The Code of Ordinances
of the
Township of South Annville

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CODE OF ORDINANCES

of the

TOWNSHIP OF SOUTH ANNVILLE

Published by Authority of the Township

Adopted by Ord. 8/9/1986 on August 9, 1986

Code originally published by Penns Valley Publishers
Revised and supplemented through December 14, 2011, by

KEYSTATE PUBLISHERS, INC.

Shippensburg, Pennsylvania
This Code of Ordinances was originally completed on August 9, 1986 by Penns Valley Publishers. It has subsequently been revised through the following dates by Penns Valley Publishers:

**Revision Dates**

12/11/1986
11/9/1991
1/14/1998

The Code of Ordinances has subsequently been revised and supplemented by Keystate Publishers, Inc., through:

**Revision Dates**

11/12/2003
9/8/2004
9/13/2006
2/13/2008
11/12/2008
12/14/2011
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Key to the Disposition of All Ordinances

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of the

TOWNSHIP OF SOUTH ANNVILLE

County of Lebanon

Pennsylvania

ELECTED OFFICIALS

Board of Supervisors

Chairman – Dale Hoover
Vice Chairman – Chester Horst
– Donald H. Umberger

APPOINTED OFFICIALS

Secretary/Treasurer – Donald H. Umberger
Solicitor – Josele Cleary, Esquire
Police Chief – Ben Sutcliffe
FOREWORD

History

This comprises the codification of the Ordinances of the Township of South Annville. South Annville Township was originally settled in the 1700's and was incorporated as a Township on July 30, 1845 from parts of Annville Township.

The Code of Ordinances of the Township of South Annville was prepared by Penns Valley Publishers and adopted by the Board of Supervisors on August 9, 1986.

Organization

The code contains four parts which are (1) the valid current ordinances of the Township of South Annville contained in chapters 1 through 27, (2) the appendix which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the key to the disposition of each ordinance ever enacted by the Township, and (4) the index which is an alphabetical arrangement of subjects.

In the code, each chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each chapter. The index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which chapter the subject might be found. The appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The key to disposition indicates what action has been taken by the codifiers and the Board of Supervisors with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a chapter of the code book, or (4) is located in the appendix. The key is a cross reference to the original ordinance books of the Township, and to the location within the code of each ordinance by number.
ORDINANCE

An Ordinance adopting the Code of Ordinances of the Township of South Annville.

The Township of South Annville hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Township of South Annville," as prepared and published for the said Township by Penns Valley Publishers, Harrisburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Township organized as follows:

Chapter 1. Administration and Government
Chapter 6. Conduct
Chapter 13. Licenses, Permits and General Business Regulations
Chapter 14. Mobile Homes and Mobile Home Parks
Chapter 15. Motor Vehicles and Traffic
Chapter 18. Sewers and Sewage Disposal
Chapter 20. Solid Waste
Chapter 21. Streets and Sidewalks
Chapter 24. Taxation, Special
Chapter 27. Zoning

Appendix:

C. Governmental and Intergovernmental Affairs
D. Plan Approval
E. Public Property
F. Sewers
G. Streets and Sidewalks
H. Water
I. Zoning; Prior Ordinances

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in section 1 of this ordinance shall be known and cited officially as the "Township of South Annville Code of Ordinances", and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.
Section 3. Saving Clause. The provisions of the Township's Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township's Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation, Codification and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

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<th>Chapter, Section</th>
<th>Subject</th>
<th>Ordinance No.</th>
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<tr>
<td>15, complete</td>
<td>Motor Vehicles; Traffic, Parking, etc.</td>
<td>7/11/1981</td>
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B. Revisions

<table>
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<th>Chapter, Section</th>
<th>Subject</th>
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<tr>
<td>1, §201</td>
<td>Creation of Planning Commission</td>
<td>10/7/1955</td>
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<td>24, §§201-204</td>
<td>Per Capita Tax</td>
<td>3/7/1958</td>
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Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

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<th>Chapter, Section</th>
<th>Short Title</th>
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<tr>
<td>1, §§401-403</td>
<td>Regulation of Firemen's Relief Association</td>
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<tr>
<td>15, complete</td>
<td>Motor Vehicles; Traffic, Parking and related regulations</td>
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B. Amendments

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<th>Chapter, Section</th>
<th>Short Title</th>
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<td>8, §§101-122</td>
<td>Flood Plains</td>
<td>7/12/1986</td>
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<td>14, §§102, 103</td>
<td>Motor Home and Trailer Parks</td>
<td>8/9/1971</td>
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<td>27, §§1601-1650</td>
<td>Signs</td>
<td>7/12/1986</td>
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C. Repeals

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<thead>
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<th>Ord. No.</th>
<th>Short Title</th>
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<td>11/2/1983</td>
<td>Sale and distribution of drug paraphernalia</td>
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<td>Ch. 27, §§1601-1606</td>
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Section 6. Procedural Changes. The following minor procedural changes have been made to existing Township ordinances:

A. grammatical and spelling errors have been corrected where necessary;
B. minor changes have been made to correct obsolete terms and usages;
C. the penalty sections have been revised where necessary to comply with the Crimes Code or the Motor Vehicle Code.

Section 7. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

A. Amendment or Revision - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby amended [revised] to read as follows..."
B. Additions - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby amended by the addition of the following..."
C. Repeal - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby repealed in its entirety."

Section 8. Responsibility for Code of Ordinances. It shall be the responsibility of the Township Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Township's Code of Ordinances and shall be available for public inspection.

Section 9. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Township. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

Section 10. Severability of Parts of Codification. It is hereby declared to be the intention of Board of Supervisors that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 9th day of August, 1986
TOWNSHIP OF SOUTH ANNVILLE

By:/s/ Frank F. Yeager
Chairman, Board of Supervisors

ATTEST:

/s/ Donald H. Umberger
Secretary
**SOUTH ANNVILLE TOWNSHIP**

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<td>1903</td>
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CHAPTER 1
ADMINISTRATION

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§501. Western Lebanon County Regional Emergency Management Agency
§101. Compensation of Township Officials. Pursuant to the provisions of the Act of 68, 1985, P.L. __________, as amended, the compensation for each Supervisor of South Annville Township, elected or appointed to office on or after May 1, 1986, shall be at the annual rate of one thousand five hundred dollars ($1,500.00), payable in quarterly installments. (Ord. 8/9/1986)
§201. Creation of Planning Commission. A Township Planning Commission, to be composed of five (5) members, appointed as provided by law (P.S. 53 §10202), is hereby created in and for the Township of South Annville. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy. (Ord. 10/7/1955; as revised by Ord. 8/9/1986)
§301. Intention to Organize. The Supervisors of the Township of South Annville, County of Lebanon and Commonwealth of Pennsylvania, hereby signify their intention to organize a municipality authority under the "Municipality Authorities Act of 1945", as amended. (Ord. of 6/7/1976, §1)

§302. Execution of Articles. The Supervisors of the Township of South Annville are hereby authorized and directed to execute on behalf of said Township Articles of Incorporation for such an authority in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH
COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945", as amended, the Supervisors of the Township of South Annville, Lebanon County, Pennsylvania desiring to incorporate an Authority thereunder, do hereby certify:

1. The name of the Authority is SOUTH ANNVILLE TOWNSHIP, LEBANON COUNTY, AUTHORITY.

2. The Authority is formed under the provisions of the "Municipality Authorities Act of 1945", as amended.

3. No other Authority organized under the "Municipality Authorities Act of 1945", as amended, or under the Act of June 28, 1935, P.L. 463, as amended, is in existence in and for the incorporating municipality, the Township of South Annville.

4. The name of the incorporating municipality is the Township of South Annville.

5. The name and addresses of the Supervisors of the Township of South Annville, constituting its municipal authorities, are as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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</thead>
<tbody>
<tr>
<td>J. Harold Heagy, Chairman</td>
<td>R.D. #4, Lebanon, Pa. 17042</td>
</tr>
<tr>
<td>Frank Yeager</td>
<td>Ridge Road, Annville, Pa. 17003</td>
</tr>
<tr>
<td>Donald U. Umberger, Secretary</td>
<td>R.D #4, Lebanon, Pa. 17042</td>
</tr>
</tbody>
</table>

6. The names, addresses and terms of office of the first members of the Board of the Municipal Authority to be formed hereby are as follows:
§303. Notice Published. The Secretary of the Township of South Annville is hereby directed to cause a notice of this Part to be published as required by Section 3 of the Municipality Authorities Act of 1945, as amended. (Ord. of 6/7/1976, §3)

§304. Filed With Secretary of Commonwealth. The Supervisors of the Township of South Annville are hereby directed to file the above Articles of Incorporation, together with the necessary proofs of publication, with the Secretary of the Commonwealth, and to do all other acts and things necessary or appropriate to effect the incorporation of South Annville Township, Lebanon County, Authority. (Ord. of 6/7/1976, §4)

§305. Sewage System Construction. The initial project to be undertaken by the Authority is the financing and construction of a sewage collection system, and negotiations with the Town and Township of Annville or the Annville Township Authority for treatment and disposal of South Annville Township sewage. (Ord. of 6/7/1976, §5)

§306. Appointment of Members. The persons named, and the terms of office set forth in the Sixth Article of the Articles of Incorporation, the execution of which is authorized and directed by §302 hereof, are hereby appointed as the first members of the Board of the Authority, and their terms of office shall commence on the date of appointment and shall be computed from January 1, 1977. (Ord. of 6/7/1976, §6)

All being citizens of the Township of South Annville, Lebanon County, Pennsylvania.

7. The proofs of publication required by the Municipality Authorities Act of 1945, as amended, are submitted herewith.

(Ord. of 6/7/1976, §2)

(1, §302, cont'd)
Part 4
Firemen's Relief Association

§401. Recognition of Firemen's Relief Association.

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of South Annville.

   Union Hose Fire Company in Annville, Pennsylvania

   The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named Association of the Township is designated the proper association to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

   (Ord. 8/9/1986)

§402. Certification to Auditor General. The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the name of the active associations and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General. (Ord. 8/9/1986)

§403. Annual Appropriation. There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized association within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act. (Ord. 8/9/1986)
Part 5

Western Lebanon County Regional Emergency Management Agency

§501. Western Lebanon County Regional Emergency Management Agency.

1. The caption of and recitals to this Part as set forth above are incorporated herein by reference.

2. This Municipality shall join with Palmyra Borough and South Londonderry Township in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into the intermunicipal agreement which is adopted by reference with the same effect as if it had been set out verbatim in this subsection and a copy of which shall be filed with the minutes of the meeting at which this Part was enacted.

3. This Municipality is authorized to enter into the intermunicipal agreement for the purposes contained therein. This action is to be taken by the officials or employees of the Municipality designated for this purpose, pursuant to general or specific instructions issued by its governing body.

4. As required by the Intergovernmental Cooperation Act the following matters are specifically found and determined:

   A. The conditions of the agreement are set forth in the intermunicipal agreement referred to in subsection .2.
B. This Municipality’s participation in the Western Lebanon County Regional Emergency Management Agency shall be for a period of five (5) years, beginning on ______________, 2011, and may will be extended indefinitely until notice of termination is given as set forth in the intermunicipal agreement referred to in subsection .2.

C. The purpose and objectives of the intermunicipal agreement are to enter into an intergovernmental contract to form the Western Lebanon County Regional Emergency Management Agency for the purpose of sharing costs to provide emergency planning.

D. Each Municipality will annually contribute from its general fund for the operation of the Western Lebanon County Regional Emergency Management Agency in amounts established as set forth in the intermunicipal agreement referred to in subsection .2.

E. A new entity, the Western Lebanon County Regional Emergency Management Agency, shall be formed.

F. All property, real or personal, shall be acquired, managed or disposed of by the Western Lebanon County Regional Emergency Management Agency.

G. The Western Lebanon County Regional Emergency Management Agency shall not have employees and shall not have the power to enter into contracts for policies of insurance or other employee benefits unless the Municipalities shall amend the intermunicipal agreement to authorize such actions.

5. The governing body of this Municipality is authorized to take such other action as may be necessary to carry out the purposes of this Part in connection with the implementation of the intermunicipal agreement.

6. This Municipality reserves the right to modify, supplement or amend the intermunicipal agreement from time to time by resolution or ordinance.

7. All other intergovernmental agreements between or among this Municipality and any of the other Municipalities or among this Municipality and any of the other municipalities and third parties presently existing are hereby ratified and confirmed to the extent such agreements are not inconsistent with the intermunicipal agreement authorized herein.

8. This Part shall take effect and be in force after its enactment by the Board of Supervisors of the Township of South Annville at the earliest date permitted by law.

(Ord. 4-13-11, 4/13/2011, §§1-7, 9)
CHAPTER 2

ANIMALS

(Reserved to accommodate future ordinances)
CHAPTER 3
BICYCLES

(Reserved to accommodate future ordinances)
CHAPTER 4
BUILDINGS

(Reserved to accommodate future ordinances)
Chapter 5
Code Enforcement

Part 1

Uniform Construction Code

§101. Title
§102. Intent
§103. Adoption of Pennsylvania Construction Code
§104. Scope
§105. Administration and Enforcement
Part 1

Uniform Construction Code

§101. Title. This Part shall be known and may be cited as the "South Annville Township Construction Code Ordinance," and may be referred to herein as the "Code." (Ord. 6-28-04-1, 6/28/2004, §1)

§102. Intent. The purpose of this Part is to promote the general health, safety and welfare of the residents of South Annville Township, to conform to the requirements of the Pennsylvania Uniform Construction Code Act, to comply with the regulations issued by the Pennsylvania Department of Labor and Industry within the Pennsylvania Uniform Construction Code (UCC), including all standards, codes and other information incorporated herein and to adopt administrative and enforcement regulations. (Ord. 6-28-04-1, 6/28/2004, §1)

§103. Adoption of Pennsylvania Uniform Construction Code. South Annville Township (hereinafter sometimes referred to as Municipality) hereby adopts and incorporates by reference the Pennsylvania Uniform Construction Code, as contained in 34 Pa.Code, Chapters 401-405, and amendments thereto, and declares this to be the South Annville Township Construction Code Ordinance, referred to herein as the "Code." (Ord. 6-28-04-1, 6/28/2004, §1)

§104. Scope. The Code and regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures, unless exempted by the Pennsylvania Uniform Construction Code (UCC). All other Ordinances of the Municipality which are more stringent shall apply. It shall be the joint responsibility of the owner, lessee, if any, and the contractor to obtain the required Code permit before performing any work. (Ord. 6-28-04-1, 6/28/2004, §1)

§105. Administration and Enforcement. In accordance with and in addition to the administrative provisions of the Pennsylvania Construction Code Act 45 of 1999, the Pennsylvania Uniform Construction Code (UCC) and the Pennsylvania Department of Labor and Industry Regulations, the following administrative and enforcement requirements shall be part of the Code:

A. Administration.

1. The administration and enforcement of the Code and Pennsylvania Department of Labor and Industry Regulations is hereby delegated to the County of Lebanon by virtue of a separate contract authorizing the Building Code Official of the Lebanon County Planning Department to administer and enforce the Code on behalf of the Municipality. For purposes of this Part, the term "Building Code Official" shall include all employees and contracted agents of the Lebanon County Planning Department who are Building Code Officials, Code Administrators, Construction Code Officials, Current Code Administrators or individuals similarly licensed and/or certified by the State of Pennsylvania to perform code work.

2. The Building Code Official shall have all the powers and duties set forth in the Pennsylvania Uniform Construction Code (UCC), this Part, the contract with the County of Lebanon and the
Pennsylvania Department of Labor and Industry Regulations. Specifically, in addition to such other powers and duties provided, the Building Code Official shall be authorized to receive Code permit applications; issue or deny Code permits; collect fees for permits, plan reviews and inspections; make inspections and require such work to be performed as may be necessary to carry out the provisions of the Code; issue certificates of occupancy; and enter buildings and premises within normal business hours or at other times with permission of the owner or contractor. Additionally, the Building Code Official may perform Code enforcement activities including, but not limited to, issuance of notices of violation, stop work orders, vacate orders or other legal action necessary to enforce, restrain, abate or correct violations of the Code.

3. The application for a Code permit shall be on forms provided by the Building Code Official. At the time of Code permit application and prior to issuance of a Code permit, the applicant shall submit to the Building Code Official two (2) sets of construction documents with plans and specifications, all required fees, and a copy of any required zoning permit. No Code permit application shall be deemed complete without the required construction plans, fees, zoning permit copy and other required approvals. Additionally, the applicant shall pay all outstanding permit and inspection fees required during the course of construction prior to the issuance of a certificate of use and occupancy.

4. The application, plan review, permit and inspection fees shall be paid by each applicant in accordance with the fee schedule established by Resolution of this Municipality and maintained by the Building Code Official.

5. A Board of Appeals shall be established by resolution of this Municipality in conformity with the requirements of the Code. Where two or more municipalities decide to establish a joint Board of Appeals, said Board of Appeals shall be established through joint action of the participating municipalities, by intermunicipal agreement in accordance with the Intergovernmental Cooperation Act.

B. Violations and Penalties.

1. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building, structure or equipment regulated by this Code, or to permit or cause same to be done, in conflict with or in violation of this Code, and in violation of the regulations adopted hereunder.

2. The Building Code Official may serve and enforce a notice of violation, stop work order, vacate order or other lawful enforcement notice on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupy a building, structure or equipment in violation of the provisions of this Code or any permit issued under the provisions of this Code.
3. If the Building Code Official has served a notice of violation and the notice of violation is not complied with by the deadline prescribed, summary enforcement proceedings may be initiated by the Building Code Official against the violator. Additionally, appropriate proceedings at law or in equity may be instituted by this Municipality and/or the Building Code Official to restrain, correct or abate a violation, to prevent unlawful construction or to prevent illegal occupancy of a building, structure or premises.

4. Any person who shall violate a provision of this Code or the regulations adopted hereunder or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building, structure or equipment regulated by this Code in violation of the provisions of this Code or of an approved plan or of a directive of the Building Code Official or of a permit or certificate issued under the provision of this Code or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition or repair of the building, structure or equipment in violation thereof, shall, upon being found guilty in a summary enforcement proceeding commenced by this Municipality or its appointed Building Code Official, pay a penalty of not less than four hundred ($400.00) dollars and not more than one thousand ($1,000.00) dollars for each violation plus all costs of prosecution, which fines or penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each Section of the Code which is violated shall be deemed a separate offense. The Building Code Official may request the Police Department to make arrests for any offense against the Code or orders of the Building Code Official affecting the immediate safety of the public.

(Ord. 6-28-04-1, 6/28/2004, §1)
CHAPTER 6

CONDUCT

Part 1

Disorderly Conduct

§101. Disorderly Conduct Prohibited
§102. Penalty for Disorderly Conduct
Part 1
Disorderly Conduct

§101. Disorderly Conduct Prohibited. Disorderly conduct, as defined in the Pa. Crime Code of 1972 [18 CP S.A. §5503], is hereby prohibited within the Township of South Annville. A person is guilty of disorderly conduct if they:

1. engage in fighting or in threatening, violent or tumultuous behavior;
2. make unreasonable noise;
3. use obscene language, or makes an obscene gesture; or
4. create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

Provided: as used in this section, the word public means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

(Ord. 4/6/1962; as revised by Ord. 8/9/1986)

§102. Penalty for Disorderly Conduct. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00) and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 4/6/1962; as revised by Ord. 8/9/1986)
CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

(Reserved to accommodate future ordinances)
CHAPTER 8
FLOOD PLAINS

(See Chapter 27, Zoning, Part 11)
CHAPTER 9

GRADING AND EXCAVATION

(Reserved to accommodate future ordinances)
CHAPTER 10
HEALTH AND SAFETY

Appendix 10-A
Outdoor Wood Fired-Boilers
Rules and Regulations of the Environmental Quality Board
[40 Pa.B. 5571, 10/2/2010]
Appendix 10-A
Outdoor Wood Fired-Boilers

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 123 ]

Outdoor Wood-Fired Boilers

[40 Pa.B. 5571]
[Saturday, October 2, 2010]

The Environmental Quality Board (Board) amends Chapters 121 and 123 (relating to general provisions; and standards for contaminants) to read as set forth in Annex A.

This order is adopted by the Board at its meeting of July 13, 2010.

A. Effective Date

This final-form rulemaking will be effective upon publication in the Pennsylvania Bulletin.

These amendments will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Pennsylvania State Implementation Plan upon promulgation of this final-form rulemaking.

B. Contact Persons

For further information, contact Ron Gray, Chief, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3369; or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

C. Statutory Authority

This final-form rulemaking is adopted under the authority of section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.
D. Background and Summary

On July 18, 1997, the EPA amended the National Ambient Air Quality Standard (NAAQS) for particulate matter (PM) to add a new standard for fine particles, using fine particulates equal to and less than 2.5 micrometers in diameter (PM2.5) as the indicator. The EPA set the health-based (primary) and welfare-based (secondary) PM2.5 annual standard at a level of 15 micrograms per cubic meter (µg/m³) and the 24-hour standard at a level of 65 µg/m³. See 62 FR 38652 (July 18, 1997). The health-based primary standard is designed to protect human health from elevated levels of PM2.5, which have been linked to premature mortality and other important health effects. The secondary standard is designed to protect against major environmental effects of PM2.5 such as visibility impairment, soiling and materials damage. The following counties in this Commonwealth have been designated nonattainment for the 1997 fine particulate NAAQS: Allegheny (Liberty-Clairton), Allegheny (remainder), Armstrong, Beaver, Berks, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene, Indiana, Lancaster, Lawrence, Lebanon, Montgomery, Philadelphia, Washington, Westmoreland and York.

Subsequently, on October 17, 2006, the EPA revised the primary and secondary 24-hour NAAQS for PM2.5 to 35 µg/m³ from 65 µg/m³. See 71 FR 61236 (October 17, 2006). On December 18, 2008, all or portions of the following counties in this Commonwealth were designated by the EPA as nonattainment for the 2006 24-hour fine particulate NAAQS: Allegheny (Liberty-Clairton), Allegheny (remainder), Armstrong (partial), Beaver, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Washington, Westmoreland and York.

The health effects associated with exposure to PM2.5 are significant. Epidemiological studies have shown a significant correlation between elevated PM2.5 levels and premature mortality. Other important health effects associated with PM2.5 exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to PM2.5 exposure include older adults, people with heart and lung disease and children.

