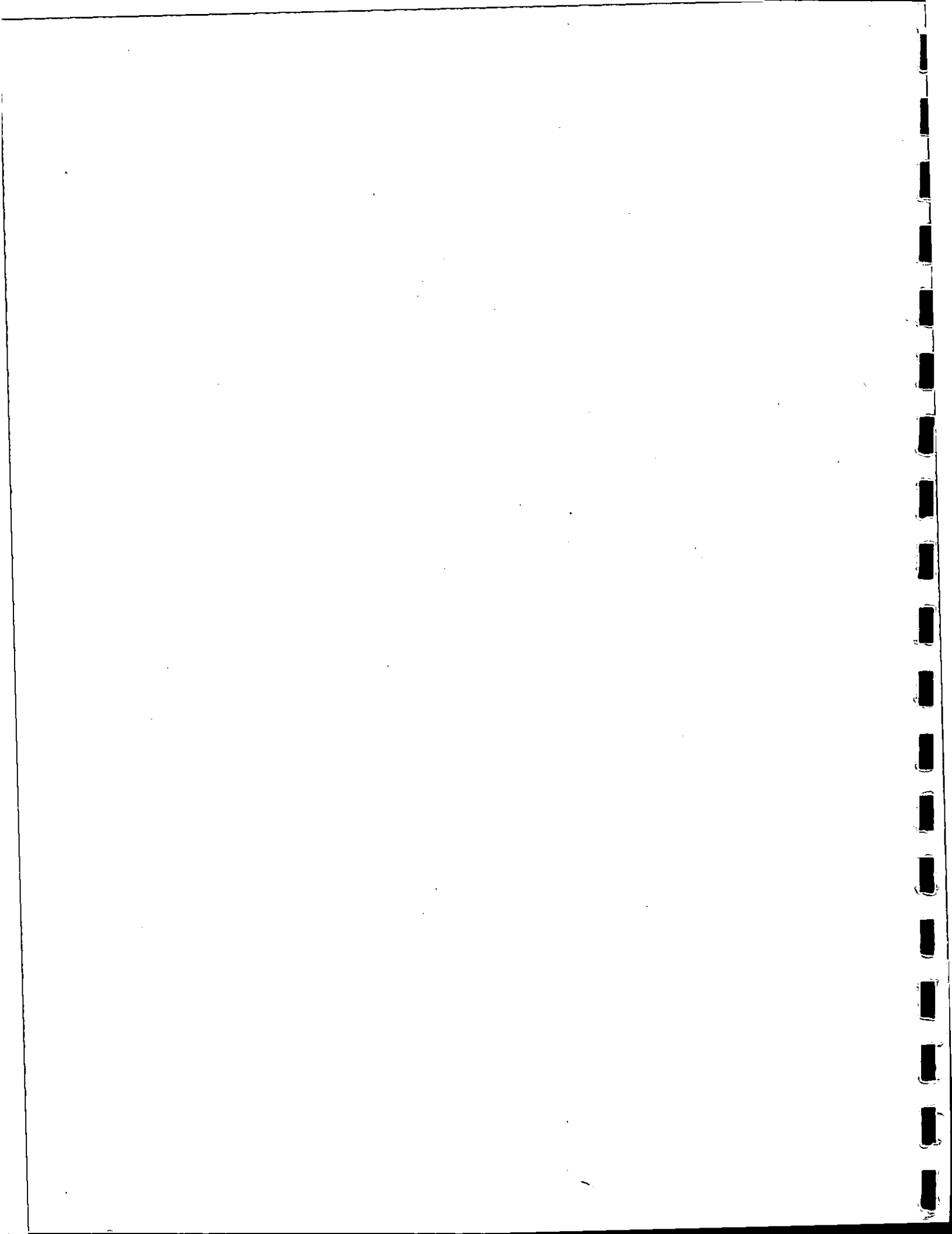


DELAWARE TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ADOPTED _____ **1/2/2005** _____



DELAWARE TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ADOPTED JAN 2 2005

