant existing features of a tract and its surroundings and the general layout of a proposed subdivision.

Plan, Preliminary: A tentative subdivision plan (and including all required supplementary data), in lesser detail than a Final Plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a Final Plan prepared by a Registered Surveyor or registered Professional Land Surveyor.

Plan, Final: A complete and exact subdivision plan (and including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed streets and other improvements prepared by a Registered Surveyor or registered Professional Land Surveyor.

Plan, Record: The copy of the Final Plan which contains the original endorsements of the County Planning Commission and Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds and prepared by a Registered Surveyor or registered Professional Land Surveyor.

Plan, Major Street: That element of the Comprehensive Plan, now or hereafter adopted, which shows the general location, alignment and dimensions, and the identification and classification of existing and proposed streets, highways and other thoroughfares.

Plan, Official: The Comprehensive Development Plan and/or Master Plan and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map and/or Topographical Survey and/or other such plans, or portions thereof, as may have been adopted, pursuant to statute, for the area of the Township of Tulpehocken in which the subdivision is located.

Plat: A map or plan of a subdivision, whether Preliminary or Final.

Public Grounds: Includes (1) parks, playgrounds and other public areas, and (2) sites for publicly owned buildings and facilities.

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen 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.

Resubdivision: Any replatting or resubdivision of land, limited to change in lot lines on approved Final Plan or Recorded Plan as specified in Section 213.3 of these regulations. Other replattings shall be considered as constituting a new subdivision of land. See also Subdivision.

Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.

Review: Whenever the Township Planning Commission possesses such jurisdiction, the action of "Review" shall also include "Review and Approval", or if necessary, "Review and Disapproval".

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.

Roadway: See Cartway.

Sanitary Sewage Disposal, On-site: Any structure designed to biochemically treat sanitary sewage within the boundaries of any individual lot.

Sanitary Sewage Disposal, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.
Septic Tank: A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Sight Distance: The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 3.5' above the centerline of the road surface to a point 0.5' above the centerline of the road surface.

Soil Absorption Area: A system of pipes laid in stone to distribute sewage effluent into the soil for absorption.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Soil Probe Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage facilities by measuring the depth to any limiting zone and the capacity of the soil to permit the passage of water.

Stormwater Management: The control of run-off to allow water falling on a given site to be absorbed or detained on site to the extent that after development the peak rate of discharge leaving the site conforms to the Stormwater Management Ordinance.

Street: A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, road and alley. Streets are further classified according to the functions they perform:

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or other collector and major streets. (Streets in industrial and commercial subdivisions shall generally be considered collector streets).

Cul-de-Sac Street: A minor street intersecting another street at one, and terminating in a vehicular turnaround at the other.
Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Internal Street: A minor street used for circulation and access within a development project involving multi-residence or commercial or industrial uses.

Major Street: A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Marginal Access Street: A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.

Minor or Local Street: A street used primarily to provide access to abutting properties.

Private Street: A minor street not offered for dedication. Private streets receive no municipal services.

Service Street (Alley): A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

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

Subdivider: Any individual, co-partnership or corporation (or agency authorized thereby) which undertakes the subdivision of land, as defined by these regulations, as the owner, equitable owner (or agent authorized thereby) of the land being subdivided.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access of any residential dwelling, shall be exempted.

Surveyor: A licensed surveyor registered in the Commonwealth of Pennsylvania.
Township: The Township of Tulpehocken, Berks County, Commonwealth of Pennsylvania.

Township Secretary: The person designated by the Board of Township Supervisors to perform the duties of the Secretary of the Township as set forth in Section 5.40 of the Second Class Township Code or his duly authorized representative.

Tile Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Water Course: The word "water course" includes channel, creek, ditch, dry run, spring, stream and river.

Water Distribution System, On-site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.

Water Distribution System, Public: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
ARTICLE VIII
ADMINISTRATION

801. Authority, Amendments

801.1 The Board of Supervisors of the Township of Tulpehocken pursuant to the Pennsylvania Municipality Planning Code, as amended, hereby adopt these regulations governing the subdivision of land and land development.

801.2 The Board of Supervisors may, from time to time on its own motion revise, modify, or amend this Ordinance in order to increase its effectiveness or to expedite the approval of land subdivision and/or land development plans.

801.3 Any revisions, modifications, or amendments to this Ordinance shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications, or amendments, held pursuant to public notice in accordance with the provision of Section 505 of Act 170, The Pennsylvania Municipalities Planning code, as amended, or any amendments thereto.