A significant and growing source of PM2.5 emissions in this Commonwealth is from outdoor wood-fired boilers (OWBs). OWBs, also referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances or outdoor hydronic heaters, are free-standing fuel-burning devices designed: (1) to burn clean wood or other approved solid fuels; (2) specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, such as garages; and (3) to heat building space or water by means of distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture. OWBs are being sold to heat homes and buildings and to produce domestic hot water.

The emissions, health effects and the nuisance factor created by the use of OWBs are a major concern to the Department of Environmental Protection (Department). The Northeast States for Coordinated Air Use Management has conducted stack tests on OWBs. Based on the test results, the average PM2.5 emissions from 1 OWB are equivalent to the emissions from 205 oil furnaces or as many as 8,000 natural gas furnaces. Cumulatively, the smallest...
OWB has the potential to emit almost 1 1/2 tons of PM every year. Of the estimated 155,000 OWBs sold Nationwide, 95% have been sold in 19 states, of which this Commonwealth is one.

Unlike indoor wood stoves that are regulated by the EPA, Federal standards do not exist for OWBs and the majority of them are not equipped with pollution controls. The EPA initiated a voluntary program that encourages manufacturers of OWBs to improve air quality through developing and distributing cleaner-burning, more efficient OWBs. Phase 1 of the program was in place from January 2007 through October 15, 2008. To qualify for Phase 1, manufacturers were required to develop an OWB model that was 70% cleaner-burning than unqualified models by meeting the EPA air emission standard of 0.6 pound PM per million Btu heat input as tested by an independent accredited laboratory. Phase 1 Partnership Agreements ended when the Phase 2 Partnership Agreements were initiated on October 16, 2008. To qualify for Phase 2, manufacturers must develop an OWB model that is 90% cleaner-burning than preprogram, unqualified OWBs and meet the EPA air emission standard of 0.32 pound PM per million Btu heat output as tested by an independent accredited laboratory. The emission standard established in the final-form rulemaking is the Phase 2 emission standard described in the EPA voluntary program.

The final-form rulemaking would help assure that the citizens of this Commonwealth will benefit from reduced emissions of PM2.5 from OWBs. Attaining and maintaining levels of PM2.5 below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM2.5 exposure. There are many citizen complaints regarding the operation of OWBs. This final-form rulemaking reduces the problems associated with the operation of OWBs, including smoke, odors and burning prohibited fuels including garbage, tires, hazardous waste and the like. Reductions in ambient levels of PM2.5 would promote improved human and animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

A review of the Department’s complaint tracking system reveals a significant amount of activity regarding OWB complaints in this Commonwealth. Since 2005, the Department has logged 200 complaints. In the Northeast Regional Office, complaints were received from 8 of 11 counties; 11 of 14 counties in the Northcentral Regional Office; 10 of 12 counties in the Northwest Regional Office; 2 of 4 counties in the Southeast Regional Office; 13 of 15 counties in the Southcentral Regional Office; and 9 of 9 counties in the Southwest Regional Office. Complaints are being received across this Commonwealth, but most frequently from the northern tier counties.

While there are no Federal limits for the OWBs that would be subject to regulation under this final-form rulemaking, section 4.2 of the APCA (35 P. S. § 4004.2) authorizes the Board to adopt regulations more stringent than Federal requirements when the control measures are reasonably necessary to achieve and maintain the ambient air quality standards. These measures are reasonably necessary to attain and maintain the primary and secondary 24-hour NAAQS for PM2.5 in this Commonwealth.

E. Summary of Comments and Responses

The Board received over 2,000 comments regarding the proposed OWB regulations during the public hearings and public comment period. Of those, 538 were in full support of the proposed rulemaking, 723 were in support contingent upon revisions being made to the proposed rulemaking and 745 were opposed to the proposed rulemaking.

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7/13/2011
Several commentators noted that PM2.5 pollution from OWBs is associated with heart disease, lung disease and premature deaths and have severe effects on neighbors’ quality of life. The health effects associated with exposure to PM2.5 are significant. Epidemiological studies have shown a significant correlation between elevated PM2.5 levels and premature mortality. The final-form rulemaking helps assure that the citizens of this Commonwealth will benefit from reduced emissions of PM2.5 and air toxics from OWBs. Attaining and maintaining levels of PM2.5 below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM2.5 exposure.

Other commentators are concerned about the odors and pollutants caused by burning garbage and trash in OWBs. The final-form rulemaking, in § 123.14(f) and (g) (relating to outdoor wood-fired boilers), prohibits the burning of trash or garbage in new or existing OWBs.

Several commentators suggested a ban on the operation of OWBs. The intention is not to ban the use of OWBs, but to control some aspects of the operation of OWBs to reduce future health impacts and air emissions and nuisances. The Board recognizes the value of heating with OWBs, including providing a lower cost fuel option which is particularly important in the present economy, use of a renewable and plentiful fuel and reduction of the country’s dependency on fossil fuel.

Many commentators complained about the smoke odors. The Board recognizes that ground-level smoke is one of the problems with the operation of conventional model OWBs. The final-form rulemaking should provide some relief from the impact of smoke odors due to the Phase 2 emission standards.

Several commentators complained about having to deal with the smoke and odors year-round since the neighboring OWB is used throughout the year for hot water or to heat swimming pools. The Board appreciates these concerns, but decided not to impose a seasonal prohibition. The Board believes that a better approach is to educate owners of OWBs on more efficient operation of the units to reduce complaints.

A few commentators stated that OWB operation can only be adequately controlled at the State level. The Board believes that the final-form rulemaking will consistently regulate OWBs across this Commonwealth, instead of the piecemeal, inconsistent way OWBs are currently regulated. This would be particularly appropriate for establishing emission standards for new OWBs installed in this Commonwealth.

A few commentators stated that using coal as a fuel creates problems. The regulation is targeted for OWBs. Coal-fired units are not covered by the EPA Phase 2 certification program and, therefore, are beyond the scope of this regulation.

A commentator stated that penalties should be included in the regulation. The Board does not include penalties in specific regulations. Penalties for violations of regulations are calculated by way of penalty assessment policies developed by the Department. However, the first steps in dealing with OWB noncompliance would be education and voluntary compliance by the owner.

Several commentators stated that minimum stack height requirements should be greater. Based upon the comments received and further investigation, the Department determined that the proposed stack heights would be problematic for stack stability and the proper
operation of the OWB. The Board has proposed a minimum stack height of 10 feet for new Phase 2 OWBs; additionally, these stacks shall be installed according to manufacturer's specifications.

A commentator stated that stringent standards should be included for commercial units. Currently, the Department routinely addresses commercial units through existing regulations. However, the EPA is developing new source performance standards requirements that will regulate the emission rate of the commercial units.

A commentator stated that existing OWB owners and operators should apply for a permit within 30 days and comply within 60 days. The Department is prohibited from requiring permits for home heating devices at private residences by section 6.1 of the APCA (35 P. S. § 4006.1).

Several commentators had general concerns about stack height requirements for existing and new OWBs. The stack height requirements for existing OWBs have been eliminated in the final-form regulation. The stack height requirements for new OWBs established in the final-form regulation provide that new OWBs must have a permanent stack that extends at least 10 feet above the ground and be installed according to the manufacturer’s specifications.

Some commentators believe opacity requirements for residential-sized OWBs are unreasonable because opacity is based on a subjective, visual observation. The opacity regulation, as defined in § 123.41 (relating to limitations), is an existing Statewide regulation limiting the visual emissions emanating from stacks. The Department's field staff is certified annually to determine the percent opacity from stacks. Opacity is not a subjective visual observation for these certified individuals. The opacity regulation would be used when there is a complaint submitted to the Department about the operation of an OWB. The ability to use an objective visual test to determine if there is an actual nuisance could be helpful both to the complainant and the OWB owner.

Several commentators believe that existing OWBs should be grandfathered. The Board eliminated the stack height requirements for existing OWBs. Existing units need to comply with existing laws and the final-form regulation's fuel requirements.

Other commentators are concerned about the incremental cost of new Phase 2 units. According to the EPA, OWBs fueled by wood, pellets and other biomass cost between $8,000 and $18,000, depending on the size of the unit. The cleaner Phase 2 units may cost between $9,200 to $20,700, or about 15% more. Because of the changes made to improve the efficiency of these units and reduce their emissions, most of these new models are significantly more efficient. The cleaner Phase 2 units use less wood to produce the same amount of heat, reducing the cost of wood purchases.

Commentators believe that the regulation of OWBs is a local issue and disagree with a one-size-fits-all approach. The Board believes the final-form rulemaking sets Statewide minimum criteria for new Phase 2 units as well as the basic criteria for cleaner fuel. Local municipalities can still enact ordinances that are stricter.

One commentator asked whether municipalities would need to pass their own ordinances referencing this final-form rulemaking before they could require compliance. A municipality may enact an ordinance that adopts a Department regulation by reference, but

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would then enforce it as its own ordinance. If a municipality does not have an ordinance that includes the Department’s regulatory requirements, it could not enforce the Department’s regulation directly. Further, in accordance with section 12 of the APCA (35 P. S. § 4012), local municipalities may enact ordinances more stringent than the final-form regulation.

One commentator believes that the proposed regulation may be considered a government "taking," placing the Commonwealth at risk for numerous lawsuits from those using OWBs. The Board disagrees that the regulation is a regulatory taking. The final-form regulation merely establishes a number of environmental and public health requirements that property owners shall abide by if they install an OWB on their property.

Other commentators believe that a regulatory issue like OWBs should go through the Legislature and be voted on by elected officials. The Board believes that it has legal authority from the General Assembly to enact the regulation. Statutory authority for the Board to enact an OWB regulation comes from section 5(a)(1) of the APCA, which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

One commentator suggested the regulation of OWBs on a Statewide scale is a policy decision of such a substantial nature that it requires legislative review. Section 5(a)(1) of the APCA gives the Board the authority to adopt regulations to prevent, control, reduce and abate air pollution. The final-form regulation is adopted to prevent, control, reduce, and abate air pollution. The Department undertook additional discussions with the legislative members subsequent to receipt of their comments. The Department also provided the draft final-form rulemaking to the legislative members for review.

One commentator wondered why the Board believes that it is now more appropriate for a State agency to regulate OWBs when the model ordinance that was developed by the Department stated that "it believes that local municipalities can respond to and resolve issues more effectively and swiftly than a state agency." The Board believes that local governments can still respond to home heating issues. The final-form rulemaking only sets the Statewide minimum criteria for new Phase 2 units as well as the basic criteria for cleaner fuel. Local municipalities can still enact ordinances that are stricter.

A commentator pondered the need for this final-form rulemaking and questioned why enforcement of the existing regulatory and statutory requirements cannot provide adequate protection of the public health, safety and welfare. The intent of the final-form regulation is to ensure that only the cleanest OWB units are sold in this Commonwealth.

The commentator asked the Board to allow the requirements of the final-form regulation to be phased-in over time so that the three manufacturers in this Commonwealth will not be negatively affected by the final-form rulemaking. A sell-through exemption has been established in the final-form regulation. The sell-through exemption specifies that a person may not sell, offer for sale, distribute or lease a non-Phase 2 OWB in this Commonwealth unless the OWB was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011. This exemption shall remain in effect through May 31, 2011.

The commentator noted that the setback and stack height provisions in § 123.14(c) and (d), respectively, have been cited by many commentators as problematic. The Board made

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the following changes to those subsections, renumbered as subsections (d) and (e). For subsection (d), setback requirements for new Phase 2 OWBs, a person may not install a Phase 2 OWB in this Commonwealth unless the boiler is installed a minimum of 50 feet from the nearest property line. For subsection (e), stack height requirements for new Phase 2 OWBs, the requirements are a permanent stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications. These changes are in line with the Hearth, Patio & Barbecue Association's Outdoor Hydronic Heater Caucus recommendations.

The commentator urged the Board to include specific language in the final-form regulation that would exempt individuals involved with real estate transactions from these regulations. The Board added language to the final-form rulemaking.

The commentator noted that since Phase 2 OWBs are cleaner burning devices than non-Phase 2 OWBs, what is the need for the significant setback requirement for them (150 feet from the nearest property line) in the proposed regulation. The commentator suggested that the setback be a function of distance to the nearest residence, not property line. The setback requirement has been revised from 150 feet to the nearest property line to 50 feet from the nearest property line. The Board believes that setbacks should be based on a property line. The use of property lines will minimize the emission impact from a new Phase 2 unit.

A few commentators opposed the proposed OWB regulation because it will limit the use of OWBs for agricultural purposes. The Board appreciates the comments regarding the use of OWBs for agricultural purposes. Under section 4.1 of the APCA (35 P. S. § 4004.1), the Board does not have the authority to adopt rules and regulations relating to air pollution arising from the production of agricultural commodities, unless the regulations are required by the Clean Air Act (42 U.S.C.A. §§ 7401—7671q). However, if the OWB is being used exclusively to heat or provide hot water, or both, for a residence located on agricultural property, then the final-form regulation would apply.

Some commentators opposed the proposed OWB regulation because it would hinder or ban the ability to use wood for home heating. The final-form regulation does not ban the use of OWBs. Instead, it sets minimum controls for the use of OWBs to reduce health impacts, air emissions and nuisances. The Board also recognizes the value of heating with OWBs, including providing a lower cost fuel option which is particularly important in the present economy, use of a renewable and plentiful fuel and reduction of the country's dependency on fossil fuel.

The commentator opposed the proposed OWB regulation because it would promote increased use of oil and natural gas, which results in greater fuel dependency. The Board agrees that it is important to encourage the use of renewable fuels, such as wind, solar, geothermal and wood, and thereby reduce the country's dependency on fossil fuels. The OWB regulation does not ban or hinder the use of OWBs. Instead, the final-form regulation intends to regulate some aspects of the operation of OWBs to reduce health impacts, air emissions and nuisances.

The commentator opposed the proposed OWB regulation because it is a government intrusion that infringes on personal freedom. The intent of the proposed regulation is to find a balance between the rights of the OWB owner and the rights of the neighbors that are affected by smoke and odors from the OWB operation. The intent of the proposed OWB regulation is not to ban OWBs, but rather to set minimum standards for the operation of

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OWBs to reduce health impacts, air emissions and nuisances.

A few commentators opposed the proposed OWB regulation because there are already enough Department, Federal, or both, regulations that cover OWBs. The intent of the final-form regulation is to ensure that only the cleanest OWB units are sold in this Commonwealth.

A commentator opposed the proposed OWB regulation because the notification and paperwork requirements are burdensome for small business distributors. The written notice and recordkeeping requirements in the proposed regulation have been eliminated in the final-form regulation.

Several commentators stated that over time OWB manufacturers will produce more efficient boilers, which will be phased in as old OWBs are replaced and the problem will take care of itself. As of August 30, 2010, there are 19 EPA-qualified Phase 2 OWB models. As more states adopt regulations and laws that establish emission requirements, more qualifying models will be developed and consumers will have more choices.

F. Summary of Final-form Regulation and Changes from Proposed to Final-Form Rulemaking

Summary of final-form regulation

The final-form amendments add definitions to § 121.1 (relating to definitions) for the following six new terms: "Bu—British thermal unit," "clean wood," "new Phase 2 outdoor wood-fired boiler," "non-Phase 2 outdoor wood-fired boiler," "Phase 2 outdoor wood-fired boiler," and "Phase 2 outdoor wood-fired boiler."

The final-form rulemaking adds § 123.14. In general, under final-form subsection (a), regarding applicability, beginning October 2, 2010, the requirements of the regulation apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an OWB for use in this Commonwealth; a person who installs an OWB in this Commonwealth; and a person who purchases, receives, leases, owns, uses or operates an OWB in this Commonwealth.

Final-form subsection (b)(1), regarding exemptions, provides that this section does not apply if the following is applicable: the OWB is intended for shipment and use outside of this Commonwealth.

Under final-form subsection (b)(2), subsections (c), (d) and (e) do not apply to a permanently installed OWB that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

Under final-form subsection (b)(3), a person may not sell, offer for sale, distribute or lease a non-Phase 2 OWB unless it was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011. This exemption will remain in effect through May 31, 2011. A non-Phase 2 OWB installed during the sell-through period shall meet the following requirements: the non-Phase 2 OWB shall be installed a minimum of 150 feet from the nearest property line; and it shall have a permanently attached stack that extends a minimum of 10 feet above the ground and is installed according to the

manufacturer's specifications.

Under final-form subsection (c), regarding Phase 2 outdoor wood-fired boilers, except as provided under subsection (b), a person may not sell, offer for sale, distribute or install an OWB unless it is a Phase 2 OWB.

Under final-form subsection (d), regarding setback requirements for new Phase 2 outdoor wood-fired boilers, a person may not install, use or operate a new Phase 2 OWB unless the boiler is installed a minimum of 50 feet from the nearest property line.

Under final-form subsection (e), regarding stack height requirements for new Phase 2 outdoor wood-fired boilers, a person may not install, use or operate a new Phase 2 OWB in this Commonwealth unless the boiler has a permanently attached stack. The stack must meet both of the following requirements: extend a minimum of 10 feet above the ground; and be installed according to the manufacturer's specifications.

Under final-form subsection (f), regarding allowed fuels, a person that owns, leases, uses or operates an OWB in this Commonwealth shall use only one or more of the following fuels: clean wood; wood pellets made from clean wood; certain home heating oil; natural gas or propane fuels; or other fuel approved in writing by the Department.

Under final-form subsection (g), regarding prohibited fuels, a person who owns, leases, uses or operates an OWB in this Commonwealth may not burn a fuel or material in that OWB other than those fuels listed under subsection (f).

Under final-form subsection (h), regarding applicable laws and regulatory requirements, a person may not use or operate an OWB in this Commonwealth unless it complies with applicable Commonwealth, county and local laws.

Changes from proposed to final-form rulemaking

In addition to the revisions for definitions previously discussed in this section, changes from the proposed rulemaking to final-form rulemaking are summarized as follows:

Final-form § 123.14(b)(2) was added and states that subsections (c), (d) and (e) do not apply to a permanently installed OWB that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

Final-form subsection (b)(3) was added and provides that a person may not sell, offer for sale, distribute or lease a non-Phase 2 OWB unless it was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011. This exemption will remain in effect through May 31, 2011. A non-Phase 2 OWB installed during the sell-through period shall meet the following requirements: the non-Phase 2 OWB shall be installed a minimum of 150 feet from the nearest property line; and it must have a permanently attached stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications.

Final-form § 123.14(c) (relating to Phase 2 outdoor wood-fired boilers) was modified for clarification.

Final-form § 123.14(d) reduces the minimum setback requirements from 150 feet to 50 feet for new Phase 2 OWBs installed in this Commonwealth. It was also revised to delete the requirement that a person may not use or operate a Phase 2 OWB unless the boiler has a stack that extends at least 2 feet above the highest peak of the highest residence located within 150 feet of the OWB.

Final-form § 123.14(e) was revised to state that a person may not install, use or operate a new Phase 2 OWB in this Commonwealth unless the boiler has a permanently attached stack that extends a minimum of 10 feet above the ground and is installed according to the manufacturer's specifications. This final-form subsection also deleted the 150 feet stack height requirement.

Proposed subsection (e) was deleted in its entirety.

Final-form subsection (f) clarifies that it relates to a person that owns, leases, uses or operates an OWB in this Commonwealth.

Final-form subsection (g) was not revised between the proposed and final-form rulemakings.

Final-form subsection (h) clarifies that a person may not use or operate an OWB in this Commonwealth unless it complies with Commonwealth, county and local laws and regulations. In addition, specific references to Department regulations were deleted.

The final-form rulemaking deletes proposed subsection (i).

The final-form rulemaking deletes proposed subsection (j).

G. Benefits, Costs and Compliance

Benefits

The citizens of this Commonwealth will benefit from this final-form rulemaking because it will help to reduce emissions of PM2.5 from OWBs. Attaining and maintaining levels of PM2.5 below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM2.5 exposure. There are also many citizen complaints regarding the operation of OWBs. Reductions in ambient levels of PM2.5 would promote improved human and animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

Compliance Costs

The cost of complying with the new requirements includes the cost of designing, manufacturing and distributing an OWB model that meets the EPA Phase 2 emission limit. Currently, there are 19 models available Nationally that meet the EPA Phase 2 emission limit. Nonqualifying OWB models cost between $8,000 and $18,000, depending on the size of the unit. It is estimated that the cleaner units may be approximately 15% more expensive because of the changes made to improve the efficiency of these units and reduce their emissions. However, most of these qualifying models are significantly more efficient which means they will burn less wood to produce the same amount of heat, reducing the cost of
wood purchases.

The final-form rulemaking is not expected to impose additional direct regulatory costs or savings on local governments.

The final-form rulemaking is not expected to impose additional direct regulatory costs or savings on State government, except that nominal costs will be experienced by the Commonwealth to assist in providing training, outreach and assistance to the regulated community. New staff resources are not anticipated to be necessary.

_Compliance Assistance Plan_

The Department plans to educate and assist the public and regulated community in understanding the newly added requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

_Paperwork Requirements_

There are no additional paperwork requirements associated with this final-form rulemaking.

H. _Advisory Committee Recommendation_

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this final-form rulemaking. At its April 29, 2010, meeting, the AQTAC recommended adoption of the final-form rulemaking with the following concerns:

- all OWBs shall have a minimum 10 foot stack height requirement; all new Phase 2 OWBs shall have a 150 feet setback requirement from the nearest residence and not 50 feet from the nearest property line; all non-Phase 2 OWBs not used as the primary source of heat and hot water shall not be operated between May 15 and September 30; retailers of OWBs shall report to the Department the model of boilers sold and the zip codes of the buyers.

The Department also consulted with the Citizens Advisory Council on March 16, 2010, and May 6, 2010, the Agricultural Advisory Board on April 21, 2010, and the Small Business Compliance Advisory Committee (SBCAC) on April 28, 2010. The SBCAC recommended adoption of the final-form rulemaking with the following concerns: the written notice and recordkeeping provisions should be reinstated in the final-form rulemaking; and supported providing grant money for the purchase and installation of Phase 2 units to replace old, conventional OWBs.