100-1000000

**DELAWARE TOWNSHIP, JUNIATA COUNTY
MUNICIPAL DIRECTORY**

BOARD OF SUPERVISORS

**John Auker
Charles Diem
Jack Van Horn**

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SEWAGE ENFORCEMENT OFFICER

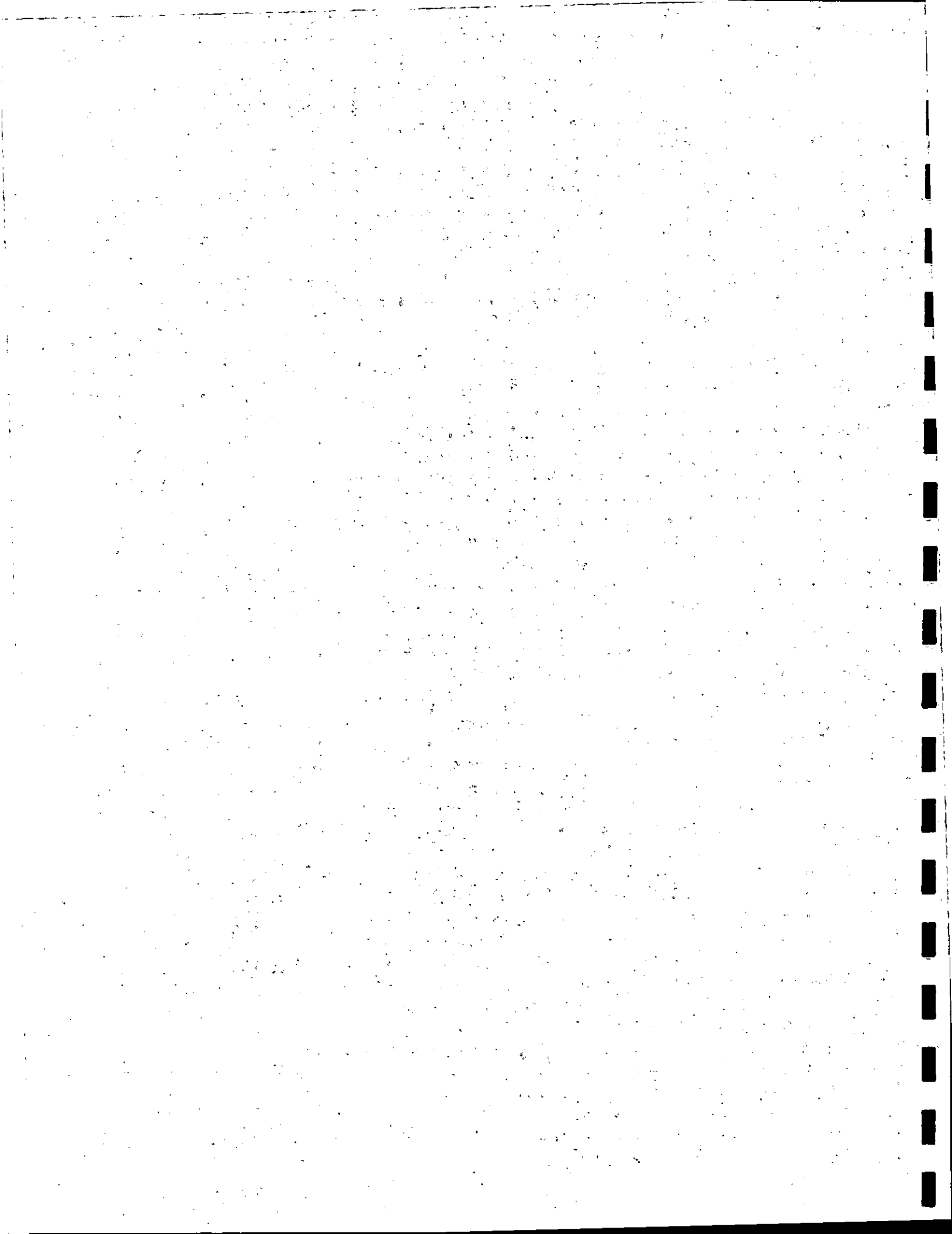
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SOLICITOR

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PO Box 149
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TOWNSHIP OF DELAWARE

Juniata County, Pennsylvania

ORDINANCE NO. 2002-03

AN ORDINANCE PROVIDING FOR THE SUBMISSION AND PROCESSING OF SUBDIVISION AND LAND DEVELOPMENT PLANS; CONTAINING GENERAL PROVISIONS; DEFINING TERMS; REQUIRING THE PROVISION OF CERTAIN INFORMATION WITH THE SUBMISSION OF PLANS ACCORDING TO CERTAIN SPECIFICATIONS AND PROCEDURES; ESTABLISHING DESIGN STANDARDS FOR STREETS, EASEMENTS, LOTS AND RELATED IMPROVEMENTS; REQUIRING PLANS AND MEASURES FOR THE CONTROL OF EROSION AND SEDIMENT; SETTING CERTAIN SPECIFICATIONS AND STANDARDS FOR CONSTRUCTION; REQUIRING COMPLIANCE WITH THE OFFICIAL SEWAGE FACILITIES PLAN; ESTABLISHING STANDARDS FOR THE CONTROL OF STORM DRAINAGE AND RELATED IMPROVEMENTS; ESTABLISHING SPECIFIC STANDARDS FOR MOBILEHOME PARKS AND CAMPGROUNDS; ESTABLISHING A FEE STRUCTURE; PROVIDING FOR PLAN REVIEW BY THE TOWNSHIP ENGINEER; MAKING PROVISIONS FOR THE ALTERATION OF REQUIREMENTS; ESTABLISHING PROCEDURES FOR ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENT AND EXACTMENT.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of DELAWARE, JUNIATA County, Pennsylvania, as follows:

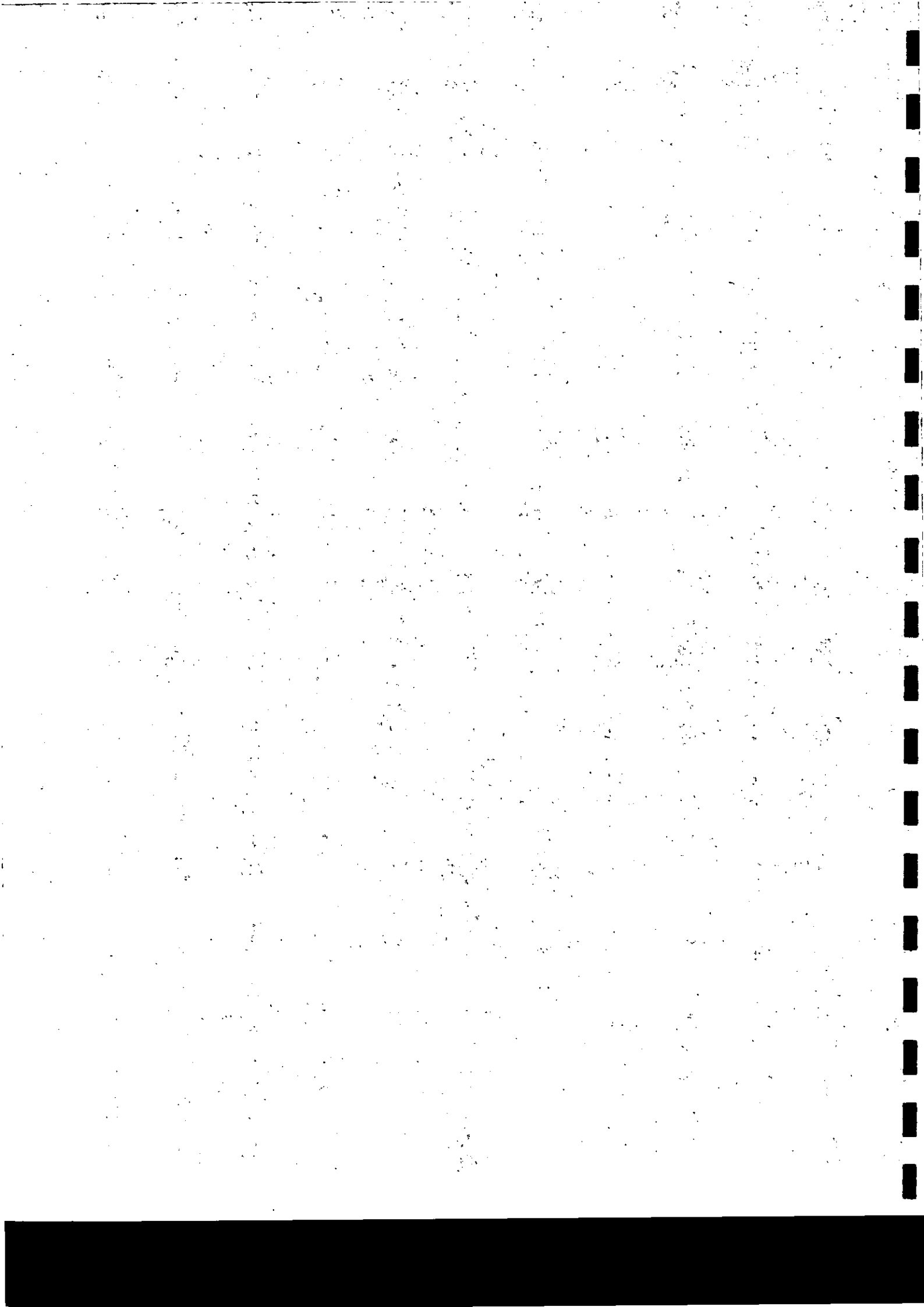
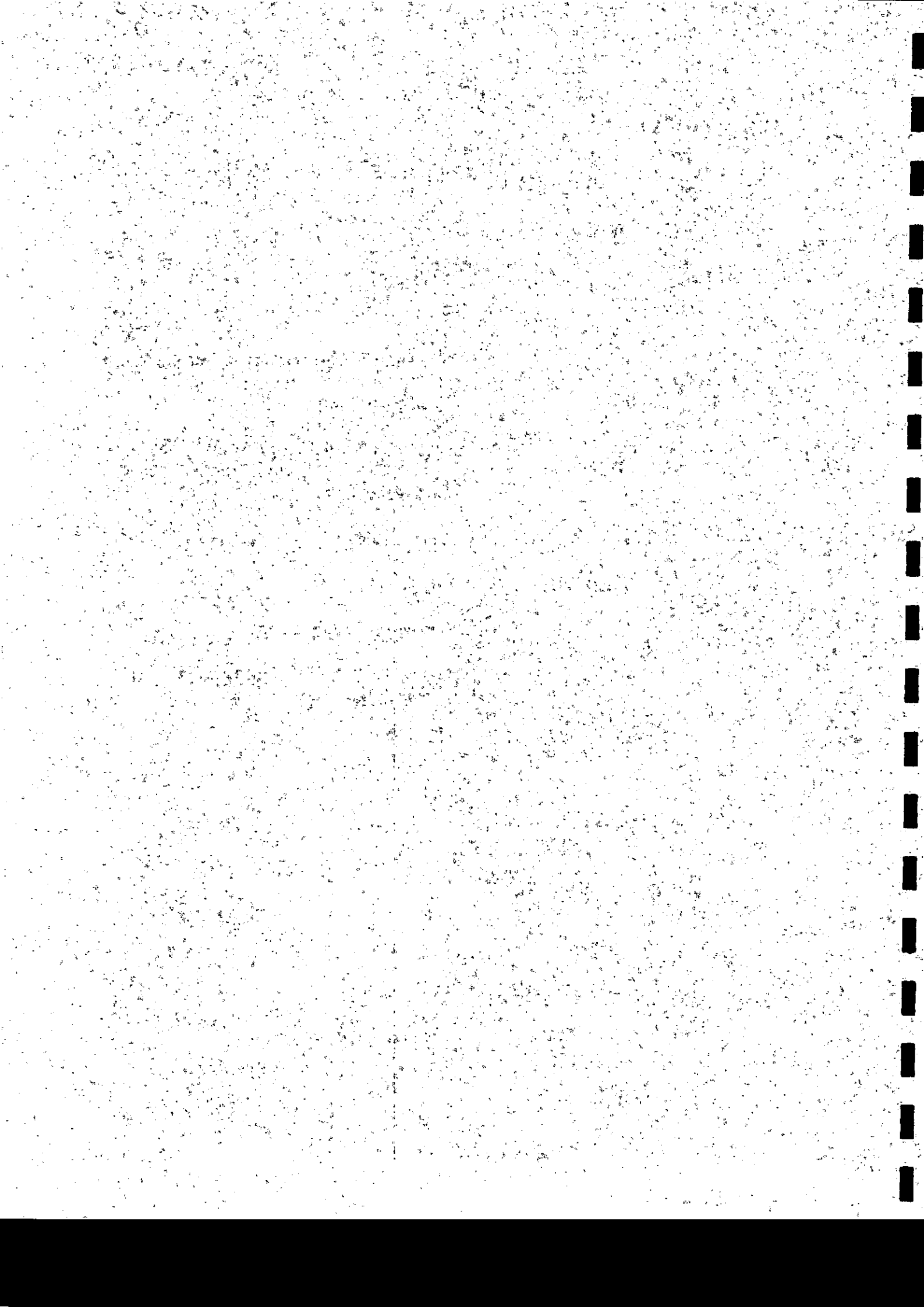