801.4 In addition, in the case of amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission and the County Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

802. Validity and Conflicts

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

802.2 Whenever there is a difference between the minimum standards specified herein and those included in other Township ordinances or regulations the more stringent requirements shall apply.

802.3 All existing ordinances of regulations or parts thereof which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
802.4 Fees

A. The Board of Supervisors shall establish, by resolution, a collection procedure and Schedule of Fees to be paid by the Subdivider or Developer at the time of filing a Sketch, Preliminary and Final Plan.

B. Said Schedule of Fees shall be posted in the office of the Township Secretary.

C. No Final Plan shall be approved unless all fees and charges are paid in full.

802.5 Modifications

A. The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of the Township. The Township reserves the right, in unusual situations, to modify or to extend them conditionally in individual cases as may be necessary in the public interest, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of these regulations. The list of such modifications and the reasons for them shall be entered in the minutes of the Township Planning Commission or Board of Supervisors and a copy of this entry shall be transmitted to the Township Secretary. Modifications shall be clearly defined and entered on the Record Plan and signed by the Board of Supervisors.

B. The Board of Supervisors may alter any subdivision plan and specify changes or modifications therein which it deems necessary, and may make its approval subject to such alterations, changes and modifications.

802.6 Reconsideration, Appeals

A. All appeals and challenges shall conform to the requirements and procedures as outlined in the Pennsylvania Municipalities Planning Code, as amended.

802.7 Penalties

A. No person, partnership or corporation shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main or other improvements for public use, travel or for the common use of occupants for buildings abutting thereon, sell, lease, transfer or
agree or enter into an agreement to sell any land in a subdivision or erect any building in a subdivision until (a) a Record Plan of such subdivision shall have been approved and properly recorded, (b) improvements have been either constructed or guaranteed and (c) all of the provisions of this Ordinance have been complied with.

B. Any person, partnership, or corporation who or which has violated any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney's 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 a district justice. If the violator neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to 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 each violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township.

C. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

D. In addition to other remedies, the Township may institute and maintain appropriate actions by law on in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages, to prevent illegal occupancy of a building, structure or premises and to set aside and invalidate any unlawful conveyances of land. 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.
E. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. Such refusal shall apply to any of the following applicants:

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

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

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.

5. 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.

F. Nothing herein shall prevent the Township from taking such other action necessary to prevent or remedy any violation.

802.8 Keeping of Records

The Township Planning Commission and the Board of Supervisors shall keep a record of their findings, decisions, and recommendations relative to all subdivision or land development plans filed for review. Such records shall be made available to the public for review.

802.9 Responsibility

The subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.
802.10 Effective Date 19840

A. This Ordinance shall become effective immediately upon final enactment.

B. Duly enacted at a meeting of the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, held on the 10 day of May, 1993.

Tulpehocken Township
Board of Supervisors

[Signatures]

Attested:

[Signature]
Secretary
APPENDICES

The following appendices have been adopted by resolution of the Board of Supervisors to assist in the administration of this Ordinance. The appendices are subject to revisions from time to time by further resolution of the Board of Supervisors.
The following certification in the wording shown, must be labeled and completed on the Final Plan:

CERTIFICATION OF ACCURACY

I hereby certify that the plan shown and described hereon, as well as all drawings bearing my seal, are true and correct to the accuracy required by the Municipality's Subdivision and Land Development Ordinance, and were prepared by me or under my direction and for which I accept full responsibility. The perimeter monuments have been accurately placed as specified in Section 602.7.

______________ 19 ______________ (1) ______________

(1) Signature of Professional Land Surveyor responsible for the preparation of the plan.

(2) Apply seal of the Professional Land Surveyor.
The following certification, in the wording shown, must be labeled and completed on the Final Plan:

CERTIFICATION OF OWNERSHIP,
ACKNOWLEDGEMENT OF PLAN, AND OFFER OF DEDICATION

Commonwealth of Pennsylvania
County of ________________ SS

On this, the ________________ day of ____________________________, 19__, before me, the undersigned officer, personally appeared ________________________________, who being duly sworn according to law, deposes and says that he is the ________________ (1) of the property shown on this plan, that the subdivision and/or land development plan thereof was made at his/its direction, that he acknowledges the same to be his/its act and plan ________________ (2)________________, and that all streets ________________ (3)________________ shown and not heretofore dedicated are hereby dedicated to the public use ________________ (4)________________.

________________ (5)________________

________________ (6)________________

________________ (7)________________

________________ (8)________________

________________ (9)________________

My commission expires __________________ (9)

(1) Insert either: Owner
Equitable Owner
President of the (name of Corporation) which is the owner

(2) Whenever applicable, insert: and desires the same to be recorded as such according to law.