I. _Pollution Prevention_

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.
The final-form rulemaking does not directly promote a multimedia approach. The reduced levels of PM2.5, however, will benefit water quality through reduced soiling and quantities of sediment that may run off into waterways. Reduced levels of PM2.5 would therefore promote improved aquatic life and biodiversity, as well as improved human, animal and plant life on land.

J. Sunset Review

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

K. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 6068 (October 17, 2009), to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

Under section 5(e) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j,2) of the Regulatory Review Act (71 P. S. § 745.5a(j,2)), on August 18, 2010, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 19, 2010, and approved the final-form rulemaking.

L. Findings

The Board finds that:

1. Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

2. At least a 60-day public comment period was provided as required by law and all comments were considered.

3. This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 39 Pa.B. 6068.

4. This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

5. This final-form rulemaking is reasonably necessary to achieve and maintain the PM2.5 NAAQS.
M. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 123, are amended by amending §§ 121.1 and 123.14 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania State Implementation Plan.

(f) This order shall take effect immediately upon publication in the Pennsylvania Bulletin.

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5424 (September 18, 2010).)

Fiscal Note: Fiscal Note 7-444 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings,
unless the context clearly indicates otherwise:

* * * * *

_Btu—British thermal unit_—The amount of thermal energy necessary to raise the temperature of 1 pound of pure liquid water by 1° F at the temperature at which water has its greatest density (39° F).

* * * * *

_Clean wood_—The term includes the following:

(i) Wood that contains no paint, stains or other types of coatings.

(ii) Wood that has not been treated with preservatives or chemicals, including copper, chromium arsenate, creosote and pentachlorophenol.

* * * * *

_New Phase 2 outdoor wood-fired boiler_—A Phase 2 outdoor wood-fired boiler that is installed on or after October 2, 2010.

* * * * *

_Non-Phase 2 outdoor wood-fired boiler_—An outdoor wood-fired boiler that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

* * * * *

_Outdoor wood-fired boiler_—

(i) A fuel-burning device that:

(A) Is designed to burn, or is capable of burning, clean wood or other fuels listed under § 125.14(f) (relating to outdoor wood-fired boilers).

(B) Has a rated thermal output of less than 350,000 Btu per hour.

(C) The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.

(D) Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

(ii) The fuel-burning device may also be known as an:

(A) Outdoor wood-fired furnace.

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(B) Outdoor wood-burning appliance.

(C) Outdoor hydronic heater.

* * * * *

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

* * * * *

CHAPTER 123. STANDARDS FOR CONTAMINANTS

PARTICULATE MATTER EMISSIONS


(a) Applicability. Beginning on October 2, 2010, this section applies to the following:

(1) A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in this Commonwealth.

(2) A person who installs an outdoor wood-fired boiler in this Commonwealth.

(3) A person who purchases, receives, leases, owns, uses or operates an outdoor wood-fired boiler in this Commonwealth.

(b) Exemptions.

(1) This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this Commonwealth a non-Phase 2 outdoor wood-fired boiler if the person, manufacturer, supplier or distributor demonstrates the non-Phase 2 outdoor wood-fired boiler is intended for shipment and use outside of this Commonwealth.

(2) Subsections (c), (d) and (e) do not apply to a permanently installed outdoor wood-fired boiler that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

(3) A person may not sell, offer for sale, distribute or lease a non-Phase 2 outdoor wood-fired boiler in this Commonwealth unless the outdoor wood-fired boiler was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011.

   (i) This exemption shall remain in effect until May 31, 2011.

   (ii) A non-Phase 2 outdoor wood-fired boiler purchased during the sell-through period must meet the following requirements:

(A) Be installed a minimum of 150 feet from the nearest property line.

(B) Have a permanently attached stack that meets the following requirements:

(I) Extends a minimum of 10 feet above the ground.

(II) Is installed according to the manufacturer's specifications.

(c) Phase 2 outdoor wood-fired boiler. Except as provided under subsection (b):

(1) A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(2) A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(d) Setback requirements for new Phase 2 outdoor wood-fired boilers. A person may not install a new Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler is installed a minimum of 50 feet from the nearest property line.

(e) Stack height requirements for new Phase 2 outdoor wood-fired boilers. A person may not install, use or operate a new Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler has a permanently attached stack. The stack must meet both of the following requirements:

(1) Extend a minimum of 10 feet above the ground.

(2) Be installed according to the manufacturer's specifications.

(f) Allowed fuels. A person that owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth shall use only one or more of the following fuels:

(1) Clean wood.

(2) Wood pellets made from clean wood.

(3) Home heating oil, natural gas or propane that:

(i) Complies with all applicable sulfur limits.

(ii) Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.

(4) Other types of fuel approved in writing by the Department upon receipt of a written request.

(g) Prohibited fuels. A person who owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under subsection (f).

(h) Applicable laws and regulatory requirements. A person may not use or operate an outdoor wood-fired boiler in this Commonwealth unless it complies with applicable Commonwealth, county and local laws and regulations adopted thereunder.
CHAPTER 11
HOUSING

(Reserved to accommodate future ordinances)
CHAPTER 12

LIBRARIES

(Reserved to accommodate future ordinances)
CHAPTER 13
LICENSES, PERMITS AND BUSINESS REGULATIONS

Part 1
Peddlers

§101. Definitions
§102. Permit Required
§103. Permit Application; Nontransferable
§104. Permit Fees
§105. Permit Issuance, Exhibit; Compliance With Permit
§106. Prohibited Times
§107. Loud Noises Prohibited
§108. Parking Regulations; Littering
§109. Fixed Location on Streets, Etc., Prohibited
§110. Permit Suspension
§111. Penalties
§101. Definitions.

PEDDLER – as used in this Part, means any person who shall engage in peddling, as hereinabove defined.

PEDDLING – as used in this Part, means engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Township. However, the word "peddling" shall not apply:

A. To farmers selling their own produce;

B. To the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or

C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk products.

PERSON – as used in this Part, means any natural person, association, partnership, firm or corporation.

(Ord. 7/11/1983, §1)

§102. Permit Required.

1. No person shall engage in peddling in the Township without first having taken out a permit as herein provided.

2. The foregoing provision notwithstanding, a permit shall not be required for peddlers who are agents of a business which has its bona fide permanent office located within the boundaries of Lebanon County.

(Ord. 7/11/1983, §2)

§103. Permit Application; Nontransferable. Every person desiring to engage in peddling in the Township shall first make application to the Chief of Police of South Annville Township for a permit. Upon such application, such person shall give his name; address; his previous criminal record, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which he wishes to have a permit; the type of vehicle he uses, if any; the number of helpers he has. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual permit shall be required for each helper. No permit issued under this Part shall be transferable from one person to another. (Ord. 7/11/1983, §3)

§104. Permit Fees. No permit shall be issued under this Part until the proper fee, as follows, shall be paid to the South Annville Township, which shall be for the use of the Township.
A. Foot peddler: five dollars ($5.00) per day; twenty dollars ($20.00) per month.

B. Peddler operating from a horse-drawn or motor vehicle: five dollars ($5.00) per day; twenty dollars ($20.00) per month.

C. Each and every additional peddler employed by a foot peddler or peddler operating from a horse-drawn or motor vehicle: five dollars ($5.00) per day; and twenty dollars ($20.00) per month.

§105. Permit Issuance, Exhibit; Compliance With Permit. Upon making application therefor and paying the proper fee, as herein specified, a permit shall be issued to every peddler. Such permit shall contain the information required to be given upon the application therefor. Every peddler shall, at all times when engaged in peddling in the Township, carry such permit upon his person, and shall exhibit such permit, upon request, to all police officers, Township officials and citizens. No peddler shall engage in selling any product not mentioned upon such permit, nor shall any person having a foot peddler's permit operate from or with any horse-drawn or motor vehicle. (Ord. 7/11/1983, §4)

§106. Prohibited Times. No person with a permit as a peddler under this Part shall engage in peddling at any time of any day of the week before 9:00 a.m. or after 5:00 p.m. (Ord. 7/11/1983, §5)

§107. Loud Noises Prohibited. No person, permitted as a peddler under this Part, shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed. (Ord. 7/11/1983, §7)

§108. Parking Regulations; Littering. No person, licensed as a peddler under this Part, shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity. (Ord. 7/11/1983, §8)

§109. Fixed Location on Streets, Etc., Prohibited. No person, licensed as a peddler under this Part, shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter. (Ord. 7/11/1983, §9)

§110. Permit Suspension. The Chief of Police or other police officer of South Annville Township is hereby authorized to suspend any permit issued under this Part when he deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this Part, or for giving false information upon any application for a permit hereunder. (Ord. 7/11/1983, §10)
§111. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 7/11/1983, §11; as amended by Ord. 8/9/1986)
CHAPTER 14

MOBILE HOMES AND MOBILE HOME PARKS

Part 1
Requirements for Operation of Mobile Home Parks

§101. Definitions
§102. Permits
§103. Licenses
§104. Inspections
§105. Notices, Hearings, and Orders
§106. Environmental, Density, Lot and Access Requirements
§107. Water Supply
§108. Sewage Disposal
§109. Electrical Distribution System
§110. Service Buildings and Facilities
§111. Refuse Handling
§112. Insect and Rodent Control
§113. Fuel Supply and Storage
§114. Fire Protection
§115. Miscellaneous Requirements
§116. Penalties
§101. Definitions.

BOARD - the Board of Supervisors of South Annville Township, or its authorized representative.

CAMP - a travel trailer camp as herein defined.

CUL-DE-SAC - a short dead-end street terminating in a vehicular turn-around area.

INTERNAL STREET - a street in a mobile home park or travel trailer camp privately owned, constructed, and maintained, which functions only to provide direct access to individual mobile home lots or travel trailer spaces; and does not connect directly to and provide access to or from a public street adjacent to the mobile home park or travel trailer camp.

LICENSE - a written document issued by the Board of Supervisors allowing a person to operate and maintain a mobile home park or travel trailer camp under the provisions of this Chapter.

MOBILE HOME - a dwelling unit manufactured in one complete section; designed for long-term occupancy; containing sleeping accommodations, a flush toilet; a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers, arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations.

MOBILE HOME LOT - a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK - a parcel of land which has been planned and improved for the placement of mobile homes occupied for dwelling or sleeping purposes and for non-transient use.

MOBILE HOME STAND - what part of an individual lot which has been reserved for the placement of a mobile home and its appurtenant structures or additions.

PARK - a mobile home park as herein defined.

PERMIT - a written document issued by the Board of Supervisors permitting the construction, alteration and extension of a mobile home park under the provisions of this Chapter.

PERSON - any individual, firm, trust, partnership, public or private association or corporation.

PLANNING COMMISSION - the Planning Commission of South Annville Township.

SANITARY SERVICE BUILDING - a structure housing toilet, lavatory and such other facilities as may be required by this Chapter.
SEWER CONNECTION - the connection consisting of all pipes, fittings and appurtenances from the chain outlet of a mobile home or travel trailer to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park or travel trailer camp.

SEWER RISER PIPE - that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot or travel trailer space.

TOWNSHIP - South Annville Township, Lebanon County, Pennsylvania.

TRAVEL TRAILER - a vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses and having a body width not exceeding eight feet (8') and a body length not exceeding thirty-two feet (32').

TRAVEL UNIT - a travel mounted camper, motor home, pickup coach, auto, truck, or bus adapted for vacation living; a folding tent camper; a tent, and other similar devices used for temporary portable housing.

TRAVEL TRAILER CAMP - a parcel of land or part thereof occupied or designed for occupancy by one (1) or more travel trailers or travel units.

TRAVEL TRAILER DEPENDENT - a trailer or travel unit which is dependent upon a service building for toilet and lavatory facilities.

TRAVEL TRAILER, INDEPENDENT - a trailer or travel unit which can operate independent of connections to sewer, water and electric systems. It contains a waterflushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

TRAILER SPACE - a parcel of land in a travel trailer camp for the placement of a single trailer or travel unit and the exclusive use of its occupants.

TRAILER STAND - that part of an individual trailer space which has been reserved for the placement of a single trailer or travel unit and its accessory structures.

WATER CONNECTION - the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home, travel trailer or travel unit.

WATER RISER PIPE - that portion of the water supply system serving the mobile home park or travel trailer camp which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot or travel trailer space.

(Ord. 8/9/1971, §1)

§102. Permits.

1. Permits Required - It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park or any travel trailer camp within the limits of the Township unless he holds a valid written permit issued by the Township of South Annville.
2. Application to Township - The applicant shall submit an application to the Township, using a form furnished by the Township, for a permit to operate a mobile home park or travel trailer camp in South Annville Township.

3. Fees - All applications to the Township shall be accompanied by the payment of a fee of one hundred dollars ($100.00) to the Township.

4. Review of Application - Upon receipt by the Township of such application, the application, plans and all other pertinent information submitted shall be reviewed by the Township Planning Commission to determine compliance with this Chapter. Within thirty (30) days, the Township Planning Commission shall submit a report to the Board of Supervisors which includes their finding, and recommendations. If a report is not received within thirty (30) days, the Board of Supervisors shall proceed with their review and processing of such application. When upon review of the application and report of the Planning Commission the Board of Supervisors is satisfied that the proposed plan meets the requirements of this Chapter a permit shall be issued.

5. Denial of Permit - Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing one the matter before the Board of Supervisors under the procedure provided by §105 of this Chapter.

(Ord. 8/9/1971, §2; as amended by Ord. 8/9/1986)

§103. Licenses.

1. It shall be unlawful for any person to operate any mobile home park or travel trailer court within the limits of the Township unless he holds a valid license issued annually by the Board of Supervisors in the name of such person.

2. Original License - Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, and by the deposit of a fee of fifty dollars ($50.00) and shall contain: name and address of the applicant, the location and legal description of the mobile home park or travel trailer camp and a site plan of the mobile home park or travel trailer camp showing all mobile home and trailer lots, structures, roads, walkways, and other service facilities.

3. Renewal of License - Application for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of one hundred fifty dollars ($150.00) and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

4. Denial of License - Any person whose application for a license under this Chapter has been denied may request and shall be granted a hearing on the matter before the Board of Supervisors under the procedure provided by §105 of this Chapter.

5. Transfer of License - Every person holding a license shall give notice in writing to the Board of Supervisors within ten (10) days after having sold, transferred, given away, leased, or otherwise disposed of any
interest in or control of any mobile home park or travel trailer camp. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park or travel trailer camp. Upon application in writing for transfer of the license, deposit of a fee of seventy-five dollars ($75.00), shall be transferred if the mobile home park or travel trailer camp is in compliance with all applicable provisions of this Chapter.

(Ord. 8/9/1971, §3; as amended by Ord. 8/9/1986)

104. Inspections.

1. Authorization - The Board of Supervisors is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.

2. Inspection of Premises - The Board of Supervisors shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter.

3. Inspection of Register - The Board of Supervisors shall have the power to inspect the register containing a record of all residents of the mobile home park or travel trailer camp.

4. Access to Premises for Repair or Alteration - It shall be the duty of every occupant of a mobile home park or travel trailer camp to give the owner thereof or his agent or employee access to any part of such mobile home park or travel trailer camp or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter.

(Ord. 8/9/1971, §4)

§105. Notices, Hearings and Orders.

1. Notice of Violation - Whenever the Board of Supervisors determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or regulations issued hereunder the Board of Supervisors shall give notice of such alleged violation to the person to whom the permit or license was issued as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner, or his agent as the case may require provided: that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter. At the end of the time period stipulated, the Board of Supervisors shall reinspect such mobile home park or travel trailer camp and if such violations have not been corrected the Board shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued.
Upon receipt of notice of such suspension such person shall cease operation of such mobile home park or travel trailer camp except as provided in §105(2).

2. **Hearings** - Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the Board of Supervisors, provided: that such person shall file in the office of the Board of Supervisors a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under §105(5). Upon receipt of such petition, the Board of Supervisors shall set a time and place for such hearing and shall give the petitioner written notice thereof at such hearing; the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided: that upon application of the petitioner the Board of Supervisors may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when in the Board's judgement the petitioner has submitted good and sufficient reasons for such postponement.

3. **Issuance of Order** - After such hearing the Board of Supervisors shall make findings as to compliance with the provisions of this Chapter and regulations issued hereunder and shall issue an order in writing, affirming, modifying or withdrawing the notice which shall be served as provided in §105(1)D. Upon failure to comply with any order affirming or modifying a notice, the license of the mobile home park or travel trailer camp affected by the order shall be forthwith revoked.

4. **Records** - The proceedings at such a hearing including the findings and decision of the Board of Supervisors and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the Board of Supervisors but any transcript of the proceedings which may have been made, need not be transcribed, unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the Board of Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.

5. **Emergencies** - Whenever the Board of Supervisors finds that an emergency exists which requires immediate action to protect the public health, the Board may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as the Board may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Board of Supervisors shall be afforded a hearing as soon as possible. The provisions of §§105(3) and 105(4) shall be applicable to such hearing and the order issued thereafter.

(Ord. 8/9/1971, §5)
§106. Environmental, Density, Lot and Access Requirements.

1. General Requirements for Mobile Home Parks and Travel Trailer Camps -

A. Site Location - The location of all mobile home parks and travel trailer camps shall comply with the following minimum requirements and shall be:

   (1) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

   (2) Not subject to flooding.

   (3) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

B. Site Drainage Requirements -

   (1) The ground surface in all parts of every park or camp shall be graded and equipped to drain all surface water in a safe efficient manner.

   (2) Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Health.

   (3) Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park or travel trailer camp.

C. Soil and Ground Cover Requirements -

   (1) Exposed ground surfacing in all parts of every park or camp shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

   (2) Park or camp grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

D. Non-residential Uses -

   (1) No part of any park or camp shall be used for non-resident purposes, except such uses as are required for the direct servicing and well being of park or camp residents and for the management and maintenance of the park or camp.

   (2) Such non-residential uses and any related parking facilities shall not occupy more than ten percent (10%) of the area of the park or camp, shall subordinate to the residential use and character, shall be located and designed and intended to serve frequent trade of service needs of persons residing in the park or camp, and shall present no visible evidence of their non-residential character from any portion of any residential area outside of the park or camp.
E. Recreation Areas -

(1) Recreation areas and facilities shall be provided to meet the anticipated needs of the clientele the park or camp is designed to serve.

(2) Not less than eight percent (8%) of the gross site area shall be devoted to recreational facilities including space for community buildings and community use facilities such as guest parking, adult recreation and child play areas, swimming pools, utilities and drying yards.

2. Specific Requirements for Mobile Home Parks -

A. Minimum Area and Width of Tract -

(1) A minimum tract area of ten (10) acres shall be required for any mobile home park.

(2) For portions of the tract used for general vehicular entrances and exits only (other than alleys and service entrances) a minimum width of fifty feet (50') is required, for portions containing mobile home stands and buildings open generally to occupants, a minimum width of one hundred feet (100') is required. The tract shall comprise a single plot except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants with permanent rights-of-way and easements for connection and access or for other structures necessary to the park, but not open generally to the occupants, provided that all lands involved shall be so dimensioned and related as to facilitate efficient design and management.

B. Maximum Density - The maximum density of any mobile home park shall not exceed seven (7) mobile homes per gross acre.

C. Required Setbacks and Minimum Distances Between Mobile Homes -

(1) Mobile homes shall be separated from each other and from other buildings and structures by at least fifty feet (50'), provided that mobile homes placed end to end have a clearance of twenty-five feet (25') where opposing rear walls are staggered. Any accessory structure such as attached awnings, carports or individual storage facilities shall for purposes of this separation requirement, be considered part of the mobile home.

(2) All mobile homes shall be located at least fifty feet (50') from any park property boundary line abutting upon a public street or highway and at least twenty feet (20') from other park property boundary lines.

(3) There shall be a minimum distance of twenty-five feet (25') between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas.

(4) The separations, setbacks and minimum distances mentioned herein shall at all times be maintained without any encroachment therein.
D. Screening -

(1) Fences, free-standing walls or screen plantings shall be provided where necessary for screening purposes. Specific views to be screened include laundry, drying yards, garbage and trash collection stations, and non-residential uses of adjacent properties.

(2) All fences and walls shall be located at least eighteen feet (18') from the street centerlines and at least eighteen inches (18") from the pavement edge of streets, driveways, parking spaces and walks.

E. Mobile Home Stands -

(1) A mobile home stand shall be provided for each mobile home. The area of the mobile home stand shall be made of a hard and dense material which shall be durable and well-drained under normal use and weather conditions and provide an adequate foundation for the placement and tie-down of the mobile home thereby securing the super-structure against uplift, sliding, rotation and overturning.

(2) The mobile home stand shall not have, shift, or settle unevenly under the weight of the mobile home due to frost action inadequate drainage vibration or other forces acting on the super-structure.

(3) The mobile home stand shall be provided with anchor and tie-downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete foundations or runways, screw augers, arrowheads anchors, or other devices securing the stability of the mobile home.

(4) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

F. Park Street System -

(1) General Requirements - All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

(2) Access to Park - The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of thirty-five feet (35').

(3) Internal Streets - Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum width requirements:

- Parking permitted on both sides - 36 feet
- Parking prohibited or limited to one side - 28 feet
- Cul-de-sac streets shall be limited in length to 60 feet and shall be provided with a turn-around with a minimum outside diameter of 80 feet
(4) Street Construction and Design Standards -

(a) Pavement - All streets shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes, and other hazards.

(b) Grades - Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight percent (8%). Short runs with a maximum grade of twelve percent (12%) may be permitted, provided traffic safety is assured by appropriate paving; adequate leveling areas and avoidance of lateral curves.

(c) Intersections - Within one hundred feet (100') of a intersection of streets shall be approximately right angles.

A distance of at least one hundred fifty feet (150') shall be maintained between centerlines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be avoided.

(5) Required Illumination of Park Street Systems - All parks shall be furnished with lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide a minimum level of illumination of one foot (1') candle for the safe movement of pedestrians and vehicles at night.

G. Required Off-Street Parking Areas -

(1) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 2 car spaces for each mobile home lot.

(2) Required car parking spaces shall be located for convenient access to the mobile home stands. One space shall be located on each lot and the remainder located in adjacent parking bays.

H. Walks -

(1) General Requirements - All parks shall be provided with safe, convenient all season pedestrian access of adequate width for intended uses, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(2) Common Walk System - A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet (3½').
(14, §106(2)(H), cont'd)

(3) Individual Walks - All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet (2').