TABLE OF CONTENTS

<u>Article</u>	<u>Title</u>
I	General Provisions
II	Definitions
III	Processing Procedures and Plan Requirements
IV	Design Standards
V	Improvements and Construction Requirements
VI	Mobilehome Parks
VII	Campgrounds
VIII	Fees
IX	Alteration of Requirements
X	Enforcement, Penalties, Amendment and Enactment
	Appendices



**ARTICLE I
GENERAL PROVISIONS**

Section 1.01 TITLE

This Ordinance shall be known and may be cited as *the DELAWARE Township Subdivision and Land Development Ordinance*.

Section 1.02 PURPOSE AND LEGISLATIVE INTENT

The purpose of this Subdivision and Land Development Ordinance is to provide for harmonious development of DELAWARE Township by:

1. Assisting in the orderly and efficient integration of subdivisions within the Township.
2. Ensuring conformance of subdivision and land development plans with municipal and inter-municipal public improvement plans and programs.
3. Ensuring compliance of subdivision and land development plans with the DELAWARE Township Official Sewage Facilities Plan.
4. Securing the preservation, protection and conservation of sensitive environmental resources, high quality water resources and drainageways, in accordance with all applicable Federal, State and Township regulations and policies.
5. Facilitating the safe and efficient movement of traffic by providing the improvements necessary for new land development.
6. Securing equitable handling of all subdivision plans by providing uniform standards and procedures.
7. In general, promoting the greater health, safety, and welfare of the citizens of the Township.

Section 1.03

ADOPTION-AUTHORITY

The Board of Supervisors of the Township of DELAWARE pursuant to the Pennsylvania Municipalities Planning Code, Act 1968-247 as reenacted and amended by Act 1988-170, hereby enacts and ordains this Ordinance as the DELAWARE Township Subdivision and Land Development Ordinance. This Ordinance shall apply to all subdivision and land development activities as defined in Section 108 of this Ordinance.

Section 1.04

ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes any provisions currently in effect with respect to Subdivision and Land Development. However, all other ordinances and regulations shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.05

MUNICIPAL LIABILITY

The degree of subdivision and land development management sought by the provisions of this Ordinance is considered reasonable for regulatory purposes. The approval of Plans or the issuance of permits by the Township of DELAWARE, its officers, or employees shall not be deemed to relieve the Applicant of responsibility, if any such responsibility exists, to those adversely affected by the development or subdivision of land. Further, the Township thought the issuance of a permit or the approval of a Plan assumes no responsibility to either an Applicant or the adjoining property owner affected by the subdivision of development of land.