(3) Whenever applicable, insert: and open spaces contained in lots number

(4) If necessary, insert: except those labeled “not for dedication” (and any other restrictions or reservations)

(5) Where necessary, signature of secretary of corporation.

(6) Signature of individual, of partners, or of president of corporation.

(7) If necessary, corporate seal

(8) Signature and (9) seal of notary public or other officer.
The approval of the Final Plan by the Planning Commission and the Board of Supervisors must be indicated on the Record Plan in the following form:

CERTIFICATE OF MUNICIPAL APPROVAL

1. At a meeting held on ______________, 19____, the Planning Commission of Tulpehocken Township approved the subdivision or land development plan of the property of ____________________________, as shown hereon.

2. At a meeting held on ______________, 19____, the Board of Supervisors of Tulpehocken Township approved the subdivision or land development plan of the property of ____________________________, as shown hereon.
SIGHT DISTANCE DETERMINATION

DETERMINATION OF SIGHT DISTANCES AT INTERSECTIONS OF NEW DRIVEWAYS WITH EXISTING TOWNSHIP ROADS

The following tables shall be used to determine sight distances. They are based on a formula published in the Pennsylvania Code Title 67, Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads). Note that in the following text the term "driveway" refers to every entrance or exit used by vehicular traffic to or from properties abutting a Township road. The term includes proposed streets, lanes, alleys, courts, and ways.

Access driveways shall be located at a point within the property frontage limits which provides at least the minimum safe stopping sight distance (SSSD) listed in Tables 1 and 2. These minimum sight distances shall be obtainable and measured from a point ten feet back of the pavement edge and 3.5 feet above the road surface to a point six inches above the road surface at the required SSSD.

If the minimum safe stopping sight distances (SSSD's) listed in Tables 1 and 2 cannot be achieved, the Township may:

1. prohibit left turns by exiting vehicles;
2. restrict turning movements to right turns in and out of a driveway;
3. require installation of a right turn acceleration lane or deceleration lane;
4. require installation of a separate left turn standby lane;
5. alter the horizontal or vertical geometry of the roadway; or
6. deny access to the road.

Tables 1 and 2 give minimum safe stopping sight distance (SSSD's) for vehicles approaching downhill (descending) and uphill (ascending) respectively towards intersections for various vehicle speeds and road grades.

The distances tabulated in Tables 1 and 2 were calculated using the following formula.

\[
SSSD = 1.47 \times V_t + \frac{V^2}{30(t+0.01g)}
\]

- \(SSSD\) = Minimum safe stopping sight distance (feet).
- \(V\) = Velocity of vehicle (miles per hour).
- \(t\) = Perception time of motorist (average = 2.5 seconds).
- \(f\) = Wet friction of pavement (average = 0.30).
- \(g\) = Grade of roadway (percent)
  (+ for ascending and - for descending vehicles)

Sample Using Formula

A new driveway will be created along an existing road with an 8 percent grade on which the dominant vehicle speed is 45 miles per hour. Determine the SSSD for vehicles approaching from both directions towards the new intersection.

For vehicles ascending (approaching uphill) towards the intersection, use \(g = +8\). (Note that \(g\) is positive).

\[
SSSD = 1.47 \times 45 \times 2.5 + \frac{(45)^2}{30(2.5+0.01(8))} = 343 \text{ feet}
\]

For vehicles descending (approaching downhill) towards the intersection, use \(g = -8\). (Note that \(g\) negative and the stopping distance is considerably longer).

\[
SSSD = 1.47 \times 45 \times 2.5 + \frac{(45)^2}{30(2.5+0.01(-8))} = 472 \text{ feet}
\]
Table 1 Minimum Safe Stopping Sight Distance (SSSD) for Vehicles Approaching Down Hill (Descending) Towards Intersection

SSSD’S FOR DOWN HILL GRADES APPROACHING INTERSECTION
(Feet)

<table>
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<tr>
<th>Speed MPH</th>
<th>Level</th>
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<th>2%</th>
<th>3%</th>
<th>4%</th>
<th>5%</th>
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Table 2 Minimum Safe Stopping Sight Distance (SSSD) for Vehicles Approaching Up Hill (Ascending) Towards Intersection

SSSD’S FOR UP HILL GRADES APPROACHING INTERSECTION
(Feet)

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July 14, 2004

Berks County Planning Commission
Berks County Services Center
633 Court Street, Fourteenth Floor
Reading, PA 19601-3591

RE: Tulpehocken Township SALDO Ordinance

Dear Planning Commission Members:

Pursuant to the Pennsylvania Municipalities Planning Code, enclosed please find a copy of the Tulpehocken Township Ordinance #2004-4. The subject Ordinance was enacted at the July 12, 2004 regular meeting of the Tulpehocken Township Board of Supervisors.