I. Skirts - Mobile homes shall be equipped with skirts of an approved material and construction which will completely enclose the under carriage of the structure.

J. Storage Structures - Storage structures on the mobile home lot shall be of an approved material and construction and shall not exceed six feet (6') in width, length and height.

3. Specific Requirements for Travel Trailer Camps -

A. Minimum Area of Tract - A minimum tract area of five (5) acres shall be required for any travel trailer camps.

B. Maximum Density - The travel trailer camp density shall not exceed twenty-five (25) trailer spaces per acres of gross site areas.

C. Required Separation Between Trailers -

(1) Trailers shall be separated from each other and from other structures by at least fifteen feet (15'). A minimum distance of fifteen feet (15') shall also be maintained between travel trailers and trailer camps, buildings and structures. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purpose of this separation requirement, be considered to be part of the trailer.

(2) All travel trailers shall be located at least twenty-five feet (25') from any park property boundary line abutting upon a public street or highway and at least twenty feet (20') from other park property boundary lines.

(3) The separations mentioned herein shall at all times be maintained without any encroachment therein.

D. Camp Street System -

(1) Location and Access - No trailer park shall be located except with direct access to a paved roadway, and with appropriate frontage thereon to permit appropriate design of entrances and exit. No entrance or exit from a trailer park shall be through a residential area, nor require movement of traffic from the park through a residential area.

(2) Design of Access to Park - Entrances and exits to travel trailer camps shall have a minimum road pavement width of twenty-five feet (25'). All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailer attached.
(3) Access to Spaces - Each space should be directly accessible from an approved internal street without the necessity for crossing any other space. Generally, direct access to spaces from public streets should be discouraged. For overnight spaces, drive-through layouts should be encouraged so that it is not necessary either to back into the space or to back out of it.

(4) Internal Streets - The internal street system in camps shall be privately owned, constructed and maintained, and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants. Internal streets should be designed, constructed and maintained according to the following specifications:

(a) Alignment and Gradients - Alignments and gradients shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.

(b) Surfacing and Maintenance - Internal streets shall provide a sound all-weather driving surface, reasonably smooth and free from mud, dust or standing surface water.

(c) Street Widths - Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements.

1) Minor streets are hereby defined as less than five hundred feet (500') in length and serving (a) with drive-through spaces, fifty (50) or less if street is one-way, one hundred (100) or less if two-way or (b) where it is necessary to back into or out of spaces, twenty-five (25) spaces or less if street is one-way, fifty (50) or less if two-way.

   One-way, with no parking ten feet (10') width.
   One-way, with parking on one side only eighteen feet (18') width.
   One-way, with parking on both sides twenty-six feet (26')
   Two-way, with no parking twenty feet (20') width
   Two-way, with parking on one side only twenty-eight feet (28')
   Two-way, with parking on both sides thirty-six feet (36')

   Collector streets (streets other than minor streets, as defined above, serving up to and including two hundred spaces, and without limitation on length):
   One or two-way, with no parking twenty-two feet (22')
   One or two-way with parking on one side only three feet (3') width
One or two-way, with parking on both sides thirty-eight feet (38') width.

(5) Off-Street Parking and Maneuvering Space - Each travel trailer camp shall provide sufficient parking and maneuvering space so that the parking loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, side-way or right-of-way or any private grounds not part of the travel trailer camp.

(Ord. 8/9/1971, §6)


1. Requirements for Mobile Home Parks and Travel Trailer -

A. Water Supply System - An adequate, safe and potable supply of water shall be provided for mobile homes, travel trailers, travel units, service buildings, and other accessory facilities.

   (1) Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively.

   (2) Where a satisfactory public water supply is not available, the development of a private water supply system shall be approved by the Pennsylvania Department of Health.

B. Individual Water Riser Pipes and Connection -

   (1) Each mobile home stand and trailer stand shall be equipped with a water riser pipe located within the confined area of the stand at a point where the water connection will approximate a vertical position.

   (2) Water riser pipes shall extend at least four inches (4") above ground elevation. The pipe shall be at least three-quarters of an inch (3/4") and shall be capped when a mobile home or trailer does not occupy the lot.

(Ord. 8/9/1971, §7)

§108. Sewage Disposal.

1. Sewage Disposal System - An adequate, and safe sewerage system shall be provided in all mobile home parks and travel trailer camps for conveying and disposing of all sewage.

   A. Where an adequate public sewerage system is available, connection shall be made thereto, and such system shall be used exclusively.

   B. Where the sewer lines are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Health.
2. Individual Sewer Connections - Each mobile home and trailer stand shall be provided with at least a four inch (4") diameter sewer riser pipe extending from the sewer lateral vertically to the ground elevation.

(Ord. 8/9/1971, §8)

§109. Electrical Distribution System.

1. General Requirements - Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems. If a travel trailer camp is provided with an electrical wiring system it too shall be installed in accordance with such specifications.

2. Power Distribution Lines -
   
   A. Main power lines not located underground shall be suspended at least eighteen feet (18') above the ground. There shall be a minimum horizontal clearance of three feet (3') between overhead wiring and any mobile home, travel trailer, travel unit, service building or other structure.

   B. All direct burial conductors or cable shall be buried at least eighteen inches (18") below the ground surface and shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one foot (1') radial distance from water, sewer, gas, or communication lines.

   C. There shall be not more than one service drop and one central metering bank for every five mobile home and travel trailer lots. The service entrance from the central metering bank to the individual mobile home or travel trailer lot shall be installed underground in conformance with the National Electric Code.

3. Individual Electrical Connections for Mobile Homes -

   A. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes.

   B. Outlet receptacles at each mobile home stand shall be located not more than twenty-five feet (25') from the overcurrent protective devices in the mobile home and a three (3) pole, four (4) wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1

   C. The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

   D. Where the calculated load of the mobile home is more than fifty (50) amperes either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.
4. Individual Electrical Connections for Travel; Trailers and Travel Units -

A. If individual travel trailer or travel unit spaces are connected to the electrical wiring system, an approved type of disconnecting device and overcurrent protective equipment shall be provided. The service per outlet shall be 120 volt AC, 15 amperes and/or 30 amperes.

B. Outlet receptacles at individual trailer spaces shall be located not more than twenty-five feet (25') from the overcurrent protective devices in the trailer and a three-wire grounding type shall be used. Receptacles shall be of weather proof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.

C. The trailer shall be connected to the outlet receptacles by an approved type of flexible cable with connectors and a male attachment plug.

5. Required Grounding - All exposed noncurrent carrying metal parts of mobile homes and travel trailers and all other equipment shall be grounded by means of a ground conductor run with branch circuit conductor or other method of approved grounded metallic wire. The neutral conductor shall not be used as an equipment ground for mobile homes and travel trailers or other equipment.

6. Master TV Antenna System - Mobile home parks shall be equipped with a master antenna system with buried cable to each mobile home stand. No individual TV antenna will be permitted.

(Ord. 8/9/1971, §9)

§110. Service Buildings and Facilities.

1. General Requirements for Mobile Home Parks and Travel Trailer Camps -

A. Provision of Buildings and Facilities - Each mobile home park or travel trailer camp shall be provided with one or more service buildings, adequately constructed and equipped, and conveniently located to meet the anticipated needs of intended park or camp inhabitants. Service buildings for management, maintenance, sanitation, laundry, indoor recreation, and other similar activities shall be considered.

B. Structural Requirements for Buildings -

(1) All portions of structures shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(2) All rooms containing sanitary or laundry facilities shall have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing
fixtures shall be constructed of dense, nonabsorbent, water-proof material or covered with moisture resistant material.

(3) All rooms, containing sanitary or laundry facilities shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.

(4) All rooms containing sanitary or laundry facilities shall have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

(5) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(6) Illumination levels shall be maintained as follows: (1) general seeing tasks--five footcandles; (2) laundry room work area--40 footcandles; (3) toilet room, in front of mirrors--40 footcandles.

(7) Hot and cold water shall be furnished to every lavatory sink bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

C. Plumbing - All plumbing in service buildings and other park or camp facilities shall comply with State and local plumbing codes and ordinances.

D. Laundry Drying Facilities - Adequate outside areas shall be provided for drying laundry if clothes dryers are not provided in service buildings.

E. Condition of Buildings - All service buildings and related facilities shall be kept in safe and sanitary condition at all times.

F. Screening of Doors and Windows - During the fly season, all doors, windows and other opening to the outside of service buildings shall be effectively screened, unless effective mechanical means are provided to prevent entrance of flies.

G. Barbecue Pits, Fireplaces, Stoves, and Incinerators - Cooking shelters, barbecue pits, fireplaces, wood burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

2. Specific Requirements for Mobile Home Parks -

A. Required Sanitary Facilities for Mobile Homes - For each 50 mobile home lots or less, one (1) flush toilet and one (1) lavatory for each sex shall be provided in accordance with Pennsylvania Department of Health Standards.
B. Additional Storage - There shall be ninety (90) cubic feet for each mobile home lot in a central location.

3. Specific Requirements for Travel Trailer Camps -

A. Sanitary Sewers to Dependent Travel Trailers and Travel Units - Where a travel trailer camp, or any part thereof, is especially designed and used exclusively for dependent travel trailers and travel units, sanitary service buildings shall be conveniently located within a radius of three hundred feet (300') of each travel trailer and travel unit space to be served, and the number and type of sanitary facilities provided shall be in accordance with Pennsylvania Department of Health standards.

B. Required Sanitary Services to Independent Travel Trailers and Travel Units - Where a travel trailer camp, or any part thereof, is specifically designed and used exclusively for independent travel trailers and travel units, one (1) flush toilet and one (1) lavatory, and one (1) shower or tub for each sex shall be provided for each fifty (50) trailer and travel unit spaces, and the provision of such sanitary facilities shall be in accordance with Pennsylvania Department of Health standards.

(Ord. 13, 8/9/1971, §10)

§111. Refuse Handling. The storage, collection and disposal of refuse in the mobile home park or travel trailer camp shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with the regulations of the Pennsylvania Department of Health. (Ord. 8/9/1971, §11)

§112. Insect and Rodent Control. Every mobile home park or travel trailer camp grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Health. (Ord. 8/9/1971, §12)

§113. Fuel Supply and Storage.

1. Natural Gas System -

A. Natural gas piping systems when installed in mobile home parks or travel trailer camps shall be maintained in conformity with accepted engineering practices.

B. Each mobile home or travel trailer lot provided with piped gas shall have an approved shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquified Petroleum Gas Systems - Liquified petroleum gas must be supplied from a central system through buried pipes to mobile home and trailer stands.
A. Liquified petroleum gas systems provided for mobile homes, travel trailers, travel units service buildings or other structures when installed shall be maintained by conformity with the rules and regulations of the authority having jurisdiction and shall include the following:

(1) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

(2) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home, travel trailer or travel unit and shall be maintained in effective operating condition.

(3) All LPG piping outside of the mobile homes, travel trailers, or travel units shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes, travel trailers, or travel units.

(4) Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a mobile home or travel trailer lot and shall be securely but not permanently fastened to prevent accidental overturning.

(5) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, travel trailer, travel unit, or any other structures unless such installations are specially approved by the authority having jurisdiction.

3. Fuel Oil Supply Systems -

A. All fuel storage tanks must be buried.

B. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

C. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently fastened in place.

D. All fuel oil supply systems provided for mobile home service buildings and other structures shall have shut-off valves located within five inches (5") of storage tanks.

E. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet (5') from any mobile home, travel trailer, or travel unit exit.

F. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 8/9/1971, §13)
§114. Fire Protection.

1. The mobile home park shall be subject to the rules and regulations of the South Annville Township fire prevention authority where provided.

2. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

3. Portable fire extinguishers of a type approved by the Pennsylvania Department of Health shall be kept in public service buildings under control, and in each mobile home, travel trailer or travel unit.

(Ord. 8/9/1971, §14)

§115. Miscellaneous Requirements.

1. Responsibilities of the Park Management -

   A. The person to whom a license for a mobile home or travel trailer camp is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

   B. The mobile home park or travel trailer camp management shall supervise the placement of each mobile home, travel trailer, or travel unit, on its lot, which includes securing its stability and installing all utility connections.

   C. The mobile home park or travel trailer camp management shall give the Township Board of Supervisors free access to all mobile home lots, service buildings and other common service facilities for the purpose of inspection.

   D. The management shall maintain a register containing the names of all park or camp occupants. Such register shall be available to any authorized person inspecting the park or camp.

   E. The management shall notify the local Pennsylvania Department of Health immediately of any suspected communicable or contagious disease within the mobile home park or travel trailer camp.

2. Restriction of Animals and Pets - No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park or travel trailer camp.

3. Length of Occupancy in Travel Trailer Camps - Trailer spaces shall be rented by the day or week only, and the occupant of a trailer space shall remain in the same travel trailer camp not more than thirty (30) days.

4. Restriction on Occupancy in Mobile Home Parks - A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities.

(Ord. 8/9/1971, §15)
$116. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Chapter continues shall constitute a separate offense.

2. Revocation or Suspension of License - Upon repeated violations by the same licensee his right to the issuance of a license, or to continued operation under a license, may be suspended for a fixed term, or permanently revoked, after notice and hearing by the Township Board of Supervisors, subject to the right of appeal to the Court of Common Pleas in accordance with the law.

(Ord. 8/9/1971, §16; as amended by Ord. 8/9/1986)
CHAPTER 15
MOTOR VEHICLES

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§102. Manner of Adopting Permanent Traffic and Parking Regulations
§103. Provisions to be a Continuation of Existing Regulations
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§101. Definitions and Interpretation.

1. Words and phrases, when used in this Chapter, except for sections or Parts to which different or additional definitions apply, shall have the meanings ascribed to them in The Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this Chapter, the word "street" may be used interchangeably with the word "highway", and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

2. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 8/9/1986)


All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this Chapter, except where the law specifically authorizes less formal action.

(Ord. 8/9/1986)

§103. Provisions to be Continuation of Existing Regulations. The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

(Ord. 8/9/1986)

§104. Temporary and Emergency Regulations. The Chief of Police shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

1. in the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and

2. in the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than seventy-two (72) hours.

Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter 15 for a violation of such nature, and, in
case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than twenty-five dollars ($25.00) together with costs of prosecution.

(Ord. 8/9/1986)

§105. Experimental Regulations. The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township of South Annville where for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than twenty-five dollars ($25.00) together with costs of prosecution; provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking. (Ord. 8/9/1986)

§106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

1. The Board of Supervisors shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

2. The Board of Supervisors shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.

3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs. (Ord. 8/9/1986)
§107. Use of Streets by Processions and Assemblages.

1. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE - a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street;

PROCESSION - a group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Chief of Police, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Chief of Police, which shall be issued without fee. Application for the permit shall be made at least two (2) weeks in advance of the day when the procession is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

4. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs.

(Ord. 8/9/1986)

§108. Authority of Police Officers. The police officers of the Township are hereby given authority to direct traffic on the highways of the Township and at intersections thereof. (Ord. 8/9/1986)
§109. Authorization for Use of Speed Timing Devices. The Township of South Annville Police Department is hereby authorized to use all mechanical or electrical speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania.

This section authorizes the use of said devices upon all highways within the Township, be they Township, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 P.S. §§1101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 8/9/1986)
Part 2

Traffic Regulations

§201. Maximum Speed Limits Established on Certain Streets.

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

<table>
<thead>
<tr>
<th>Street</th>
<th>Between</th>
<th>Maximum Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachman Road</td>
<td>entire length</td>
<td>35 MPH</td>
</tr>
<tr>
<td>Beech Street</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Behney Drive</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Brandt Road</td>
<td>between South Londonderry Township line and Louser Road</td>
<td>35 MPH</td>
</tr>
<tr>
<td>Bricker Lane</td>
<td>entire length</td>
<td>35 MPH</td>
</tr>
<tr>
<td>Chris Lane</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Church Road (T.R. 415)</td>
<td>from Route 934 traveling eastbound to the North Cornwall Township line</td>
<td>35 MPH</td>
</tr>
<tr>
<td>College Avenue</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>College Plaza</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Crestview Lane</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Elm Drive</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Erinn Lane</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Fontana Avenue</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Gingrich Avenue</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Horseshoe Drive</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Ironwood Drive</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Lake Drive</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Lancaster Street</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Louser Rd. (T.R. 429)</td>
<td>between U.S. 322 &amp; L.R.38028 (Mt. Pleasant Rd.)</td>
<td>40 MPH</td>
</tr>
<tr>
<td>Louser Rd. (T.R. 429)</td>
<td>Rt. 934 &amp; Mt. Pleasant Road</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Maple Drive</td>
<td>entire length</td>
<td>25 MPH</td>
</tr>
</tbody>
</table>
2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of thirty-five dollars ($35.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars ($2.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

(Ord. 8/9/1986; as amended by Ord. 94-112, 1/12/1994, §1; by Ord. 81094B, 8/10/1994; by Ord. 7997, 7/9/1997, §1; and by Ord. 12998, 12/9/1998)

1. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

<table>
<thead>
<tr>
<th>Location</th>
<th>Type of Signal</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Highway 934 at Annville-Cleona School</td>
<td>Flashing Light</td>
</tr>
</tbody>
</table>

2. Any driver of a vehicle who disobey the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs.

(Ord. 8/9/1986)

§203. Stop Intersections Established.

1. The following intersections are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that section of the law.

<table>
<thead>
<tr>
<th>Stop Street</th>
<th>Intersecting or Through Street</th>
<th>Direction of Travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachman Rd. (T.R. 396)</td>
<td>Royal Rd. (T.R. 417)</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>Louser Rd. (T.R. 429)</td>
<td>South</td>
</tr>
<tr>
<td>Bricker Land (T.R. 421)</td>
<td>Spruce Rd. (T.R. 398)</td>
<td>West</td>
</tr>
<tr>
<td>Church Rd. (T.R. 415)</td>
<td>Pa. State 934</td>
<td>West</td>
</tr>
<tr>
<td>College Ave. (T.R, 388)</td>
<td>Royal Rd. (T.R. 417)</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>School House In. (T.R. 380)</td>
<td>North</td>
</tr>
<tr>
<td>College Plaza (T.R. 392)</td>
<td>S. College Ave. (T.R. 388)</td>
<td>West</td>
</tr>
<tr>
<td>Crestview Dr. (T.R. 402)</td>
<td>Bachman Rd. (T.R. 396)</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>College Ave. (T.R. 388)</td>
<td>West</td>
</tr>
<tr>
<td>Fontana Ave. (T.R. 515)</td>
<td>U.S. Rt. 322</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>Pa. State 934</td>
<td>East</td>
</tr>
<tr>
<td>Gingrich Ave.(T.R. 386)</td>
<td>Bachman Rd. (T.R. 396)</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>S. College Ave. (T.R. 388)</td>
<td>West</td>
</tr>
<tr>
<td>Stop Street</td>
<td>Intersecting or Through Street</td>
<td>Direction of Travel</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Horseshoe Dr. (T.R. 434)</td>
<td>Hinkle Rd. (T.R. 433)</td>
<td>West</td>
</tr>
<tr>
<td>Ironwood Dr. (T.R. 362)</td>
<td>Valley Rd. (T.R. 360)</td>
<td>West</td>
</tr>
<tr>
<td>Killinger Rd. (T.R. 376)</td>
<td>U.S. 422</td>
<td>North</td>
</tr>
<tr>
<td>Lake Dr. (T.R. 350)</td>
<td>Mt. Wilson Rd. (T.R. 241)</td>
<td>South</td>
</tr>
<tr>
<td>Lancaster St. (T.R. 374)</td>
<td>Reigerts Ln. (T.R. 431)</td>
<td>South</td>
</tr>
<tr>
<td>L.R. 38030</td>
<td>Pa. State 934</td>
<td>West</td>
</tr>
<tr>
<td>Louser Rd. (T.R. 429)</td>
<td>Mt. Pleasant Rd.</td>
<td>East and West</td>
</tr>
<tr>
<td></td>
<td>Pa. State 934</td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>U.S. 322</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>Pa. State 934</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>Pa. State 934</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>Pa. State 934</td>
<td>South</td>
</tr>
<tr>
<td>Mt. Gretna Rd. (T.R. 404)</td>
<td>Colebrook Rd.</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>T.R. 241 (Mt. Wilson Rd)</td>
<td>North</td>
</tr>
<tr>
<td>Mt. Pleasant Rd.</td>
<td>U.S. 322</td>
<td>North and South</td>
</tr>
<tr>
<td></td>
<td>U.S. 422</td>
<td>North</td>
</tr>
<tr>
<td>Mt. Wilson Rd.</td>
<td>U.S. 322</td>
<td>North</td>
</tr>
<tr>
<td>Pa. State 934</td>
<td>U.S. 322</td>
<td>South</td>
</tr>
<tr>
<td>Pearl St. (T.R. 382)</td>
<td>Gingrich Ave. (T.R. 386)</td>
<td>South</td>
</tr>
<tr>
<td>Quittie Dr. (T.R. 372)</td>
<td>Lancaster St. (T.R. 374)</td>
<td>East</td>
</tr>
<tr>
<td>Quittie Park Dr. (T.R. 372)</td>
<td>Reigerts In. (T.R. 431)</td>
<td>South</td>
</tr>
<tr>
<td>Reigerts Ln. (T.R. 431)</td>
<td>Mt. Pleasant Rd.</td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>Pa. State 934</td>
<td>East</td>
</tr>
<tr>
<td>Reist Rd. (T.R. 419)</td>
<td>Royal Rd. (T.R. 417)</td>
<td>South</td>
</tr>
<tr>
<td>Ridge Rd. (T.R. 427)</td>
<td>Lancaster St. (T.R. 374)</td>
<td>East and West</td>
</tr>
<tr>
<td></td>
<td>Quittie Park Dr. (T.R. 431)</td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>Quittie Dr. (T.R. 372)</td>
<td>East and West</td>
</tr>
<tr>
<td>Royal Rd. (T.R. 417)</td>
<td>Pa. State 934</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>Spruce Rd. (T.R. 398)</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>Spruce Rd. (T.R. 398)</td>
<td>West</td>
</tr>
<tr>
<td>Russell St. (T.R. 400)</td>
<td>Crestview Dr. (T.R. 402)</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>Gingrich Ave. (T.R. 386)</td>
<td>North</td>
</tr>
</tbody>
</table>
2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs. (Ord. 8/9/1986)

<table>
<thead>
<tr>
<th>Stop Street</th>
<th>Intersecting or Through Street</th>
<th>Direction of Travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spruce Rd. (T.R. 398)</td>
<td>Royal Rd. (T.R. 417)</td>
<td>South</td>
</tr>
<tr>
<td>Valley Rd. (T.R. 360)</td>
<td>U.S. 322</td>
<td>North</td>
</tr>
<tr>
<td>Valley View Rd. (T.R. 390)</td>
<td>Russell St. (T.R. 400)</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>S. College Ave. (T.R. 388)</td>
<td>East and West</td>
</tr>
<tr>
<td>Woodland Dr. (T.R. 358)</td>
<td>Mt. Gretna Rd. (T.R. 404)</td>
<td>West</td>
</tr>
</tbody>
</table>
§301. Vehicle Weight Limits Established on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<table>
<thead>
<tr>
<th>Street or Bridge</th>
<th>Between</th>
<th>Maximum Gross Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hinkle Rd.</td>
<td>On the S. Annville Twp. Line, S. Londonderry Twp. Line over Killinger creek</td>
<td>12 tons</td>
</tr>
<tr>
<td>Louser Road</td>
<td>S.R. 0322 to S.R. 0934</td>
<td>10 tons</td>
</tr>
<tr>
<td>Louser Road</td>
<td>S.R. 0322 to S.R. 0934</td>
<td>10 tons Registered Gross Weight</td>
</tr>
</tbody>
</table>

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of one hundred fifty dollars ($150.00) plus one hundred fifty dollars ($150.00) for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight, and costs.