Section 1.06

REPEALER

Any resolution, ordinance, or part of any resolution or ordinance inconsistent herewith or any amendments thereof are hereby repealed to the extent of the inconsistency only. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any Court, or any rights accrued, or liability incurred, or any cause or causes of action accrued, or any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 1.07

SEVERABILITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or Application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or applications. It is hereby declared to be the legislative intent of the Board of supervisors that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

In any case where a provision of this Ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this Township or law, rule or regulation of the Commonwealth of Pennsylvania, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with the provisions of another ordinance or code of this Township or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

Section 1.08

RIGHT-OF-ENTRY

Upon presentation of proper credentials, duly authorized representatives of the Township of DELAWARE may enter at reasonable times upon property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance. The landowner shall grant to the Township, or its agents, access to the site of the work at all times, while under construction, for the purposes of inspecting the work.

In the event of a situation requiring immediate action which threatens the health or safety of the residents of DELAWARE Township, the right of entry

shall include the right to make improvements to avert a potential health or safety hazard. Upon completion of the remedial activity, the Township or its authorized agent shall return the property to its former condition as soon as possible provided no further maintenance is required.

The Township or its authorized agents shall provide a written notice, seventy-two (72) hours in advance, by certified mail to the property owner prior to entry onto the property for inspections. Upon arrival, the Township agent shall present identification and request that the owner, manager, lessee, or occupant legally in control of the property sign a release granting the inspection. The inspection shall be completed in a courteous and timely manner, and the signatory of the release shall be given a copy of the inspection report.

In the event that a release to inspect the property is denied, the following steps shall be taken:

1. The matter will be officially referred to the Board of Supervisors for action.
2. The Board may schedule a review at the next scheduled meeting of the Board of Supervisors, or, if the situation threatens the health or safety of the residents of DELAWARE Township, the Board may commence a procedure to obtain a search warrant from the District Justice.
3. Upon receipt of a search warrant to inspect the property, the authorized agent of the Township shall be accompanied by an officer of the County or State Police, and the inspection shall be completed in a courteous and timely manner, and the owner, manager, lessee, or occupant legally in control of the property shall be given a copy of the inspection report.
4. The provisions of this Section for obtaining a search warrant may be waived only when the Township Board of Supervisors and its authorized agents have good cause that the situation poses an immediate and substantial safety, water pollution, or health hazard.

The Township may require the correction or alteration of a use or structure in the event that the inspection reveals a code deficiency or violation. The agent of the Township shall provide a written

notification requiring specific remedial action to be completed within a reasonable period of time as is deemed necessary according to the severity of the deficiency or violation.

Section 1.09

COUNTY REVIEW

Applications of review of subdivision and land development within DELAWARE Township must be forwarded upon receipt by the Township to the County Planning Commission for review and report, together with a fee established by the JUNIATA County Planning Commission sufficient to cover the review and report, which fee shall be paid by the Applicant. The Township shall not approve such applications until the county report is received, or until the expiration of thirty (30) days from the date of the application was forwarded to the County.

Section 1.10

APPLICATION OF REGULATIONS

1. No subdivision of any lot, tract or parcel of land in DELAWARE Township shall be effected; no land development; no alteration of an existing structure adding more than 3,500 square feet of gross floor space to the original existing structure; and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a final development or subdivision Plan has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this Ordinance.
2. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision Plan has been approved by the Board of Supervisors and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

3. The provisions of this Ordinance shall not apply to:
- a. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - b. The addition of an accessory building as defined herein, including certain farm buildings, on a lot or lots subordinate to an existing principal building. For the purposes of this Ordinance, accessory structures shall be defined as detached buildings which meet all the applicable standards and requirements of this Ordinance, which are subordinate and incidental to an existing principal structure, and which are located on the same lot as the principal structure. Agricultural buildings with the sole commercial purpose of raising poultry or livestock, such as chicken houses, veal pens and feedlots shall be regulated as land developments.
 - c. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

ARTICLE II DEFINITIONS

Section 2.01

GENERAL TERMS

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated:

1. Words in the singular include the plural and those in the plural include the singular.
2. Words-used in the present tense include the future tense.
3. The words "Person", "subdivider", "Applicant" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subdivision of land and/or land development.
4. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
5. The word "watercourse" includes channel, creek, ditch, dry run, spring, wetland, stream and river.
6. The words "should" and "may" are permissive; the words "must", "shall", and "will" are mandatory and directive.

Section 2.02

SPECIFIC TERMS

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

Accessory structure: a detached building which meets all the applicable standards and requirements of this Ordinance, which is subordinate and incidental to an existing principal structure, and which is located on the same lot as the principal structure. Agricultural buildings with the sole commercial purpose of raising poultry or livestock, such as chicken houses, veal pens, and feedlots shall be regulated as land developments, rather than as accessory structures.