Very truly yours,

HARTMAN, HARTMAN, HOWE & ALLERTON, P.C.

Enclosures

cc: Judy Bashore – Tulpehocken Township Manager (w/o enc.)
CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 9340 of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on May 10, 1993.

WITNESS my hand and seal this 10 day of May, 1993.

[Signature]
Secretary, Tulpehocken Township

RECEIVED
JUN 9 1993
Planning Commission
Berks County
June 15, 1999

Dear Jon:

Enclosed are copies of the ordinances enacted last night by the Board of Supervisors of Tulpehocken Township amending the Tulpehocken Township Zoning Ordinance to provide for an effective agricultural zoning district, and amending the Township’s Subdivision and Land Development Ordinance.

Please call if you have any questions. Thank you.

Very truly yours,

Christopher J. Hartman

Enclosures
cc: Judy Bashore, Tulpehocken Township Secretary (w/o encls.)
AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TULPEHOCKEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1993, BY ADDING A NEW SECTION 202.2 TO SPECIFY CERTAIN REQUIREMENTS FOR LAND DEVELOPMENT PLANS FOR CERTAIN AGRICULTURAL BUILDINGS AND IMPROVEMENTS; BY ADDING A NEW SECTION 602.5.C REGARDING INSTALLATION AND INSPECTION OF ON-LOT STORM WATER CONTROL FACILITIES; AND BY AMENDING THE DEFINITION OF LAND DEVELOPMENT UNDER SECTION 701.2.

WHEREAS, in the judgment of the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, it is necessary for the public interest to amend the Tulpehocken Township Subdivision and Land Development Ordinance of 1993;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the authority of the said Board of Supervisors, and it is hereby enacted and ordained by authority of the same, as follows:

Section 1. The Tulpehocken Township Subdivision and Land Development Ordinance of 1993 is hereby amended by adding a new Section 202.2 to read as follows:

202.2 For any land development plan submitted under this ordinance for a proposed building or improvement to be used for an Intensive Agriculture or Agricultural Industry land use (as those terms are defined in the Tulpehocken Zoning Ordinance, as amended), in addition to any other applicable requirements set forth in this ordinance (and not in place thereof), the land development plan submittal shall include at a minimum the following:

A. A nutrient management plan prepared by an individual certified to prepare such plans
and approved by the Berks County Conservation District under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed intensive agriculture uses. A copy of the approved nutrient management plan shall be submitted to the Township.

B. A storm water management plan, when recommended by the Township Engineer and Township Planning Commission and required by the Board of Supervisors. Storm water management shall be in accordance with the Township's Stormwater Ordinance No. 90-12 and approved by the Township Engineer.

C. An erosion and sedimentation pollution control plan (E & S Plan). Approval by the Berks County Conservation District is required. A copy of the approved E & S Plan shall be submitted to the Township.

D. A conservation plan prepared and approved by the Berks County Conservation District. A copy of the approved conservation plan shall be submitted to the Township.

E. The plan shall include a vegetative screen consisting of a double row of evergreen trees at least 6 feet in height, to be installed and maintained between the buildings or improvements and adjoining properties. If an outdoor pen, feed yard or run is located between such building or improvement and a public street, a screen shall be provided and maintained between the building or improvement and the street right-of-way. If the screen is within 100 feet of the property line, the maximum height of the screen shall be thirty (30) feet.

Section 2. The Tulpehocken Township Subdivision and Land Development Ordinance of 1993 is hereby amended by amending Section 602.5 thereof, regarding Storm Sewers, to add the
following new paragraph C to read as follows:

C. On-Lot Storm Water Facilities:

1. Whenever a plan proposes the use of individual on-lot storm water control facilities, a note shall be placed on the Record Plan which reads as follows:

   The individual lot owner is responsible for installing and maintaining the on-lot storm water facilities. The installation must be inspected and approved by the Township Engineer at the lot owner's expense.

2. The Township Engineer shall notify the Township Zoning Officer when a subdivision plan is approved which includes individual on-lot storm water control facilities.