(Ord. 8/9/1986; as amended by Ord. 12-12-01, 12/12/2001, §1)

§302. Truck Traffic Restricted on Certain Streets.

1. It shall be unlawful for any person to drive a vehicle other than passenger car on any of the following streets or parts of streets:

<table>
<thead>
<tr>
<th>Street</th>
<th>Between</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fontana Avenue</td>
<td>Entire length</td>
</tr>
<tr>
<td>Quittie Park Dr.</td>
<td>Pa. State Rt. 934 (L.R. 38004) &amp; the intersection of Reigerts Ln.</td>
</tr>
<tr>
<td>Ridge Rd.</td>
<td>Pa. State Rt. 934 (L.R. 38004) &amp; Quittie Park Dr.</td>
</tr>
<tr>
<td>Valley View Ave.</td>
<td>Russell St. and Louser Rd.</td>
</tr>
</tbody>
</table>

Provided: nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs.

(Ord. 8/9/1986; as amended by Ord 94-112, 1/12/1994, §2)
§401. Parking Prohibited at All Times in Certain Locations. Parking shall be prohibited at all times in the following locations:

<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Between</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania Route 934</td>
<td>Both</td>
<td>Reighert’s Lane and Quittaphilla Creek</td>
</tr>
<tr>
<td>Pennsylvania Route 934</td>
<td>East</td>
<td>From the entrance to the Annville-Cleona High School south 617 feet to</td>
</tr>
<tr>
<td>[Ord. 11-12-08]</td>
<td></td>
<td>the exit of the Annville-Cleona High School</td>
</tr>
<tr>
<td>Pennsylvania Route 934</td>
<td>West</td>
<td>From a point in the intersection of Reigart’s Lane and Route 934 south</td>
</tr>
<tr>
<td>[Ord. 11-12-08]</td>
<td></td>
<td>861 feet to a point on the west side of Route 934</td>
</tr>
<tr>
<td>School House Lane [Ord.</td>
<td>North</td>
<td>South College Avenue and Pearl Street</td>
</tr>
<tr>
<td>12-12-07]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. 322</td>
<td>North</td>
<td>Between the intersection of U.S. 322 and the intersection of L.R. 38028</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Mt. Pleasant Rd.) and extending West, a distance of 660'</td>
</tr>
</tbody>
</table>

(Ord. 8/9/1986; as amended by Ord. 10902, 1/9/2002, §1; by Ord. 12-12-07, 12/12/2007, §1; and by Ord. 11-12-08, 11/12/2008, §1)

§402. Penalties. Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than twenty-five dollars ($25.00) and costs. Provided: it shall be the duty of the police officers and of parking enforcement personnel of the Township to report to the appropriate official all violations of any provision of this Part, indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of five dollars ($5.00) within forty-eight (48) hours after the time of the notice, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section. (Ord. 8/9/1986)

§403. Parking Time Limited in Certain Locations, Certain Days and Hours. 1. No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated.
<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Between</th>
<th>Days</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania Route 934 East</td>
<td>From the exit to Annville-Cleona High School South 210 feet</td>
<td>Monday through Friday</td>
<td>7:00 a.m. to 3:00 p.m.</td>
<td></td>
</tr>
</tbody>
</table>

[Ord. 11-12-08]

2. Failure to comply with this Section shall result in a citation and a fine of not more than fifteen dollars ($15.00) for the first offense and not more than fifty dollars ($50.00) for each subsequent offense.

(Ord. 8/9/1986, 8/9/1986; as added by Ord. 95-0614, 6/14/1995, §1; and as amended by Ord. 81094, 8/10/1994; by Ord. 10902, 1/9/2002, §2; and by Ord. 11-12-08, 11/12/2008, §2)
Part 5
Removal and Impoundment of Illegally Parked Vehicles

§501. Applicability and Scope. This Part is enacted under authority of Section 6109(a-22) of the Vehicle Code, and gives authority to the Township of South Annville to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Motor Vehicle Code. (Ord. 8/9/1986)

§502. Authority to Remove and Impound. The Township shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in §501 of this Part. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code. (Ord. 8/9/1986)

§503. Designation of Approved Storage Garages; Bonding; Towing and Storage. Removal and impounding of vehicles under this Chapter shall be done only by "approved storage garages" that shall be designated from time to time by Board of Supervisors. Every such garage shall submit evidence to the Board of Supervisors that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Board of Supervisors its schedule of charges for towing and storage of vehicles under this Chapter, and, when the schedule is approved by the Board of Supervisors, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Chapter by any approved storage garage. The Board of Supervisors shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Chapter. (Ord. 8/9/1986)

§504. Effect of Payment of Towing and Storage Charges. The payment of any towing and storage charges authorized by this Chapter shall, unless payment is made "under protest", be final and conclusive, and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made "under protest", the offender shall be entitled to a hearing before a district justice. Payment of towing and storage charges shall not relieve the owner or driver of any

* 75 Pa C.S.A. §§ et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
vehicle from liability for any fine or penalty for the violation of the provision of this Chapter for which the vehicle was removed or impounded. (Ord. 8/9/1986)

§505. Reclamation Costs. In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a twenty-five dollar ($25.00) fee of which ten dollars ($10.00) shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken. (Ord. 8/9/1986)

§506. Records of Vehicles Removed and Impounded. The Township shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle. (Ord. 8/9/1986)

§507. Restrictions upon Removal of Vehicles. No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately. (Ord. 8/9/1986)

§508. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of fifty dollars ($50.00) together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §§7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 8/9/1986)

§509. Reports and Disposition of Unclaimed Vehicles. If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa C.S.A. §§101 et seq., as amended). (Ord. 8/9/1986)
CHAPTER 16
PARKS AND RECREATION

(Reserved to accommodate future ordinances)
CHAPTER 17

PLANNED RESIDENTIAL DEVELOPMENT

(Reserved to accommodate future ordinances)
CHAPTER 18
SEWERS AND SEWAGE DISPOSAL

Part 1

Sewage Disposal Systems

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§102. Legislative Intent
§103. Adoption of Standards by Reference
§104. Word Usage and Definitions
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§118. Proper Operation and Maintenance of Community Sewage Systems Required
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§124. Violations and Penalties
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§127. Waiver of Liability
§128. Appeals
§129. Continuation of Prior Regulations
§130. Schedule of Fees

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§302. Definitions
§303. Use of Public Sewer Required
§304. Building Sewers and Connections
§305. Rules and Regulations
§306. Prohibited Discharges
§307. Violations and Penalties
§308. Purpose
Part 1
Sewage Disposal Systems

§101. Title. This Part shall be known and may be cited as the “South Annville Township On-Lot and Community Sewage System Ordinance.” (Ord. 2-9-05, 2/9/2005, §1)

§102. Legislative Intent.

1. The Board of Supervisors recognizes that individual on-lot sewage disposal systems constitute a valid and approved manner of conserving the quality of the water and other natural resources of the Township through proper treatment of wastes generated by development within the Township. The use of individual on-lot sewage systems must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and permitted types of on-lot sewage disposal systems. In addition, the Township has determined that should the on-lot sewage system disposal system installed by a landowner fail, the water quality and other natural resources of the Township may be polluted. It is especially of concern to the Board that such pollution may occur when a system fails and there is no suitable area on the lot for the installation of a replacement system. Therefore, in order to protect the water quality and other natural resources of the Township, thereby protecting the health and welfare of residents and visitors, the Board desires to require that all landowners provide and set aside areas for the installation of replacement individual on-lot sewage disposal systems.

2. It is the further intent of the Board to insure that on-lot sewage disposal systems are properly maintained. Failure to maintain on-lot sewage disposal systems results in malfunctions which in turn results in the pollution of the water quality and other natural resources of the Township. On-lot sewage disposal systems should be pumped out on a regular basis, and it is the responsibility of all landowners to insure such maintenance is performed.

3. The Board also desires to provide for the proper maintenance of the community systems which may be installed in the Township in the future. Proper maintenance of community sewage systems is essential to preserve and protect the health and welfare of Township residents and to preserve and protect the environment.

4. The purpose of this Part is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program. (Ord. 2-9-05, 2/9/2005, §1; as amended by Ord. 9-13-06-02, 9/13/2006, §1)

§103. Adoption of Standards by Reference. A certain document, three (3) copies of which have been and are presently on file in the office of the Secretary of the Township of South Annville, being marked and designated as Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, being promulgated by the Department of Environmental Protection of the Commonwealth of Pennsylvania, be and are hereby adopted as the sewage permit application...
and installation procedure of the Township and each and all of the regula-
tions contained in the said Chapters are hereby adopted by the Township
except as modified by this Part. It is the intent of the Board to adopt all
subsequent amendments and revisions to the said Chapters as permitted by law
and in accordance with the provisions of 1 Pa.C.S. §1937(a). If such an
intent is found invalid by a court of competent jurisdiction, it is the
intent of the Board to adopt the said Chapters as they existed on the
effective date of this Part. (Ord. 2-9-05, 2/9/2005, §1)

§104. Word Usage and Definitions.

1. **Word Usage.** In the interpretation of this Part, the singular shall
include the plural, and the masculine shall include the feminine and the
neuter.

2. **Definitions.** All words and phrases not otherwise defined herein
shall have the meaning provided in §2 of the Act, 35 P.S. §750.2, §71.1 of
the Department’s Regulations, 25 Pa.Code §71.1, or §73.1 of the Department's
Regulations, 25 Pa.Code §73.1, or the Pennsylvania Municipalities Planning
Code, 53 P.S. §10101 et seq.

**ACT**—the Pennsylvania Sewage Facilities Act, Act of January 24,
1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 et seq.

**AUTHORITY**—South Annville Township, Lebanon County, Municipal
Authority. [Ord. 9-13-06-02]

**AUTHORIZED AGENT**—a licensed sewage enforcement officer, profes-
sional engineer or sanitarian, plumbing inspector, soil scientist,
zoning officer, building code official, Sewage Management Program
Coordinator, or any other qualified or licensed person who is delegated
to function within the specified limits as the agent of the Board of
Supervisors to carry out the provisions of this or any other ordinance
of the Township. [Ord. 9-13-06-02]

**BOARD**—the Board of Supervisors of the Township.

**COMMUNITY SEWAGE SYSTEM**—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 (1) or more of the lots or at any
other site and which shall comply with all applicable regulations of the
Department. Notwithstanding the foregoing, the sewage collection,
transmission and treatment systems of the public sewer service providers
shall not be considered community sewage systems for the purposes of
this Part.

**DEPARTMENT**—the Department of Environmental Protection of the
Commonwealth of Pennsylvania or any successor agency.

**DEVELOPER**—any person who files a planning module for land
development with the Township; or who files an application for approval
of a subdivision or land development plan proposing the subdivision or
development of land within the Township; or who makes application for
a permit; or who makes an application for a zoning permit under the
Township Zoning Ordinance [Chapter 27]; or who installs, repairs,
modifies, or alters an OLDS or community sewage system serving prop-
erties within this Township other than a governmental entity.
INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS) - any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania and which is located upon the lot which it serves. The term also includes an OLDS which meets the definition of non-standard system.


LOT - a parcel of land used or intended to be used as a building site or a separate parcel to be created as a result of approval of a subdivision or land development application or a condominium unit. The term “lot” shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one (1) or more persons or families.

MALFUNCTION - the condition which occurs when an OLDS or community sewage disposal discharges sewage onto the surface of the ground, into ground waters of the Commonwealth, into surface waters of the Commonwealth, backs up into the building connected to the OLDS or community sewage disposal system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. An OLDS or community sewage disposal system shall be considered to be malfunctioning if any of the conditions set forth in this paragraph occur for any length of time during any period of the year.

NON-STANDARD SYSTEM - an OLDS which has any equipment which is not commonly found on OLDS within Lebanon County or an OLDS which has been modified to address groundwater contamination or other environmental issues or any OLDS which requires additional approvals from the Department or a modification or amendment to the Township's Official Plan.

OFFICIAL PLAN - a comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations.

OLDS - an individual on-lot sewage disposal system.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township. [Ord. 9-13-06-02]

PERMIT - a permit issued by the Sewage Enforcement Officer after the performance of tests to determine suitability to authorize the initial installation of an OLDS or the repair, replacement or enlargement of an existing OLDS.

PERSON - any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term “person” is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of the action to comply with the terms of this Part, the term “person” shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.
PLANNING MODULE FOR LAND DEVELOPMENT - a revision to the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

PLANNING COMMISSION - the Township Planning Commission.

PUBLIC SEWER SERVICE PROVIDER - any political subdivision or municipal authority which provides or may in the future provide public sewer service within the Township.

REHABILITATION - work done to modify, alter, repair, enlarge or replace an existing OLDS. [Ord. 9-13-06-02]

REPLACEMENT LOCATION - a location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Township ordinances for an OLDS.

SEPTAGE - the residual scum and sludge pumped from septic systems. [Ord. 9-13-06-02]

SEPTAGE HAULER - any person licensed by the Department or other governmental agency to remove septage or other solids from treatment tanks of OLDS or community sewage disposal systems, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health or to animals or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER - the Sewage Enforcement Officer of the Township.

SEWAGE MANAGEMENT PROGRAM - a program authorized by the Township for the administration, management and regulation of the disposal of sewage. [Ord. 9-13-06-02]

SEWAGE MANAGEMENT PROGRAM COORDINATOR - a person delegated by the Township with the administrative responsibility to implement the sewage management program and authority to enforce the ordinance provisions associated therewith. [Ord. 9-13-06-02]

SEWAGE MANAGEMENT REPORT - a form, provided by the Sewage Management Program Coordinator, which shall be used by all registered septage haulers to report each pumping of OLDS in the Township. [Ord. 9-13-06-02]

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot by one (1) or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

§105. Procedure for Review of Planning Modules for Land Development and Subdivision/Land Development Plans. In order to insure compliance with the Official Plan, all developers who request approval of planning modules for land development or who request the review of subdivision plans, and land development plans providing for sewage disposal proposing sewage disposal by means of OLDS or community sewage systems shall submit the following information to the Township for review in accordance with the following requirements:

A. The developer shall submit the information required by this Section to the Township with the planning module for land development or with the preliminary subdivision or land development plan, whichever the developer first submits to the Township.

B. It is the responsibility of the developer to submit the information to all other reviewing agencies including, but not limited to, the Lebanon County Planning Department, in accordance with the Department's regulations. It is the responsibility of the developer to pay for the publication of any legal advertisement which may be required by the Department's regulations. Failure of the developer to pay the costs of legal advertisement within fifteen (15) days after receipt of a copy of the newspaper's invoice shall render the submission incomplete.

C. The developer shall submit a written report detailing the planning and decision making steps used in the selection of the method of sewage disposal.

§106. Sewage Testing and Hydrogeologic Studies Required for all Proposed Lots.

1. After the effective date of this Part, no requests for approvals of planning modules for land development and no revisions or supplements to the Official Plan shall be granted unless the applicant presents to the Board evidence that each lot or lot to be created contains a suitable location for the installation of an initial OLDS except when such lots or lots to be created are to be served by a community sewage system. All tests required by the Department and this Part for the location of an OLDS to confirm the suitability of the location shall be performed as approved by the Department.

2. After the effective date of this Part, all planning modules for land development except planning modules for land development which propose sewer service by means of a public sewer service provider sewer system shall be accompanied by hydrogeologic tests performed in accordance with all applicable Department regulations. The Board shall not approve any planning module for land development which does not contain hydrogeologic studies which demonstrate that the proposed sewage disposal facilities will not adversely affect the groundwater or that measures will be utilized, such as...
dispersion plume easements, which will address the impacts of the proposed sewage disposal facilities.

3. Well test results submitted with planning modules will be compared with the Official Plan well test data. If the results vary from the Official Plan well test data, the Township may require additional testing to verify any discrepancies.

(Ord. 2-9-05, 2/9/2005, §1)

§107. Replacement Location for On-Lot Sewage Disposal Systems Required. After the effective date of this Part, a replacement location for an OLDS shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system operated by a public sewer service provider or for which a valid permit for an OLDS has not been issued. The replacement location shall comply with the Act and with all regulations issued by the Department as incorporated into this Part concerning OLDS, including isolation distances, and with the terms of this Part and any other applicable Township ordinances.  (Ord. 2-9-05, 2/9/2005, §1)

§108. Identification of Replacement Location.

1. Each person who shall apply for a permit under the Township Zoning Ordinance [Chapter 27] or for a permit for an OLDS (other than a permit for a repair to or modification of an existing OLDS) or who shall request approval of a planning module for land development or the adoption of a revision or supplement to the Official Plan or who shall file an application for subdivision or land development approval which proposes sewage disposal by means of OLDS shall demonstrate to the satisfaction of the Sewage Enforcement Officer that a suitable area exists on the lot or on each lot to be created for an initial OLDS and for the replacement location. All tests required by the Department and this Part for the location of an OLDS to confirm the suitability of the replacement location shall be performed as approved by the Department. Allowance of open land for the replacement location without testing performed or observed by the Sewage Enforcement Officer shall not constitute compliance with the requirements of this Section.

2. The developer shall identify the location of the initial OLDS and the replacement location as confirmed by the Sewage Enforcement Officer on the plot plans and diagrams submitted as a part of the subdivision or land development plan and as part of the permit application.

3. If the application has been submitted as a part of an application for approval or review of a planning module for land development, the developer shall identify the location of each OLDS and each replacement location upon the plans. If the application is for subdivision or land development approval, the developer shall include a note on the plans stating that no improvements shall be constructed upon the replacement location, and the deed to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.

4. Any revisions to a permit affecting a replacement location which previously has been issued pursuant to the provisions of this Part shall be approved by the Board or its authorized representative. Any revisions to a subdivision or land development plan affecting a replacement location which has been previously approved pursuant to the provisions of this Part shall be approved by the entity with power to approve subdivision and land development...
§109. Construction of Improvements upon Replacement Location Prohibited. No person shall construct or install any permanent or temporary improvements of any character other than the planting of trees, shrubs, or other plant matter upon the replacement location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the Sewage Enforcement Officer that an alternate replacement location which complies with all applicable regulations of the Department, this Part and all other applicable Township ordinances exists upon the lot. If such an alternate replacement location shall be identified, the alternate replacement location may be considered to be the replacement location required by this Part and shall be designated as the replacement location. The newly designated replacement location shall thereafter be considered the replacement location for the purposes of this Part. (Ord. 2-9-05, 2/9/2005, §1)

§110. Relief from Requirement of Designation of Replacement Location. If any lot held in single and separate ownership as of the effective date of this Part shall not contain land suitable for a replacement location, the applicant for a permit under the Township Zoning Ordinance [Chapter 27] or an installation permit for an OLDS may request that the Board of Supervisors grant an exception to the requirement of providing a replacement location. Applicants for relief under this Section shall submit a written application setting forth the information required by this Section and shall include the application fee established by resolution or ordinance of the Board of Supervisors. The applicant for such an exception shall present credible evidence to the Board demonstrating (1) that the lot was held in single and separate ownership on the effective date of this Part; (2) the size of the lot; (3) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (4) the testing conducted to determine that the lot is not suitable to provide a replacement location. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Part. (Ord. 2-9-05, 2/9/2005, §1)

§111. Permit Required for All Lots. The landowner and any contractor performing work upon an OLDS shall obtain a permit from the Sewage Enforcement Officer in accordance with the Act, the regulations of the Department, and this Part prior to the installation, alteration, modification, repair or replacement of any OLDS. This requirement shall apply to all lots within the Township regardless of the size of the lot and regardless of the familial relationship of the person seeking to install the OLDS to the property owner. The Sewage Enforcement Officer shall not issue a permit for an OLDS until a suitable replacement location has been established or until the applicant presents the Sewage Enforcement Officer with a written determination by the Board granting relief from the designation of a replacement location in accordance with §110 of this Part or unless such permit is requested to repair a malfunction of an existing OLDS. (Ord. 2-9-05, 2/9/2005, §1)

§112. Planning Policies and Methodology. All developers within the Township shall design sewage disposal systems in accordance with the planning policies and methodology set forth in this Section. The developer shall include a narrative with any planning submission which shall demonstrate the
procedure used by the developer in determining the sewage disposal facilities proposed for the development. If the developer is not required to submit a planning submission, the developer shall present information sufficient to demonstrate compliance with this Section with his or her application to the Sewage Enforcement Officer for a permit to install, repair, alter or modify an OLDS.

A. The Township encourages use of OLDS wherever feasible and economical outside of the present and future public sewer service area as defined by the Official Plan of the Township. Developers shall use outside of the public sewer service area planning policies which foster the non-sewer approach and the conservation of groundwater resources. At a minimum, the developer shall address the following Township policies:

(1) Establish OLDS and community sewage disposal system ownership and maintenance responsibilities with the individual lot owner, a homeowners association, condominium unit owners association or the developer.