Alley (or service drive): A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

Amusement Park: A tract or area used principally as a location for permanent amusement structures or rides.

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 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 streets.

Board of Supervisors (Supervisors): The Board of Supervisors of the Township of DELAWARE.

Building Setback Line (setback): The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

Campground: The term "campground" shall mean a tract or tracts of land, or any portions thereof, used for the purpose of providing sites for the temporary use of trailers, recreational vehicles, campers or tents, as hereinafter defined, for camping purposes with or without a fee being charged for the leasing, renting or occupancy of such space.

Camping Site: The term "camping site" shall mean a parcel of land in an organized camp or campground for the placement of a single trailer and/or tent and the exclusive use of its occupants.

Cartway or Roadway: That portion of a street or alley which is improved, designated or intended for vehicular use.

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

Commission: The Planning Commission of the Township of DELAWARE.

Commonwealth: The Commonwealth of Pennsylvania.

County: JUNIATA County, Pennsylvania.

County Planning Commission: The Planning Commission of JUNIATA County.

Cross-Walk: A right-of-way, publicly or privately owned, intended to furnish access for pedestrian use.

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

Department (DER): The Pennsylvania Department of Environmental Resources.

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 land development.

Development Plan: The provisions for the development of a tract of land, including a subdivision Plan, 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 term "provisions for development" when used in this Ordinance shall mean written and graphic materials referred to in this definition.

Drainage: The flow of water or liquid waste and the method of directing such flow, whether natural or artificial.

Drainage Facility: Any ditch, gutter, culvert, storm sewer, or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Dwelling: A building designed for residential purposes and used a living quarters for one or more persons.

Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family or a single person.

Dwelling, Single Family, Detached: A building used by one (1) family, having one (1) dwelling unit and having two (2) side yards.

Dwelling, Single Family, Semi-Detached: A building used by one (1) family having one (1) side yard and having one (1) party wall in common with other buildings.

Dwelling, Single Family, Attached (Row) (Townhouse): A building used by one (1) family and having two (2) party walls in common with other buildings.

Dwelling, Two Family, Detached: A building used by two (2) families, with one dwelling unit arranged over the other, having two (2) side yards.

Dwelling, Two Family, Semi-Detached: A building used by two (2) families, with one dwelling unit arranged over the other having one side yard, and having one party wall in common with another building.

Dwelling, Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses, row houses or townhouses.

Dwelling, Garden Apartment: A two (2) story multifamily dwelling containing one (1) story dwelling units under one ownership.

Basement, Utility: A right-of-way granted for the limited use of land for public or quasi-public purposes.

Engineer: A registered professional engineer of Pennsylvania.

Engineering Specifications: The Engineering Specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

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

Excavation: Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The differences in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Flag Lot: Lots which utilize a right-of-way for private access to a property which does not meet the requirement for frontage on a public roadway.

Flood-Prone Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourses; and/or any area subject to the usual and rapid accumulation of surface waters from any source.

Floodway Area: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

Flood-Fringe Area: That portion of the flood prone area outside of the floodway area.

Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Future Right-of-Way: (1) right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) a right-of-way established to provide future access to or through undeveloped land.

Governing Body: The Board of Supervisors of the Township of DELAWARE.

Improvements: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to: grading, paving, curbing, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, streets signs, monuments, water supply facilities, and sewerage disposal facilities.

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) Development in accordance with Section 1.10.3 of this ordinance.

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 conditions), 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 purpose of this Ordinance.

Lot: A designated parcel, tract or area of land established by plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot. Reverse Frontage: A lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

Lot. Through or Double Frontage: A lot with front and rear street frontage.

Lot Area: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement. Minimum lot area must be contiguous and not separated by a street or property.

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

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection of a single mobilehome.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designed and improved for the placement of mobilehomes for nontransient use, consisting of two or more mobilehome lots.

Township Engineer: A registered professional engineer licenses as such in the Commonwealth of Pennsylvania, duly appointed by the Township to perform the duties of engineer as herein specified.

Municipality: DELAWARE Township

Municipalities Planning Code: Pennsylvania Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended.

Plan, Construction Improvement: A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this ordinance.

Plan, Official: The Comprehensive Plan and/or Development Policy Plan (Master-Plan) and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map or other such Plans, or portions thereof as may be adopted, pursuant to statute, for the area of the Township in which the subdivision is located.

Plan, Pre-Application: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development, not to be construed as a Preliminary or Final Plan.

Planning Commission: DELAWARE Township Planning Commission.

Planning Module for Land Development (Planning Module): A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

Plan, Final: A complete and exact subdivision or land development plan prepared for official recording as required by statute.

Plan, Preliminary: A tentative subdivision or land development plan, in lesser detail than the Final Plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the Final Plan.