3. At the time of issuance of a zoning permit for an individual lot, the Zoning Officer shall inform the zoning permit applicant of the requirement to install the on-lot storm water control facilities and to have them inspected by the Township Engineer. The Zoning Officer shall collect from the applicant a fee for the inspection of the facilities, the amount of which fee shall be established from time to time by the Board of Supervisors. The fee shall be in an amount of at least Three Hundred Dollars ($300), and shall be an escrow account held by the Township against which the actual inspection costs shall be charged. If the actual inspection costs are less than the amount of the inspection fee, the excess amount shall be refunded to the applicant within thirty (30) days after the conclusion of the inspection process. If the actual inspection costs exceed the amount of the escrow, then such excess amount shall be billed to the applicant, who shall be required to pay the same to the Township within thirty (30) days after billing.

4. The Township Engineer shall inspect the installation of the on-lot storm water control facilities and, upon completion of satisfactory installation, shall provide a letter confirming
such completion to the Zoning Officer. The Zoning Officer shall not issue a final occupancy permit for the lot in question until said letter is received from the Township Engineer.

Section 3. The Tulpehocken Township Subdivision and Land Development Ordinance of 1993 is hereby amended by amending the definition of land development under Section 701.2 of the Ordinance to read as follows:

Land Development: Any of the following activities: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential 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 (ii) 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. (2) A subdivision of land. (3) Except that the following are excluded from the definition of Land Development: (i) 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 or (ii) the addition of an accessory farm building with a footprint area under four thousand (4000) square feet on a lot or lots subordinate to an existing principal building. A land development plan shall be required for the expansion of any existing nonresidential building (other than an accessory building) where the addition would add more than twenty-five (25) percent to the footprint area of the existing building.

Section 4. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such invalidity, illegality or
unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

Section 5. This Ordinance shall take effect according to law.

ENACTED AND ORDAINED this 14th day of June, 1999.

BOARD OF SUPERVISORS OF TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

By: Ronald Stoltzfus
Chairman

Attest: Judy A. Bashour
Secretary
CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No.1999-2 adopted by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania at a regular meeting held on June 14, 1999, pursuant to notice as required by law.

Dated: June 14, 1999

[Signature]

Township Secretary
AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA AMENDING SECTIONS 209, 210, AND 501 OF THE TULPEHOCKEN SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1993, AS AMENDED, BY AMENDING SECTIONS 209.3 AND 210.3 TO COMPLY WITH THE MUNICIPALITIES PLANNING CODE, BY ADDING LANGUAGE REGARDING RECORDING OF PLATS AND PROVIDING WHEN AN APPLICANT IS NOT REQUIRED TO PROVIDE SECURITY FOR THE COMPLETION OF IMPROVEMENTS, AND ADDING SECTION 501.2.A.7, PROVIDING REQUIREMENTS FOR THE EXTENSION OF EXISTING SUBDIVISION STREETS

Be it enacted and ordained by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by the Authority of the same that the Tulpehocken Township Subdivision and Land Development Ordinance of 1993, as amended ("SALDO"), is amended as follows:

Section 1. Section 209 is hereby amended by amending 209.3 to read as follows:

209.3 The subdivider shall file the Record Plan with the County Recorder of Deeds within (90) days of final approval by the Board of Supervisors, or (90) days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later. The Recorder's Certificate that the approved plan has been recorded with Deed Book and page numbers indicated shall be submitted to the Township. If the subdivider fails to record within such period, the action of the Board of Supervisors and Township Planning Commission shall be null and void unless an extension of time is granted in writing by the Board of Supervisors after written request to do so by the subdivider.

Section 2. Section 210 is hereby amended by amending 210.3 to read as follows:
210.3 In lieu of completing all required improvements, a Subdivision Improvements Agreement required by the Board of Supervisors shall be executed by the Subdivider and a performance guarantee shall be posted. The Board of Supervisors may exercise its discretion as to the types of financial security it may approve. The Subdivider shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the “State Highway Law.”

Section 3. Section 501 is hereby amended by adding a new Section 501.2.A.7 to read as follows:

501.2.A.7 Where a subdivision proposes the extension of existing streets, the new streets shall be aligned with the existing streets to the extent practically possible, so as to minimize or avoid the creation of new intersections.

Section 4. If any sentence, clause, section of part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tulpehocken Township, Berks County, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
Section 5. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 12th day of July, 2004.

BOARD OF SUPERVISORS OF TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

BY: Ronald S. Whitmire
Chairman

M. Frank
Member

Member

ATTEST: Judy A. DiChcargo
Secretary
CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2004-1 of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on July 12, 2004.

WITNESS my hand and seal this 12th day of July, 2004.

Judy A. Brose
Secretary, Tulpehocken Township