(2) Provide water conservation and waste flow reduction by the use of water-saving devices and other state of the art water conservation methods for all new construction and the replacement of any components of existing structures.

(3) Recycle wastewater by relying upon OLDS for groundwater recharge via subsurface disposal of treated wastewater.

(4) Restrict subsurface community sewage disposal systems to resolution of sewage related problems of existing structures.

B. The methodology for selecting and evaluating specific OLDS shall be a progressive multi-step process. The developer may consider and evaluate a community sewage system outside of the public sewered areas established by the Official Plan only when individual OLDS are not feasible.

(1) Evaluate Individual OLDS. The approved individual wastewater treatment systems within the Township are septic tanks, aerobic treatment units, spray irrigation systems and, if no other method is feasible, individual stream discharge systems. These treatment methods may be used with the various effluent treatment and disposal methods outlined below:

(a) Conventional Subsurface Absorption System. If a site is suitable in accordance with Department regulations for conventional sewage disposal systems such as a septic or aerobic tank with an absorption area (standard trench, seepage bed, subsurface sand filter or elevated sand mounds), the appropriate combination of wastewater treatment and effluent disposal system shall be selected as the most cost-effective OLDS.

(b) Conventional Spray Irrigation or Stream Discharge System. If a site is suitable in accordance with Department regulations for a conventional spray irrigation or individual stream discharge system, and if the site is not suitable for a conventional subsurface absorption system, the appropriate
combination of wastewater treatment and effluent disposal system shall be selected.

(c) **Alternate systems.** The developer shall evaluate alternate systems if there are inadequate soils or other concerns on the site that prevent the use of conventional septic systems. These systems shall use technology that has been proven successful. The design of the alternate system shall be approved in accordance with the regulations of the Department and the Act.

(d) **Experimental Systems.** The Township does not encourage experimental systems. A developer may propose the use of an experimental system only in areas where other alternatives are not available. The developer shall submit all documentation required for approval of the experimental system in accordance with the regulations of the Department and the Act. Testing, monitoring and permitting of these systems shall comply with the requirements of the Department.

(2) **Replacement Location.** The developer shall provide a replacement location for each OLDS set forth above unless such OLDS is being installed to address an existing malfunction and no replacement location is available or unless the developer obtains a waiver from the requirement to provide a replacement location in accordance with the provisions of this Part.

(3) **Examine Combined Individual and Community Systems.** As a remedial action, a developer may propose the linking of existing, malfunctioning OLDS to a new development to solve the malfunctioning condition.

(4) **Examine Community Sewage Systems.** The developer may evaluate community sewage systems only if it is not feasible to provide for sewage disposal through OLDS. The developer shall provide on-site or off-site wastewater treatment. The developer shall review each collection alternative and shall select an effluent disposal method from the various alternatives. Community sewage systems shall be utilized only for correction of sewage related problems of existing OLDS or community sewage systems unless the community sewage system is operated by a governmental entity in accordance with the Township Official Plan.

C. The developer shall evaluate the construction cost, operation and maintenance costs, and environmental impacts of each method of sewage disposal and shall choose the most appropriate for maintenance of water quality. The developer shall present the evaluation to the Township as part of its planning submission.

(Ord. 2-9-05, 2/9/2005, §1)

§113. Permit Requirements and Procedures. All landowners, developers and contractors who desire to install, repair, modify, rehabilitate, or alter an OLDS in the Township shall obtain a permit from the Sewage Enforcement Officer prior to the commencement of such work. All landowners, developers and contractors who desire to repair, modify, rehabilitate, alter or replace any OLDS or component of an OLDS which is or may be malfunctioning shall obtain a permit from the Sewage Enforcement Officer prior to commencement of
any work. All work performed under any permit shall comply with the following regulations:

A. The holder of a permit and the contractor performing work under such permit shall notify the Sewage Enforcement Officer at least three (3) working days before commencing installation, repair, modification, rehabilitation or alteration of the OLDS in order that one (1) or more inspections in addition to the final inspection required by the Department may be scheduled and performed by the Sewage Enforcement Officer.

B. Any OLDS permit providing for the installation or repair of a septic tank shall require that the septic tank contain septic solid retainers of the type as specified by the Department's regulations. This is to obtain the highest quality effluent.

C. If construction or installation of the OLDS and of any building or structure for which such OLDS is to be installed has not commenced within three (3) years after the issuance of the permit for such OLDS, the permit shall expire. The landowner and/or contractor shall obtain a new permit prior to commencement of the installation, repair, modification, replacement or alteration of the OLDS.

D. The holder of the permit and the contractor performing work under a permit to repair, modify, alter, rehabilitate or replace an OLDS which is malfunctioning or which may be malfunctioning shall notify the Sewage Enforcement Officer within twenty-four (24) hours after completion of the work. The Sewage Enforcement Officer shall inspect the repaired, modified, altered or rehabilitated OLDS to insure compliance with the regulations and this Part.

E. Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank, tank access, and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Sewage Enforcement Officer. In addition, a riser or manhole extension shall be constructed to finished grade or to not more than twelve (12) inches below grade when the location is identified by ground marker. If access is extended to grade, the access cover shall be airtight and shall be secured by bolts or locking mechanisms, or have sufficient weight to prevent unauthorized access in accordance with Department regulations.

§114. Request for Permit Exemption Declaration. Any person desiring to perform soil fracturing or use of the terra lift procedure on any portion of an OLDS shall provide written notification to the Sewage Enforcement Officer at least forty-eight (48) hours prior to commencement of such work. The Sewage Enforcement Officer shall review the information submitted to determine whether the proposed work is maintenance and exempt from permit requirements or is a repair, alteration, or modification which requires a permit pursuant to §113 of this Part. The Sewage Enforcement Officer shall notify the applicant within such forty-eight (48)-hour period if the applicant must obtain a permit. (Ord. 2-9-05, 2/9/2005, §1; as amended by Ord. 9-13-06-02, 9/13/2006, §3)
§115. Permit Requirements for Non-Standard OLDS. All landowners, developers and contractors who desire to install a non-standard OLDS, in addition to all requirements of §§111, 112 and 113 of this Part, shall also meet all of the following requirements:

A. The record owner of the lot on which such non-standard OLDS is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the system which grants the Township the right to enter upon the property; to inspect such system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such system is not functioning properly; to maintain such system if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the system is removed and the property is connected to a public sewer service provider sewer system.

B. If the Township so requires, the applicant shall post financial security with the Township to secure the future maintenance of the non-standard OLDS and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular non-standard system chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until the Township is provided with alternate financial security or until the system is removed and the property is connected to a public sewer system owned and operated by a governmental entity.

C. The applicant shall demonstrate to the Township that the proposed non-standard OLDS meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.

D. The applicant shall provide the Township with a complete set of as-built plans for the non-standard OLDS after its installation.

E. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.

F. The applicant shall pay all costs associated with the yearly inspection of the non-standard OLDS.

(Ord. 2-9-05, 2/9/2005, §1)

§116. Permit Requirements for Community Sewage Systems. All landowners, developers and contractors who desire to install a community sewage system shall meet all of the following requirements:

A. The record owner of the lot on which the community sewage system is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for
the long-term maintenance of the community sewage system which grants
the Township the right to enter upon the property; to inspect such
community sewage system not less than once each year and, in addition,
whenever the Township receives a complaint or otherwise has reason to
believe that such community sewage system is not functioning properly;
to maintain such community sewage system if the owner fails to do so;
and to recover the cost of any maintenance performed plus a penalty from
the owner. The agreement shall specifically authorize the Township to
file a municipal claim against the property served by the community
sewage system to recover costs and fees and shall specifically state
that its provisions are binding upon the landowner executing the
agreement and upon all successive owners of the property and any lots
which are served by the community sewage system until the community
sewage system is removed and the property is connected to a public sewer
service provider system or until a public sewer service provider assumes
ownership and maintenance responsibility for the community sewage
system.

B. The applicant shall post financial security with the Township
to secure the future maintenance of the community sewage system and
payment of costs of annual inspection of such system. The amount of the
financial security shall be based upon the estimated cost to maintain
the particular community sewage system chosen by the applicant and shall
not be less than five thousand ($5,000.00) dollars. The financial
security shall be posted through an irrevocable letter of credit in a
form acceptable to the Township Solicitor or in a cash escrow which the
Township shall maintain in a non-interest bearing account. The Township
shall not release such financial security until the Township is provided
with alternate financial security or until the community sewage system
is removed and the property is connected to a public sewer service
provider system or until a public sewer service provider assumes
ownership and maintenance responsibility for the community sewage
system.

C. The applicant shall demonstrate to the Township that the
proposed community sewage system meets all applicable Department
regulations and that the applicant has obtained all necessary approvals
and permits.

D. The applicant shall provide the Township with a complete set
of as-built plans for the community sewage system after its installa-
tion.

E. The applicant shall reimburse the Township for all costs
incurred in the preparation of the agreement and its recording.

F. The applicant shall pay all costs associated with the yearly
inspection of the community sewage system.

(Ord. 2-9-05, 2/9/2005, §1)

§117. Proper Operation and Maintenance of OLDS Required. All persons
who own a lot upon which an OLDS is installed and all persons who occupy a
lot on which an OLDS is installed shall properly use and maintain such OLDS.
Proper maintenance of an OLDS shall include, at a minimum:
A. Any person owning a lot served by an OLDS shall have the septic tank pumped by a septage hauler registered with the Township within ninety (90) days of receiving official notice. Thereafter, that person shall have the tank pumped at least every three (3) years, upon notice to do so, or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of one third (1/3) of the liquid depth of the tank. The septage hauler shall submit a report to the owner and to the Sewage Management Program Coordinator as required in paragraph .A(4).

(1) If any person provides a receipt or other written evidence showing that their tank had been pumped within one (1) year prior to the effective date of this Section, the Sewage Management Program Coordinator may delay that person's initial required pumping to conform to the general three (3) year frequency requirement.

(2) The Sewage Management Program Coordinator may allow OLDS septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Sewage Management Program Coordinator that the OLDS can operate properly without the need for pump out. An owner may submit such a request to the Sewage Management Program Coordinator at any time. The request must be in writing with all supporting documents attached. The Sewage Management Program Coordinator, in making its determination, shall take into account the information submitted by the applicant, the permit issued by the Sewage Enforcement Officer upon installation or rehabilitation of the OLDS and supporting documentation, reports of inspection and maintenance of the OLDS, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. Upon receipt of the reports and recommendation the Sewage Management Program Coordinator shall issue a decision within sixty (60) days.

(3) The required pumping frequency may be increased at the discretion of the Sewage Management Program Coordinator if the septic tank is undersized, if solids buildup in the tank is greater than one third (1/3) of the liquid depth of the tank, if the hydraulic load on the OLDS increases significantly above average, if a garbage grinder is used in the building, if the OLDS malfunctions or for other good cause shown.

(4) Upon completion of each required pumping, the septage hauler shall fill out and submit a signed copy of the approved Sewage Management Report form to the Sewage Management Program Coordinator. The Sewage Management Program Coordinator shall provide copies of the approved forms to all registered septage haulers. The septage hauler shall provide one copy of the Sewage Management Report to the owner and one copy to the Sewage Management Program Coordinator. The septage hauler shall submit the copies to the Sewage Management Program Coordinator within thirty (30) days of the date of pumping of the OLDS along with the required administrative fee.
(5) Any owner of a lot served by an OLDS which utilizes an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Sewage Management Program Coordinator within six (6) months of the effective date of this Section. Thereafter, service receipts shall be submitted to the Sewage Management Program Coordinator at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.

(6) The Township's authorized agent may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping; servicing and the repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; the diversion of surface water away from the disposal area, etc. Repair permits issued by the Sewage Enforcement Officer may be required for these activities, as applicable.

[Ord. 9-13-06-02]

B. Maintenance of surface contouring and other measures consistent with the regulations of the Department to divert stormwater away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.

C. Following any operation and maintenance recommendations of the manufacturer of the OLDS. If the OLDS is a non-standard OLDS, additionally following the operation and maintenance recommendations of the manufacturer of the non-standard equipment which is part of the OLDS.

D. Discharging only domestic sanitary sewage into an OLDS. The following types of waste shall not be discharged into an OLDS:

(1) Industrial waste.

(2) Automobile oil, other non-domestic oil, grease, nonbiodegradable soaps, detergents and/or inert materials such as coffee grounds.

(3) Toxic or hazardous substances or chemicals including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.

(4) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.

(5) Vehicle wash water and other potentially contaminated or clean run off or stormwater.

(6) Disposable products such as diapers, tampons, and similar materials.

(7) Beauty shop waste other than a single chair beauty shop in conjunction with a residential use.

(8) Abattoir or butcher shop waste.

(Ord. 2-9-05, 2/9/2005, §1; as amended by Ord. 9-13-06-02, 9/13/2006, §4)
§118. Proper Operation and Maintenance of Community Sewage Systems

Required. All persons who own a lot which is served by a community sewage system shall properly use such community sewage system. The owner of the community sewage system shall properly maintain the community sewage system. Proper maintenance of a community sewage system shall include at a minimum:

A. Inspection of the community sewage system by the Township Sewage Enforcement Officer or by a sewage enforcement officer certified by the Department on a bi-monthly basis. If the inspection is performed by a sewage enforcement officer other than the Township Sewage Enforcement Officer, the property owner shall submit the inspection report prepared and signed by the Sewage Enforcement Officer to the Township within one (1) month after the date of inspection of the community sewage system. All laboratory analyses required to be submitted by the Department or the Department's regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the Sewage Enforcement Officer or his designee.

B. Removal of septage or sludge in accordance with Department regulations and manufacturer specifications.

C. Maintenance of surface contouring and other measures consistent with the regulations of the Department to divert stormwater away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.

D. Following any operation and maintenance recommendations of the manufacturer of the community sewage system.

E. Requiring that all users of the community sewage system discharge only domestic sanitary sewage into the community sewage system. The owner of the community sewage system shall inform all users of the community sewage system that the types of waste described in §117.D of this Part shall not be permitted to be discharged.

(Ord. 2-9-05, 2/9/2005, §1)

§119. Reporting of Malfunctioning OLDS or Community Sewage System

Any person who owns a lot upon which an OLDS or community sewage system is installed, any person who occupies a lot upon which an OLDS or community sewage system is installed, any person who owns a community sewage system, and any septage hauler pumping out or otherwise maintaining an OLDS or community sewage system shall report any malfunctioning of such OLDS or community sewage system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction. (Ord. 2-9-05, 2/9/2005, §1)

§120. Duties of Sewage Enforcement Officer

In addition to all other duties of the Sewage Enforcement Officer set forth in this Part, the Sewage Enforcement Officer shall have the power and duty to enforce the provisions of this Part and to investigate any reports of malfunctioning OLDS and community sewage system or evidence that an OLDS or community sewage system may be malfunctioning which the Sewage Enforcement Officer discovers. In performing these duties the Sewage Enforcement Officer shall have the following powers:

A. To conduct routine inspections of properties upon which OLDS
or community sewage systems are installed as part of an administrative program to insure compliance with this Part. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions.

B. To make reports as requested by the Board regarding maintenance of OLDS and community sewage systems in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.

C. To consult with the Township Engineer and the Township Solicitor, as authorized by the Board, to assist in the enforcement of this Part.

(Ord. 2-9-05, 2/9/2005, §1)

§121. Inspections. The Sewage Enforcement Officer or the authorized agent may inspect any OLDS at any reasonable time.

A. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the OLDS itself and/or the introduction of a traceable substance into the interior plumbing of the structure or into the treatment tank served to ascertain the path and ultimate destination of wastewater generated in the structure.

B. The Sewage Enforcement Officer or authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:

(1) The Sewage Enforcement Officer or authorized agent shall refer the matter to the Board of Supervisors for action.

(2) The Board of Supervisors may schedule a review at its next scheduled meeting or, if the situation threatens the health and safety of the residents of the Township, the Board of Supervisors may commence an immediate procedure to obtain a search warrant from the magisterial district judge.

(3) Upon receipt of a search warrant to inspect the property, the Sewage Enforcement Officer or authorized agent shall be accompanied by an officer of the Township or State Police, and the inspection shall be completed in accordance with this subsection.

(4) The provisions of this subsection for obtaining a search warrant may be waived only when the Board of Supervisors and the Sewage Enforcement Officer or authorized agent have reason to believe that the OLDS is malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution, or health hazard.

C. The Board of Supervisors may establish a schedule of routine inspections to assure the proper function of OLDS in the Township.

D. The Sewage Enforcement Officer or authorized agent shall inspect OLDS known to be, or alleged to be, malfunctioning. Should said inspections reveal that the OLDS is malfunctioning, the Sewage Enforcement Officer or authorized agent shall take action to require the correction of the malfunction. If total correction is not technically
or financially feasible in the opinion of the Sewage Enforcement Officer or authorized agent, action by the owner to mitigate the malfunction of an OLDS be required.

E. Within seven (7) days of notification by the Sewage Enforcement Officer that a malfunction has been identified, the owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Sewage Enforcement Officer, the owner shall commence construction of the permitted repair or replacement. Within sixty (60) days of the original notification by the Sewage Enforcement Officer, the owner shall complete construction. Where seasonal or unique conditions may affect construction, the Sewage Enforcement Officer may grant an extension of the deadline for commencement or completion of construction.

F. The Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing OLDS; adding capacity or otherwise altering or replacing the OLDS' treatment tank; expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution OLDS with a pressurized OLDS, replacing the OLDS with a retaining tank; or other alternatives as appropriate for the specific site.

G. In lieu of or in combination with the remedies described in paragraph .F, the Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving devices or they maybe required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

H. In the event that the rehabilitation measures in paragraphs .A through .G are not feasible or do not prove effective, the Sewage Enforcement Officer may require the owner to apply for a permit to construct a retaining tank in accordance with the Township's ordinance and Department regulations. Upon receipt of said permit, the owner shall complete construction of the retaining tank within thirty (30) days.

I. Should none of the remedies described above provide totally effective in eliminating the malfunction of an existing OLDS, the owner is not absolved of responsibility for that malfunction. The Sewage Enforcement Officer may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

J. There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a Township sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a Department authorized Official Sewage Facilities Plan Revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning OLDS within the study area may be delayed, at the discretion of the Township, pending the outcome.
of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction, as determined by Township officials and the Department, represents a serious public health or environmental threat.

(Ord. 2-9-05, 2/9/2005, §1; as added by Ord. 9-13-06-02, 9/13/2006, §5)

§122. Disposal of Septage.

1. All septage haulers operating within the Township shall be registered with the Township through the Sewage Management Program Coordinator and shall comply with all reporting requirements established by the Township.

2. All septage originating within the Township shall be disposed of at sites or facilities approved by the Department. Approved sites or facilities may include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

3. Septage haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.1003).

(Ord. 2-9-05, 2/9/2005, §1; as added by Ord. 9-13-06-02, 9/13/2006, §5)

§123. Administration.

1. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

2. The Township may appoint those qualified to carry out the provisions of this Part. The Township may also contract with others as may be necessary to carry out the provisions of this Part.

3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of OLDS shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the office of the Sewage Management Program Coordinator or Sewage Enforcement Officer, as applicable. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township's OLDS Management Program shall be made available, upon request, for inspection by representatives of the Department.

4. The Board of Supervisors or its designee may establish by resolution all administrative procedures necessary to properly carry out the provisions of this Part.

(Ord. 2-9-05, 2/9/2005, §1; as added by Ord. 9-13-06-02, 9/13/2006, §5)

§124. Violations and Penalties.

1. It shall be a violation of this Part to commit or permit any other person to commit any of the following acts:

   A. To install, repair, modify or alter an OLDS or a community sewage system prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.

   B. To misuse or fail to maintain an OLDS or a community sewage system.
C. To fail to report a malfunctioning OLDS or community sewage system.

D. To fail to remedy a malfunctioning OLDS or community sewage system.

E. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an OLDS or community sewage system unless the Sewage Enforcement Officer has approved an alternate replacement location in accordance with §§108 and 110 of this Part.

F. To place false information on or omit relevant information from an application for a permit.

G. To occupy or permit the occupancy of any structure served by an OLDS for which a valid permit has not been obtained as required by this Part.

H. To occupy or permit the occupancy of any structure served by a community sewage system for which a valid permit has not been obtained as required by this Part.

I. To commence any soil fracturing operations or use of the terra lift procedure without providing the Sewage Enforcement Officer with written notification required pursuant to §114 of this Part.

J. To fail to comply with any other provision of this Part.

2. Any person who violates or permits the violation of any provision of this Part; or who shall use, maintain or alter an OLDS or community sewage system in violation of any permit issued by the Sewage Enforcement Officer; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Sewage Enforcement Officer shall be liable upon summary conviction therefor to fines and penalties of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) plus all costs of prosecution, which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Part shall be paid over to the Township Treasurer. Each day that a violation continues and each Section of this Part which is violated constitutes a separate violation.

(Ord. 2-9-05, 2/9/2005, §1)

§125. Remedies. In case any improvement is constructed or any lot maintained in violation of this Part, or any OLDS or community sewage system is installed, repaired, altered or modified prior to obtaining a permit as required by this Part or in a manner which does not comply with such permit, or any OLDS or community sewage system is not properly maintained or the malfunction of any OLDS or community sewage system is not reported to the Township, in addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or such unlawful maintenance of such lot or the continued use of such OLDS or community sewage system. (Ord. 2-9-05, 2/9/2005, §1)

§126. Declaration of Nuisance. The following activities are hereby declared to be nuisances:
A. Construction of improvements on the replacement location. Such construction renders the replacement location useless and therefore jeopardizes the water quality and other natural resources of the Township. This harm to the water quality and other natural resources of the Township is a danger to the health, safety and welfare of the residents of the Township and is hereby declared to be a nuisance and abatable as such in accordance with the provisions of the Second Class Township Code.

B. Installation, alteration or modification of an OLDS or community sewage system without having obtained a permit as required by this Part and the regulations of the Department, or, if a permit was obtained, in a manner which violates the terms of the permit.