Public Grounds: (i) parks, playgrounds, trails, paths, and other recreational and other public uses, and (ii) sites for schools, sewage treatment, refuse disposal, other publicly owned or operated facilities, and (iii) publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the 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 (30) days prior to, and the second publication shall not be less than seven (7) days from the date of the hearing.

Real Estate: The land including the building or improvements thereto and its natural assets.

Real Property: The land and improvements thereto.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use which has its own motive power or is mounted on or drawn by another vehicle (including camping trailer, motorhome, travel trailer and truck camper); and body width of no more than eight (8) feet and body length of no more than forty (40) feet when factory equipped for the road, and licensed as such by the Commonwealth.

Reserve Strip: A narrow parcel of ground separating a street from other adjacent properties.

Re-Subdivision: Any subdivision or transfer of land or any part of land which has previously subdivided as defined in this Ordinance.

Right-of-Way, Street: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley or however designated.

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

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

Sewage System (Community): Any system whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Sewage System (Individual): A system of piping, tanks or other facilities serving a single lot or collecting and disposing of sewage in whole or in part into the soil or any waters of this Commonwealth or by means of conveyance to another site for final disposal.

Shoulder: The portion of the street contiguous to the cartway for the accommodation of stopped vehicles, for emergency parking, and for the lateral support of these uses and the surface courses of the pavement.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

Soil Percolation Test: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location of the purpose of determining suitability of soil for a subsurface absorption area.

Soil Stabilization: Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street, Major:

- a. Arterial street: A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas, as designated by the Township.
- b. Collector Streets: A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development, as designated by the Township.
- c. Limited Access Highway: A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties, as designated by the Township.

Street, Minor: A street used primarily for access to abutting properties, as designated by the Township.

Streets, Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

Streets, Marginal Access Street: A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

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

Subdivider: See Applicant and Developer.

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 line for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the division by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

Substantially Completed: Where, in the judgment of the Township Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

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

Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Tile Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

Top Soil: Surface soils and subsurface soil which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the upper-most Boil layer called the A Horizon.

Township: The Township of DELAWARE, JUNIATA County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

Trailer: The term "trailer" shall mean a vehicular portable structure to be mounted on a chassis or wheels and towed or constructed as an integral part of a self-propelled vehicle for use as temporary dwelling for travel, recreation and vacation commonly known as travel trailers, pick-up coaches, motorhomes, camping trailers or recreational vehicles.

Undeveloped Land: Any land, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

Unit: A part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

Water Facility: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute portable water.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the area to be developed or subdivided.

Well Water Driller: A person licensed under Act 610 of 1956 (32 P.S. Sections 645.1 - 645.13), as amended.

Watercourse: A stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

**ARTICLE III
PROCESSING PROCEDURES AND PLAN REQUIREMENTS**

Section 3.01 PRIOR TO SUBMISSION

Copies of this Ordinance shall be available on request, at cost for the use of any person who desires information concerning subdivision standards and procedures in effect with the Township. Any prospective Applicant is encouraged to meet with the Township Planning Commission to discuss and review tentative plans and/or the provisions of this Ordinance. Sample plans will be on file at the Township office building. The following sources of information, as may be updated, may be of assistance in the preparation of plans and the subsequent construction of development.

AREA OF INTEREST

SOURCE OF INFORMATION

Erosion Control

Soil Survey of Mifflin and JUNIATA Counties, Pennsylvania Soil Survey Maps. Prepared by the United States Department of Agriculture, Soil Conservation Service. Source SCS Office, RR#3 Box 302, Mifflintown, PA. 436-9531

**Pennsylvania Department of Environmental
Resources Title 25 Rules and Regulations**

Sewage Disposal
Planning Modules

Chapter 71 - Administration of Sewage Facilities Program.

Sewage Disposal

Chapter 73 - Standards for Sewage Disposal Facilities (includes information on testing and design of on-lot disposal systems).

Sewage Treatment Plants
Plants

Chapters - 91, 93, 95 - Waste Water Treatment

Erosion Control

Chapter 1-2 - Erosion Control

AREA OF INTEREST

SOURCE OF INFORMATION

Mobilehomes

Chapter 179 - Mobilehome Parks

Campgrounds

Chapter 191 - Organized Camps and Campgrounds

Pennsylvania Department of Environmental Resources Other Publications:

Water Supply

Public Water Supply Manual, Bureau of Water Quality Management Publication No. 15.

Waste Water Treatment

Sewerage Manual, Bureau of Water Quality Management, Publication No. 1. A guide for the preparation of Environmental Sanitation Plans and Specifications. Bureau of Community Environmental Control.

Erosion Control

Soil Erosion and Sedimentation Control Manual. Bureau of Water Quality Management.

Highway Design

Design Manual Part 2, Pennsylvania Department of Transportation, PDT No. 13.

Publication

Guidelines for Design of local roads and streets Pennsylvania Department of Transportation, PDT Publication No. 70.

Township Zoning Ordinance and Driveway Permit Ordinance.

Section 3.02

PRE-APPLICATION PLAN (Optional to Applicant).