C. Failure to maintain an OLDS or community sewage system as required by this Part.

All of these actions result in pollution of the waters of the Commonwealth and other natural resources of the Township and constitute a danger to the health, safety and welfare of Township residents. The actual expenses of the Township in the abatement of such nuisances plus a penalty in the amount of twenty-five (25%) percent of such expenses shall be filed as a municipal claim against the property.

(Ord. 2-9-05, 2/9/2005, §1)

§127. Waiver of Liability. Although this Part is intended to provide guidelines for the installation and maintenance of OLDS and community sewage systems and the identification and maintenance of a replacement location for OLDS, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that systems installed under the provisions of this Part will function as intended. The Township assumes no responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township. (Ord. 2-9-05, 2/9/2005, §1)

§128. Appeals. Appeals from any action of the Sewage Enforcement Officer under this Part shall be made in writing to the Board of Supervisors within fifteen (15) days from the date of the written determination of the Sewage Enforcement Officer. All appeals shall be accompanied by the appeal fee established by resolution or ordinance of the Board of Supervisors.

A. The written appeal shall specify the precise action from which the appeal is taken and shall set forth in concise terms the reason for the appeal and any legal authorities supporting the appeal period.

B. If the appellant desires a hearing before the Board, the appellant must request a hearing in the written appeal.

C. If a hearing is requested in writing, the Board shall conduct the hearing at a regular or special public meeting which occurs not less than fourteen (14) days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of the Local Agency Law, 2 Pa.C.S. §551 et seq.

D. The Board shall render a decision on the appeal in accordance with the provisions of the Local Agency Law.

(Ord. 2-9-05, 2/9/2005, §1)
§129. Continuation of Prior Regulations. Except as otherwise required by law, this Part is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Part restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Part shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board that all provisions of this Part shall be considered in full force and effect as of the date such regulations were initially enacted. (Ord. 2-9-05, 2/9/2005, §1)

§130. Schedule of Fees.

1. The Lebanon County Planning Department is hereby appointed, authorized and directed to collect reasonable fees, in accord with an established fee schedule, for work performed in the administration of the sewage enforcement program for the municipality.

2. The fee schedule shall be as follows:

A. Mandatory:

   (1) New Repair Permits - Sewage disposal application and permit/inspection fee of fifty-five dollars ($55.00) for site investigation, site testing, sewage system design review and sewage system installation inspection ........ $55.00
       (To be paid at time of application, prior to site investigation.)

   Plus (when applicable)

       Supplemental Inspection Fee of twenty-five dollars ($25.00) for all alternate, experimental elevated sand mound or pressure dosed systems .................. $25.00
       (To be paid prior to permit issuance.)

   (2) Renewal Permits - Sewage disposal application and permit inspection fee of forty dollars ($40.00) for renewal of expired permit previously issued by the Lebanon County Planning Department .................... $40.00
       (To be paid at time of application)

   (3) Any person aggrieved by an action of the Sewage Enforcement Officer in granting or denying a permit, who requests a hearing before the local agency, shall accompany said request with a check for $100.00, to defray the cost of said hearing.

B. Mandatory for Modules: Plan revision module submission shall be accompanied by a fee sufficient to cover review expenses, in accordance with the following schedule:

   (1) Ten (10) lots or less ............... $20.00

   (2) More than ten (10) lots ........ $20.00 plus $1.00
       for each lot in excess of 10 lots.

C. Optional, As Needed:

   (1) Percolation testing and test hole boring fee of two hundred dollars .................. $200.00
(2) Percolation testing (holes exist) fee of one hundred dollars ......................... $100.00

(3) Investigation and reporting fee of fifteen dollars per hour, for work performed beyond the scope of routine examination and investigation ......................... $15.00

3. The Board of Supervisors may revise the fees for the administration of this Part at any time by ordinance or by resolution.

(Ord. 2-9-05, 2/9/2005, §1)
Part 2

Holding Tanks

§201. Title. This Part shall be known as the "South Annville Township Holding Tank Ordinance." (Ord. 11905, 11/9/2005, §1)

§202. Purpose. The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township of South Annville. (Ord. 11905, 11/9/2005, §1)

§203. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

APPLICANT - any person who filed an application with the Township for approval to install a holding tank.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of South Annville, Lebanon County, Pennsylvania.

DEPARTMENT - the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

HOLDING TANK - a watertight receptacle, whether permanent or temporary, which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. The term "holding tank" as used in this Part shall include the terms "privy," "chemical toilet," "retaining tank" and "holding tank" as those terms are defined and used in the Department's regulations.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, corporation, trust, or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law, 35 P.S. §691.1 et seq.

SEWAGE ENFORCEMENT OFFICER - the Sewage Enforcement Officer of the Township.

TOWNSHIP - the Township of South Annville, Lebanon County, Pennsylvania. The term "Township" shall be interpreted to include a contractor or other designee of the Township.
WATER UNDER PRESSURE - water service provided to an improved property by means of a system of plumbing or piping with the water being supplied by a public water system, private well, or private spring.

(Ord. 11905, 11/9/2005, §1)

§204. Rights and Privileges Granted. The Board of Supervisors is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal, and sewage collection and transportation thereof. (Ord. 11905, 11/9/2005, §1)

§205. Rules, Regulations and Agreements. The Board of Supervisors is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage and to enter into such agreements as it may deem necessary from time to time to effect the purposes herein. (Ord. 11905, 11/9/2005, §1)

§206. Rules, Regulations to Be in Conformity with Applicable Law. All such rules and regulations adopted by the Board of Supervisors shall be in conformity with the provisions herein, all other ordinances of the Township, all other applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. The Board of Supervisors hereby adopts the regulations of the Department found in Title 25, Chapters 71 and 73, of the Pennsylvania Code governing retaining tanks as the regulations governing the design, installation, and use of holding tanks within the Township. (Ord. 11905, 11/9/2005, §1)

§207. Rates and Charges. The Board of Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges relating to the use and maintenance of holding tanks at reasonable and uniform rates as authorized by applicable law. (Ord. 11905, 11/9/2005, §1)

§208. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any holding tank shall be done solely by or under the direction and control of the Board of Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department. (Ord. 11905, 11/9/2005, §1)

§209. Conditions of Holding Tank Use. All applicants who desire to install a holding tank shall meet all of the following requirements:

A. A holding tank may be installed on a lot only if one of the following conditions exist:

   (1) To replace an existing malfunctioning on-lot sewage disposal system where there is insufficient suitable area for a repair or replacement of the sewage system.

   (2) If the lot is located within an area designated for public sewer service and where public sewer service will be available within one (1) year or less after the date of application to the Township to authorize installation of the holding tank.

   (3) To serve a lot where water under pressure is not presently available on the improved property if applicant meets all of the following conditions:
(a) Site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and the site meets the requirements of Title 25, Chapter 73, Standards for On-Lot Sewage Treatment Facilities, of the Pennsylvania Code, for the ultimate sewage disposal by an approved on-lot system if water under pressure or piped waste water becomes available to the improved property.

(b) At such time that water under pressure becomes available, the owner shall remove the holding tank and replace the holding tank with an approved on-lot system.

(4) To serve a lot where water under pressure does not exist where the lot is an isolated lot which is one (1) acre or larger and is not nor will not be served by water under pressure in the future.

(5) To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.

(6) To such other temporary or permanent uses of holding tanks as may be authorized by the Department.

B. The record owner of the lot on which the holding tank other than a temporary use holding tank is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the holding tank which grants the Township the right to enter upon the property; to inspect such holding tank not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such holding tank is not functioning properly; to maintain the holding tank if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty of twenty-five (25%) percent of such cost from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs, penalties and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the holding tank is removed and the improved property is either connected to a public sewer system owned and operated by a governmental entity if water under pressure currently exists on the improved property or connected to an on-lot sewage disposal system if water under pressure is not currently available on the improved property.

C. The applicant shall post financial security with the Township to secure the future maintenance of the holding tank and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular holding tank chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until one (1) or more of the following conditions occur:

(1) The owner provides the Township with acceptable alternative financial security.
(2) If the holding tank serves an improved property which was provided with water under pressure at the time of holding tank installation, the owner removes the holding tank, and the improved property is connected to a public sewer system owned and operated by a governmental entity.

(3) If the holding tank serves an improved property which did not have water under pressure at the time of holding tank installation, the owner installs water under pressure, removes the holding tank, and connects the improved property to an approved on-lot sewage disposal system.

(4) If the owner removes a holding tank from land which is not an improved property (i.e., removes a holding tank installed on a temporary basis to serve a public gathering, construction site, etc.).

D. The applicant shall demonstrate to the Township that the proposed holding tank meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.

E. Special conditions for holding tanks shall be incorporated in the permit application and permit for the proposed use of a holding tank.

F. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.

G. The applicant shall pay all costs associated with the yearly inspection of the holding tank.

(Ord. 11905, 11/9/2005, §1)

§210. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania including, but not limited to, §§71.63 and 73.61 et seq. of the Department's regulations.

(1) Proof of Maintenance. Each time that a holding tank is pumped out or emptied, the private sewage waste hauler who performs the service shall provide to the owner a signed receipt and shall retain a signed receipt containing the following information:

(a) Date of pumping out.
(b) Name and address of owner.
(c) Description and diagram of location of holding tank, including location of any markers and/or access hatches (if known).
(d) Size of holding tank.
(e) Age of the holding tank (if known).
(f) Last date of pump out (if known).
(g) Any maintenance performed in connection with pumping out of the holding tank.

(h) Any indication of system malfunction observed.

(i) Amount of sewage, septage or other solid or semi-solid material removed.

(j) Cost of service.

(k) Waste hauler's state license number permitting him to collect and haul septage in this Commonwealth.

The owner and the waste hauler shall provide the receipt to authorized officials of the Township. The receipt shall serve as proof of compliance with the maintenance requirements of this Part. Failure to provide a copy of the receipt within thirty (30) days after the holding tank is pumped out or emptied shall constitute a violation of this Part. The Township is designated in accordance with the Department's regulations as the administrative agency to receive, review and retain pumping receipts from permitted holding tanks.

(2) Inspections. Annually or where any agreement entered into between the Township and the owner or a predecessor in title of the landowner requires more frequent inspections of a holding tank, the owner shall permit the Township Sewage Enforcement Officer to enter upon the improved property to conduct the required inspection. The Township Sewage Enforcement Officer shall conduct inspections of all permitted holding tanks at least annually and complete a written inspection report which shall be submitted to and be retained by the Township. The owner shall pay all fees associated with all required inspections.

B. If either water under pressure becomes available to the improved property or public sewer service becomes available to the improved property, abandon the holding tank consistent with applicable public health and environmental standards.

C. Permit the Township to enter upon lands to inspect the holding tank for proper operation, maintenance and contents disposal.

(Ord. 11905, 11/9/2005, §1)

§211. Malfunctioning Holding Tank. The owner of a lot upon which a holding tank is installed, any person who occupies a lot upon which a holding tank is installed, any person who owns a holding tank, and any sewer waste hauler pumping out or otherwise maintaining a holding tank shall report any malfunctioning of a holding tank to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction. (Ord. 11905, 11/9/2005, §1)

§212. Violations and Penalties.

1. It shall be a violation of this Part to commit or permit any other person to commit any of the following acts:

A. To install, repair, modify or alter a holding tank prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
B. To misuse or to fail to maintain a holding tank or to fail to provide reports of maintenance as required by this Part.

C. To fail to have the holding tank inspected as required by this Part or to fail to permit the Township Sewage Enforcement Officer to inspect the holding tank.

D. To fail to report a malfunctioning holding tank.

E. To fail to remedy a malfunctioning holding tank.

F. To place false information on or omit relevant information from an application for a permit or from a report of inspection or maintenance of a holding tank.

G. To occupy or permit the occupancy of any structure served by a holding tank for which a valid permit has not been obtained as required by this Part.

H. To fail to comply with any other provision of this Part.

2. Any person who shall violate a provision of this Part or who shall fail to comply with any of the requirements thereof or who shall permit the violation of this Part or who shall use or occupy or permit the use or occupancy of any building or structure which is served by a holding tank which has not been installed or maintained in accordance with the requirements of this Part, shall, upon being found guilty in an enforcement proceeding commenced by the Township, pay a fine of not less than two hundred ($200.00) dollars and not more than one thousand ($1,000.00) dollars for each violation plus all costs of prosecution, which fines and costs may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each Section of this Part which is violated shall be deemed a separate offense.

(Ord. 11905, 11/9/2005, §1)

§213. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of this Part shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. (Ord. 11905, 11/9/2005, §1)
Part 3
Connections to Public Sewer System

§301. Short Title. This Part shall be known as the “South Annville Township Mandatory Sewer Connection Ordinance.” (Ord. 11-10-10-1, 11/10/2010, §1)

§302. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY - South Annville Township, Lebanon County, Authority, a municipal authority of the Commonwealth.

BUILDING SEWER - the extension from the sewage drainage system of any structure to the lateral of a sewer.

COMMONWEALTH - the Commonwealth of Pennsylvania.

IMPROVED PROPERTY - any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT - any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property located within this Township, from which wastes, in addition to or other than sanitary sewage shall be discharged.

INDUSTRIAL WASTE - any and all wastes discharged from and industrial establishment, other than sanitary sewage.

LATERAL - that part of the sewer system extending from a sewer to the curbline or, if there shall be no curbline, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity, and the members of such partnership or association and the officers of such corporation.

SANITARY SEWAGE - normal water-carried household and toilet wastes from any improved property excluding, however, the effluent from septic tanks or cesspools, rain, storm and ground water, as well as roof or surface water, drainage or percolating or seeping waters, or accumulation thereof, whether underground or in cellars or basements.

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.
SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township and owned by the Authority.

STREET - any street, road, lane, court, cul-de-sac, alley, public way or public square.

TOWNSHIP - the Township of South Annville, Lebanon County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

§303. Use of Public Sewer Required.

1. The owner of any improved property adjoining or adjacent to or whose principal building is within one hundred fifty (150) feet from the sewer system shall connect such improved property with and shall use such sewer system, in such manner as this Township may require, within sixty (60) days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection .1, above, shall be conducted into a sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority, from time to time.

3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection .1, above. No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of subsection .1, above, except where suitable treatment has been provided which is satisfactory to this Township.

4. No privy vault, cesspool, sinkhole, holding tank, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property which has been connected to a sewer or which shall be required under subsection .1, above, to be connected to a sewer. Every such privy vault, cesspool, sinkhole, holding tank, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and shall be filled, at the expense of the owner of such improved property, under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, holding tank, septic tank or similar receptacle not so abandoned and, if required by this Township, not cleansed and filled, shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
6. The notice by this Township to make a connection to a sewer, referred to in subsection .1, above, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within sixty (60) days after the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place which can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

(Ord. 11-10-10-1, 11/10/2010, §1)

§304. Building Sewers and Connections.

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from the Authority.

2. Application for a permit required under subsection .1, above, shall be made by the owner of the improved property served to or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

   A. Such person shall have notified the Authority of the desire and intention to connect such improved property to a sewer.

   B. Such person shall have applied for and shall have obtained a permit as required by paragraph .A, above.

   C. Such person shall have given the Authority at least twenty-four (24) hours notice of the time when such connection will be made so that the Authority may supervise and inspect, or may cause to be supervised and inspected, the work of connection and necessary testing.

   D. If applicable, such person shall have furnished satisfactory evidence to the Authority that any tapping, connection, customer facilities, administrative and inspection fees, as applicable, which may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.

4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.

5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner
shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer to a sewer.

6. A building sewer shall be connected to a sewer at the place designated by the Authority and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

7. If the owner of any improved property located within this Township and adjoining or adjacent to or whose principal building is within one hundred fifty (150) feet from the sewer system, after sixty (60) days notice from this Township, in accordance with §303.1, shall fail to connect such improved property, as required, this Township may enter upon such improved property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 11-10-10-1, 11/10/2010, §1)

§305. Rules and Regulations.

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer. Every connection to the sewer system shall comply with all applicable rules and regulations of the Authority.

2. No building sewer shall be covered until it has been inspected and approved by the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the improved property to be connected to a sewer.

3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.

5. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer within sixty (60) days of receipt of such notice, this Township or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and the Authority.
6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 11-10-10-1, 11/10/2010, §1)

§306. Prohibited Discharges.

1. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater to the sewer system. These general prohibitions apply to all users of the sewer system, whether or not the user is subject to Federal Categorical Pretreatment Standards or any other Federal, State or local pretreatment standards or requirements. No person shall discharge any substance into or take action contrary to any industrial waste pretreatment ordinance enacted by this Township or resolution adopted by the Authority.

2. When the Township and/or the Authority determines that a person is contributing to the sewer system any prohibited substances in such amounts as to interfere with the operation of the sewer system, the Authority shall advise such person of the impact of the contribution on the sewer system, and such person shall take necessary action to eliminate the interference.

(Ord. 11-10-10-1, 11/10/2010, §1)

§307. Violations and Penalties.

For each violation of the provisions of this Part, the owner, agent, lessee or contractor or any other person who commits, takes part in or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than two hundred ($200.00) dollars nor more than one thousand ($1,000.00) dollars for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part, and each section of this Part which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding thirty (30) days. (Ord. 11-10-10-1, 11/10/2010, §1)

§308. Purpose.

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township. (Ord. 11-10-10-1, 11/10/2010, §1)
CHAPTER 19

SIGNS AND BILLBOARDS

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(Reserved to accommodate future ordinances)
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§311. Violations and Penalties
§312. Effective Date
§101. Intent. It is the purpose and intention of this Part enacted under the police power of the Township of South Annville to regulate and control the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials in a compulsory and universal manner in order to maintain, provide for and protect the health, safety and sanitation of the inhabitants of this Township by the use of the facilities of the Greater Lebanon Refuse Authority. (Ord. 11/3/1959, §1)

§102. Definitions. The following words, terms and phrases when used in this Part shall have the meaning hereinafter ascribed to them, except when the context clearly indicates a different meaning:

ASHES - the residue from the burning of wood, coal, coke or other combustible materials.

AUTHORITY - the Greater Lebanon Refuse Authority.

GARBAGE - all table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

PERSON - every natural person, firm, corporation, partnership, association, or institution, but shall not include municipalities forming the Greater Lebanon Refuse Authority.

REFUSE - all matter and materials which are discarded or rejected by the owners or producers thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort and safety of the community; it shall include ashes, garbage, rubbish and other refuse materials, but exclude human body waste.

RUBBISH - leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, paper, printed matter, boxes, leather, rags, grass, straw, manure and all solid combustible matter not included in this section under the term "garbage".

(Ord. 11/3/1959, §2)

§103. Prohibited Acts. It shall be unlawful for any person to deposit, dump, spill, throw, place or bury or permit another to deposit, dump, spill, throw, place or bury in or upon any parcel of land, lot, street, highway, gutter or in any alley or in any water or stream, or in any quarry or ditch within the limits of the Township of South Annville, except as provided for in §104, any ashes, garbage, rubbish and other refuse materials; provided however, that this prohibition shall not apply in the following situations:

1. Refuse disposed of on premises owned or leased by the producer of the refuse, provided it is done in a safe, sanitary and nuisance-free manner and in compliance with applicable ordinances;
2. Garbage collected under an existing contract with any municipality which has joined in the formation of the Authority;

3. Manure, fertilizer and refuse used as fertilizer in farming or gardening;

4. Solid wastes generated by or resulting from industrial plants or operations;

5. Dead household pets interred in places set apart for that purpose;

6. Soil, earth, sand, clay, gravel, loam, ashes, slate, stones, bricks, plaster, cement, leaves, branches, trees, sawdust, chips, shavings, wood, grass, straw and corn fodder when used as fill, provided it is done in a safe, sanitary and nuisance-free manner.

(Ord. 11/3/1959, §3)

§104. Authority to Designate Location of Landfills. The Authority, with the approval and permission of the municipality concerned, shall designate from time to time the place or places where it will carry on a sanitary landfill operation and all persons may transport or have another transport their ashes, garbage, rubbish and other refuse materials to one of said designated places where said refuse shall be disposed of in accordance with the rules and regulations of said Authority. (Ord. 11/3/1959, §4)

§105. Substances and Conditions Requiring Special Treatment/Exceptions. The following refuse shall not be disposed of in accordance with §104:

1. Dangerous materials or substances such as poisons, acids, caustics, infected or highly inflammable materials and explosives, unless prior notice has been given to and permission granted by the Authority in accordance with its rules and regulations;

2. Unusual quantities of materials resulting from the repair, demolition, excavation or construction of buildings or structures such as earth, plaster, mortar, cement and roofing material, unless prior notice has been given to and permission granted by the Authority in accordance with its rules and regulations;

3. Nonputrescible fluids in large quantities such as oil, grease, sludge, brime, and the like, unless prior notice has been given to and permission granted by the Authority in accordance with its rules and regulations;

4. Materials which have not been prepared for disposal in accordance with the rules and regulations of the Authority;

5. Abandoned large machinery or vehicles;

6. Dead animals exceeding seventy-five (75) pounds each in weight.

(Ord. 11/3/1959, §5)

1. Licensing of Collectors -

A. No person except an authorized collector shall collect garbage from any other person for conveyance through the Township, nor shall any person except such authorized collector haul any refuse for any other person from any point within the Township limits of any place or location outside the Township limits.

B. An authorized collector is one who has been granted a license by the Supervisors for the specific purpose of collection and disposing of garbage and refuse.

C. The fee for such license shall be two dollars ($2.00) per year and all licenses shall be issued by the Supervisors.

D. No licensed collector shall dispose of any garbage or refuse collected in the Township except by conveyance to the place of disposal as prescribed herein.

E. Failure of licensed collectors to comply with provisions of this Part shall result in having said permits revoked.

F. No person shall permit any unlicensed collector to take any garbage from premises occupied by him.

2. Collection Vehicles -

A. All vehicles used for the collection or disposal of refuse shall have enclosed bodies or shall have the body covered with a tarpaulin or canvas cover.

B. All vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have water-tight, metal or metal lined bodies or easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair.

(Ord. 11/3/1959, §6)

§107. Contractors Name to be Displayed on Vehicle. The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used principally for transportation of ashes, garbage, rubbish and other refuse materials in this Township. (Ord. 11/3/1959, §7)

§108. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not less than ten dollars ($10.00) or not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 11/3/1959, §8; as amended by Ord. 8/9/1986)
Part 2
Animal Waste Storage

§201. Short Title. This Part shall be known and may be cited as "South Annville Township Animal Waste Ordinance." (Ord. 12/11/1986, §1)

§202. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings herein indicated.