1. Prior to the submission of Preliminary Plans, Applicants may, at their option, submit a pre-application plan to the Township Planning Commission. This will enable the Planning Commission to review the proposal and to make any suggestions or discuss with the Applicant any proposed plans or factors that may affect his subdivision or development. Submission and review of a Pre-application Plan shall not constitute official submission of a plan to the Township or official action on the part of the Township. The Township shall not be required to take any action on said plan or to review the same within any specified period time.
2. The Pre-application Plan shall consist of the following:
 - a. The designation, Pre-application Plan;
 - b. An approximate key map showing the generalized location of the tract and adjacent streets;
 - c. Tract boundaries with approximate dimensions;
 - d. Worth point, topography, physical features and date;
 - e. Proposed street and lot layout and owner of tract.
3. The Township Planning Commission discussion and review of the Pre-application Plan would normally include the following items:
 - a. Erosion and Sediment Control needs and requirements.
 - b. Sewage Disposal needs and requirements.
 - c. Proposed street layout to consider compatibility with existing and future Township road system.
 - d. Land subject to flooding.
 - e. Consideration of the various permits and requirements of different governmental units and sources of information for each.

Section 3.03

PROCESSING PROCEDURE

1. Whenever a subdivision of land or land development is desired to be effected in DELAWARE Township, JUNIATA County, Pennsylvania, a Plan of the layout of such subdivision or land development shall be prepared, filed and processed with the Planning Commission and the Board of Supervisors according to the requirements of this Subdivision and Land Development Ordinance.
2. Where five or fewer lots are proposed to be subdivided from an existing tract, or where land is proposed to be transferred to an existing lot, or where a land development involving the alteration of a structure having less than eight thousand (8000) square feet, the Applicant may make a written request to waive the requirements of the Preliminary Plan stage, provided no new streets or extensions of existing streets are involved, and no public improvements are involved. If the waiver is approved by the Board of Supervisors, the Applicant may submit a Final Plan.

Section 3.04

PRELIMINARY PLAN PROCEDURE

1. Not less than nine (9) regular business days prior to a regularly scheduled meeting of the Planning Commission, the subdivider shall submit two (2) copies of the Application for Review of Preliminary Subdivision Plan and fifteen (15) copies of the Preliminary Plan to the DELAWARE Township Secretary or other designated person. The Preliminary Plan shall be drawn by a registered surveyor or a registered professional engineer. The Secretary shall date and initial each copy of the Preliminary Plan on the date it is received from the subdivider. It shall be the responsibility of the subdivider to ensure that the Preliminary Plan meets all-- the requirements of this Ordinance and that any coordination with public or private utilities or service agencies is accomplished.
2. Copies of the Preliminary shall be distributed as follows:
 - a. One copy of the Application and two (2) copies of the Plan to the County Planning Commission for its review and comment.

- b. Where a proposed subdivision abuts or will be traversed by an existing or proposed state highway, one (1) copy of the Preliminary Plan shall be forwarded to the District Office of the Pennsylvania Department of Transportation for its review and comment.
 - c. Five (5) copies of the Plan to the Township Planning Commission to be used for their review, and three (3) copies of the Plan to the Board of Supervisors.
 - d. One (1) copy of the Plan to the County Conservation District for erosion and sediment control review. Plans are to be submitted to the District when:
 - i. A new street is proposed.
 - ii. 3 or more lots are proposed.
 - iii. Any land development is proposed.
 - e. One (1) copy of the Plan to the Township Engineer.
 - f. One (1) copy of the Plan to the Township Solicitor.
 - g. One (1) copy of the Plan and one (1) copy of the Application to the Township Secretary to be kept in the Township files.
3. The Juniata County Planning Commission, the Juniata County Conservation District and where applicable, the Pennsylvania Department of Transportation, shall review and analyze the Plan in order to assist the DELAWARE Township Planning Commission in its formal action.
4. At a regular or special Planning Commission meeting following receipt of reports from agencies listed but in no case more than sixty (60) days from the time of Preliminary Plan submission to the Commission, the Planning Commission shall:
- a. Review the Applicant's submission.
 - b. Review all reports received.

- c. Discuss submission with Applicant or Applicant's agents.
 - d. Evaluate the Plan, reports and discussion.
 - e. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 - f. Either recommend approval or disapproval of the Preliminary Plan.
 - g. Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
5. All applications for approval of a Plan whether Preliminary or Final, shall be acted upon by the Board of Supervisors and the Supervisors shall render its decision and communicate it to the Applicant not later than 90 days following the date of the regular meeting of the Supervisors for the Planning Commission (whichever first reviews the application) next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

Following receipt of the Township Planning Commission's report and within ninety (90) days, (unless said ninety (90) days is extended in writing by agreement of the Applicant) following Submission of the completed Preliminary Plan to the Commission, the Board of Supervisors shall:

- a. Evaluate the Applicant's submission, presentation and report to the Township Planning Commission.
- b. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.