ANIMAL WASTE STORAGE FACILITY - A structure built to store manure for future use. Types of animal waste facilities are as follows: underground storage, inground storage, trench silo, earthen bank, stacking area, and above-ground storage.

MANURE - The fecal and urinary defecations of livestock and poultry, often containing some spilled feed, bedding or litter. (Ord. 12/11/1986, §2)

§203. Permit. No person shall erect or construct an animal waste storage facility without obtaining a permit from the Board of Supervisors of South Annville. (Ord. 12/11/1986, §3)

§204. Permit Fee. The permit fee shall be Five dollars ($5.00), payable at the time of the permit application. (Ord. 12/11/1986, §4)

§205. Permit Issuance.
1. A permit shall be issued by the Board of Supervisors of South Annville Township after a determination that the health, safety, and welfare of the residents of South Annville Township will not be adversely affected by the proposed construction and operation and after receipt by the Board of Supervisors of the following:
   A. Completed application for permit upon a form provided by the Township;
   B. The permit fee; and
   C. Letter from the Lebanon County Conservation District stating that the applicant's animal waste storage facility design has been reviewed and approved by the Lebanon County Conservation District and that all regulations and requirements of this Part have been satisfied.

2. Failure to meet the criteria set forth in this Part shall result in disapproval of the application for permit. In the event of such disapproval the Board of Supervisors shall give notice thereof to the applicant in writing, which shall include the specific reasons for the disapproval. (Ord. 12/11/1986, §5)

§206. Regulations. Every person installing, erecting or constructing an animal waste storage facility and the owner of the land where the animal waste storage facility and the owner of the land where the animal waste
storage facility is placed shall be responsible for satisfying the requirements of the following regulations.

1. Animal waste storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental protection, Bureau of Water Quality Management publication No. 43, revisions, supplements, and successors thereto, of the Pennsylvania Department of Environmental Resources copies of which are available at the Lebanon County Conservation District Office.

2. Animal waste storage facility designs shall be reviewed by the Lebanon County Conservation District. The applicant and the Board of Supervisors of South Annville Township shall receive, by letter, design approval from the Lebanon County Conservation District prior to permit issuance.

3. Construction and subsequent operation of the animal waste storage facility shall be in accordance with permit and the approved design. The Lebanon County Conservation District must be notified the day construction begins for proper supervision of construction. Any design changes during construction or subsequent operation must be approved in writing by the Lebanon County Conservation District.

4. No animal waste storage facility, as defined in §202 hereof, shall be placed or located within two hundred (200) feet of any adjoining property or within two hundred (200) feet of any public road.

(Ord. 12/11/1986, §6)

§207. Application Form. The Board of Supervisors of South Annville Township shall adopt by Resolution the application form to be used by applicants for permits hereunder. (Ord. 12/11/1986, §7)

§208. Cease and Desist Order. Any person who violates the provisions of this Part shall be informed of such violation by a written Cease and Desist Order for the Board of Supervisors of South Annville Township, ordering the violator thereof to cease and desist such violations within twenty-four (24) hours. (Ord. 12/11/1986, §8)

§209. Penalties. Any person who continues to violate the provisions of this Part beyond twenty-four (24) hours after receipt of a Cease and Desist Order pursuant to §208 above, shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than one hundred dollars ($100.00) and the costs of prosecution. Each additional day's violation of any of the provisions of this Part shall constitute a separate offense. (Ord. 12/11/1986, §9)

§210. Injunctive Relief. In addition to or in lieu of the penalties provided in §209, continued violations of this Part may be abated by the Township proceeding against the violator in a court of equity to obtain injunctive relief. (Ord. 12/11/1986, §10)

§211. Severability. If any section of this Part or part thereof shall be found to be invalid for any reason, such decision shall not affect the validity of the Part as a whole, or any Part thereof other than the sections so declared to be invalid. (Ord. 12/11/1986, §11)
§301. Purpose.


2. It is the desire of the South Annville Township Board of Supervisors to establish, in conjunction with neighboring municipalities, a substantial solid waste recycling and solid waste management and reduction program within the Township to better utilize existing and future solid waste disposal facilities and to work toward a more productive and environmentally sound method of solid waste management.

(Ord. 91-1109-2, 11/9/1991, §1)

§302. Title. The short title of this Part shall be the "South Annville Township Recycling Ordinance," and the same may be cited in that manner. (Ord. 91-1109-2, 11/9/1991, §II)

§303. Definitions. The following words, when used in this Part, shall have the following definitions:

ALUMINUM CANS - empty, all aluminum beverage and food containers.

BI-METAL CONTAINERS - empty food or beverage containers consisting of a combination of ferrous metals and aluminum; i.e., ferrous sides and aluminum top and/or bottom.

COMMERCIAL ESTABLISHMENT - properties used primarily for commercial and or industrial purposes, and those multiple dwelling residential buildings containing more than four (4) dwelling units.

FARMERS - individuals who engage in the commercial agriculture for profit including chicken, pig, and cattle farming.

FERROUS CONTAINERS - empty steel or tin food or beverage containers.

GLASS CONTAINERS - bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, blue glass and porcelain and ceramic products.

INSTITUTIONAL ESTABLISHMENTS - facilities that house or serve groups of people, i.e., hospitals, schools, nursing homes, group homes, etc.

MAGAZINES and PERIODICALS - printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded, however, are all other paper products of any nature whatsoever.

NEWSPAPERS - paper of the type commonly referred to as newsprint. Expressly excluded are newspapers that have been soiled, or are on colored paper.

PERSON(S) - owners, lessees and occupants of residents, commercial or institutional establishments.

PLASTIC CONTAINERS - empty plastic food and beverage containers.
RECYCLABLE MATERIALS - materials specified from time to time in the rules and regulations for recycling.

RESIDENCE - any occupied single family or multi-family dwelling having up to four (4) dwelling units per structure.

SOLID WASTE - all refuse (garbage and rubbish) and other discarded solid material normally collected by municipal or private haulers.

YARD WASTE - prunings, grass clippings, weeds, leaves and garden wastes.

§304. Establishment of Program. There is hereby established a program for the mandatory recycling of certain specified solid waste by all persons within South Annville Township, hereinafter referred to as the Township, with the exception of farmers, and commercial establishments. Said recyclable materials shall be set forth in rules and regulations to be promulgated and amended, from time to time, by resolution of the Township.

Ord. 91-1109-2, 11/9/1991, §III

§305. Collection by Unauthorized Persons. It shall be a violation of this Part for any person(s) unauthorized by the Township to collect or pick up or cause to be collected or picked up any such recyclable. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

Ord. 91-1109-2, 11/9/1991, §V

§306. Administration. The Township, with the advice of the Solid Waste Management Advisory Committee, shall establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof, and any other matters required to implement this Part. The Township may change, modify, repeal or amend any portion of said rules and regulations at any time.

Ord. 91-1109-2, 11/9/1991, §VI

§307. Enforcement. The South Annville Township Code Enforcement Officer is hereby charged with the enforcement of this Part and the rules and regulations promulgated from time to time.

Ord. 91-1109-2, 11/9/1991, §VII

§308. Franchise or License. The Township may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from the Township.

Ord. 91-1109-2, 11/9/1991, §VIII

§309. Alternative Collection or Recyclable Material. Any person may donate or sell recyclable materials to individuals or organizations authorized by the Township in its recycling regulations. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by such individual or organization on days not designated as recyclable material collection days by the Township.

Ord. 91-1109-2, 11/9/1991, §IX
§310. Disposal of Recyclable Material. Recyclable material removed from the Township shall be processed at an approved processing facility, and may not be discarded in the Greater Lebanon Refuse Authority Landfill unless specifically approved, in writing, by the Greater Lebanon Refuse Authority. The Township shall be notified, in writing, of every such incident. (Ord. 91-1109-2, 11/9/1991, §X)

§311. Violations and Penalties. Any person, firm, corporation or other entity who shall violate or shall fail to comply with any of the provisions of this Part or any rules and regulations promulgated pursuant hereto shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred ($600.00) dollars and costs of prosecution and, in default of payment of the fine or penalty imposed and the costs, to imprisonment in the county jail for period not exceeding thirty (30) days; provided, that each day's continuance of a violation or failure to comply with any provisions of this Part or any rules or regulations promulgated pursuant hereto shall constitute a separate offense. (Ord. 91-1109-2, 11/9/1991, §XI)

§312. Effective Date. The Part shall be effective on the date of enactment of the resolution establishing rules and regulations authorized hereunder, but in no case less than five (5) days from the date of enactment of this Part. (Ord. 91-1109-2, 11/9/1991, §XIV)
CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Street Excavations

§101. Excavations Require Permits
§102. Applications
§103. Permit Issuance
§104. Notice of Completion of Work
§105. Inspection; Rectification of Defects
§106. Penalties

Part 2

Driveways

§201. Short Title
§202. Definitions and Word Usage
§203. Permit Required
§204. Design Requirements
§205. Application Procedure
§206. Payment of Fees
§207. Relationship to Zoning Permit
§208. Installation or Repair of Driveway
§209. Permit Required for All Driveways
§210. Minimum Requirements
§211. Waiver of Liability
§212. Expiration of Permits
§213. Posting of Permit
§214. Penalties for Violation
§215. Remedies

Exhibit A
§101. Excavations Require Permits. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstruction be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose. (Ord. 7/1/1974, §1)

§102. Applications. The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street. (Ord. 7/1/1974, §2)

§103. Permit Issuance. A permit shall be issued to the applicant after all the aforementioned requirements have been filed. (Ord. 7/1/1974, §3)

§104. Notice of Completion of Work. Upon completion of the work, the applicant shall give written notice thereof to the Township. (Ord. 7/1/1974, §4)

§105. Inspection; Rectification of Defects. Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percent (20%) of such cost. (Ord. 7/1/1974, §5)

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 7/1/1974, §6; as amended by Ord. 8/9/1986)
Part 2
Driveways

§201. Short Title. This Part shall be known and may be cited as the "South Annville Township Driveway Ordinance." (Ord. 6-28-04-3, 6/28/2004, §1)

§202. Definitions and Word Usage. For the purpose of this Part, the following terms shall have the meaning ascribed thereto, except where the context thereof clearly indicates another meaning:

BOARD - the Board of Supervisors of South Annville Township, Lebanon County, Pennsylvania.

CARTWAY - the traveled portion of any road.

CODE ENFORCEMENT OFFICER - the official designated by the Board to enforce the provisions of this Part.

CONTRACTOR - the person who or which installs a driveway, including all agents, officers or employees of said person.

DRIVEWAY - any lane, path or other area of land used by the owner or occupant of property within the Township as a means of access to and from the cartway of a public road.

HIGH VOLUME - a driveway that will generate more than fifteen hundred (1,500) trips per day.

LOW VOLUME - a driveway that will generate from twenty-six (26) to seven hundred fifty (750) trips per day.

MEDIUM VOLUME - a driveway that will generate from seven hundred fifty-one (751) to fifteen hundred (1,500) trips per day.

MINIMUM USE - a driveway that will generate up to twenty-five (25) trips per day.

OWNER - the owner, his heirs and assigns, of the land upon which the driveway is located.

PENNDOT - the Department of Transportation of the Commonwealth of Pennsylvania and any successor agency.

PERSON - an individual, group of individuals, partnership, corporation or association, whether incorporated or otherwise, and any other legally recognized entity and the officers of such corporation and the members of such partnership or association.

RIGHT-OF-WAY - the total width, including the cartway, of a road.

ROAD - any road, street, alley paved or unpaved or other thoroughfare owned or maintained by the Township as part of its public road system or offered for dedication to the Township.
§203. Permit Required.

1. No person, owner and/or contractor shall hereafter install a driveway or any portion thereof without first obtaining a permit from the Township.

2. No person, owner and/or contractor shall hereafter reconstruct, repair or resurface (excluding adding stone to an existing unpaved driveway and application of liquid sealers to an existing driveway) a driveway or portion thereof on or within any Township right-of-way in a manner that will increase the area, intensity of use, or change the use, grade, or profile, without first obtaining a permit from the Township.

§204. Design Requirements.

1. All driveways shall be constructed in a manner that will not impede or divert the normal flow of surface drainage. The grade and construction of all driveways shall be in accordance with the standards and specifications which are attached hereto, marked Exhibit "A" and incorporated herein by reference thereto. Where the driveway grade exceeds eight (8%) percent, a level area of sufficient size to provide two (2) off street parking spaces shall be provided adjacent to the roadway to allow safe ingress and egress during wet and/or slippery driving conditions.

2. The sight distance for all driveways shall comply with the requirements for State highways prescribed by PennDOT as codified at 67 Pa.Code §441.8, together with any amendments and addenda thereto.

3. The Township will only permit the use of drainage pipes under a driveway if all of the following conditions are met:

   A. It is impossible or impractical to maintain drainage flow without a pipe.

   B. Calculations are submitted to the Township showing that the proposed pipe will have a capacity equal to or greater than the existing gutter, or that such pipe will pass a ten (10) year storm from the drainage area without encroaching on the cartway. Runoff calculations shall be based upon the United States Department of Agriculture Soil Conservation Service Soil-Cover-Complex method, the Rational Formula of Q=CIA, or any other method acceptable to the Township Engineer.

   C. The owner agrees in writing to maintain the pipe in good condition free of debris and siltation.

   D. The owner agrees in writing to relocate and/or replace the pipe if at some future date the Township improves or widens the public road requiring such relocation and/or replacement.
4. As part of the driveway construction the owner shall provide bituminous paving extending for a minimum distance of eight (8) feet from the edge of any paved cartway to the owner's property. The paving shall consist of a minimum of eight (8) inch stone base course and a two and one half (2½) inch bituminous course or equal paving approved by the Township. The swale should be maintained or the pipe should be located four (4) feet from the edge of the cartway or as otherwise directed by the Code Enforcement Officer.

(Ord. 6-28-04-3, 6/28/2004, §1)

§205. Application Procedure.

1. Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied and approved by the Township, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway.

2. The application shall be reviewed by the Code Enforcement Officer and may be reviewed by the Township Engineer or Road Foreman. The Code Enforcement Officer may consult with the Township Engineer or Road Foreman to determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will (A) minimize the adverse impact of stormwater runoff or surface drainage resulting from said connection, (B) not cause damage to the road to which the driveway is to be connected, and (C) not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected. If found satisfactory by the Code Enforcement Officer, Road Foreman or Township Engineer, the Code Enforcement Officer will issue, or cause to be issued, the permit.

3. If the plan is found deficient, or if in the opinion of the Code Enforcement Officer, Road Foreman, or Township Engineer the plan could be modified so as to (A) minimize the adverse effect of stormwater runoff, (B) lessen drainage to the public road to which the driveway is to be connected, or (C) lessen hazardous driving conditions on the road to which the driveway is to be connected, the Code Enforcement Officer, Road Foreman, or Township Engineer shall, by written communication to the owner, notify him of the changes to be made. The applicant shall make such changes and return the revised plan to the Township. When such plan is in acceptable form, the Code Enforcement Officer shall approve the plan and will issue, or cause to be issued, the permit. If the applicant refuses to make such changes, the application shall be deemed denied for the reasons set forth in the written communication, and the date of the written communication shall be the date of the denial of the application.

4. The applicant may appeal a denial of an application to the Board. The appeal shall be made within ten (10) days to the Board by filing written notice of the appeal with the Secretary of the Township. The Board shall thereafter hold a hearing and render a decision on the refusal to issue a permit pursuant to the provisions of the Local Agency Law, §5, 2 Pa.C.S. §551 et seq.

(Ord. 6-28-04-3, 6/28/2004, §1)

§206. Payment of Fees. The application shall be accompanied by such fee or fees as the Board shall prescribe from time to time by resolution or ordinance not exceeding the approximate reasonable cost of processing, reviewing the
§206. Relationship to Zoning Permit. A permit under this Part shall be applied for and obtained prior to the application for a permit to commence the excavation for or the construction or erection of any structure regulated by the Zoning Ordinance of South Annville Township, as amended [Chapter 27].

§207. Installation or Repair of Driveway.

1. All construction in any way incidental to the installation of the driveway or for the repair of a driveway for which a permit is required under this Part shall be performed in strict conformance with the approved plans. After the proposed driveway has been stoned in, but before the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Code Enforcement Officer or Road Foreman. The driveway shall not be final surfaced until the stoned in area has been inspected and approved by the Code Enforcement Officer or Road Foreman or their designated representative. In the event the owner and/or contractor fails to notify the Code Enforcement Officer or Road Foreman prior to placing the final surface, the Township may direct the owner and/or contractor to remove the final surface in order that the inspection may be completed. Such removal shall be at no expense to the Township. After the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Code Enforcement Officer or Road Foreman.

2. The contractor shall utilize procedures and/or traffic control devices as necessary for the maintenance and protection of traffic in strict accordance with PennDOT Publication 203, "Work Zone Traffic Control," unless otherwise directed in writing by the Code Enforcement Officer.

§208. Permit Required for All Driveways. Each driveway, whether serving the same premises or not, shall require an individual permit.

§209. Minimum Requirements. The provisions of this Part relating to driveways are intended as a minimum standard for the protection of public health, safety and welfare. If the literal compliance with any mandatory provision of this Part relating to driveways is shown by the applicant, to the satisfaction of the Board, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Board may grant a waiver from such mandatory provisions so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Part. In granting waivers, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Part.

§210. Waiver of Liability. The grant of a permit under this Part shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed driveway and shall create no liability upon the Township.
§212. Expiration of Permits. A permit issued under this Part shall be valid for twelve (12) months from the date of issuance. The Code Enforcement Officer may at his discretion grant one extension of the permit for up to six (6) months upon written application of the person to whom the permit was issued prior to the expiration of the permit. The application for extension must indicate good cause for the failure to complete work within the twelve (12) month time period. A permit shall not expire while a request for an extension is pending. (Ord. 6-28-04-3, 6/28/2004, §1)

§213. Posting of Permit. The permit granted under this Part shall be posted at the right-of-way line so as to be visible from the roadway. The permit shall remain posted until final approval of the work has been given. (Ord. 6-28-04-3, 6/28/2004, §1)

§214. Penalties for Violation. Any owner, person and/or contractor who or which shall violate any of the provisions of this Part shall, upon conviction thereof by summary proceeding before a district justice, be sentenced to pay a fine of not more than six hundred ($600.00) dollars. If a defendant sentenced to pay a fine or costs after a finding of guilt in a summary case defaults in such payment, the defendant may be sentenced and committed to the Lebanon County Prison for a period not exceeding thirty (30) days. All fines collected for the violation of this Part shall be paid to the Treasurer of the Township for the general use of the Township. (Ord. 6-28-04-3, 6/28/2004, §1)

§215. Remedies. In addition or in lieu of the penalties provided in §214, violations of this Part may be abated by the Township proceeding against the violator in a court of equity to obtain injunctive relief. (Ord. 6-28-04-3, 6/28/2004, §1)
The shoulder slope usually varies from $\frac{1}{4}''/ft. (1\%)$ to $\frac{3}{4}''/ft. (6\%)$. However, the shoulder slope should be maintained when constructing the driveway.

For grade changes greater than those shown in Figure 1, vertical curves at least 20 feet long shall be constructed and length “A” shall be increased.

Grades $(G_o)$ shall be limited to $15\%$ for minimum use driveways and from five percent to eight percent for low, medium or high volume driveways within the right-of-way.

### Maximum Grade Change ($D$)

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<thead>
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<th></th>
<th>Desirable</th>
<th>Maximum</th>
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<tr>
<td>High Volume Driveway</td>
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<td>13%</td>
</tr>
<tr>
<td>Medium Volume Driveway</td>
<td>13%</td>
<td>16%</td>
</tr>
<tr>
<td>Low Volume Driveway</td>
<td>14%</td>
<td>Controlled by Vehicle Clearance</td>
</tr>
</tbody>
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*Figure 1*
CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

The provisions of the Lebanon County Subdivision and land development regulations were adopted by the Township through Ordinance 14, 8/6/1973.
Lebanon County
Subdivision
and
Land Development
Ordinance

ORDINANCE #13
July 20, 1989
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CHAPTER 1 - PURPOSE AND AUTHORITY

An ordinance providing for the control of the subdivision and development of land and the approval of plats and replats of land within the jurisdiction of the Lebanon County Commissioners, as a part of the master plan for Lebanon County, Pennsylvania.

Now, therefore, be it ordained by the Lebanon County Commissioners, Pennsylvania, under authority of Article V and VII of the "Pennsylvania Municipalities Planning Code", of the Act of the 1968 General Assembly No. 247; as amended.

SECTION 1.01 TITLE

These regulations, rules, and standards for planning, subdividing, and developing land within the County of Lebanon, Pennsylvania, including procedures for the application and administration, and penalties for the violation thereof, shall be known, cited and referred to as the SUBDIVISION AND LAND DEVELOPMENT ORDINANCE for the County of Lebanon (Ord. #13).

SECTION 1.02 PURPOSE

The general purpose of this ordinance shall be to guide and regulate the planning, subdividing, and development of land in order to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents and municipalities in the County of Lebanon.

SECTION 1.03 OBJECTIVES

It is intended that the provisions of these regulations shall be applied to achieve the following objectives:

Orderly development of the land to obtain harmonious and stable neighborhoods; and
Safe and convenient vehicular and pedestrian circulation; and
Adequate and economical provisions for utilities and public services to conserve the public funds; and
Ample public open spaces for schools, recreational and other public purposes; and
Accurate surveying of land, preparing and recording of plats; and
Discouraging of premature, uneconomical, or scattered subdivision; and
Maximize conservation of all forms of energy; and
Storm water management, by reducing stream erosion and maintaining natural storm water runoff characteristics; and
Coordination of land development in accordance with the Zoning Code, Thoroughfare Plan, Comprehensive Plan, and other plans of the Municipality and County.
SECTION 1.04 APPLICATION OF REGULATIONS

No subdivision or land development of any lot, tract or parcel of land located within Lebanon County shall be effected; no street, sanitary sewer, storm sewer, water main, storm water control facilities, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, until a subdivision or land development plan has been approved in the manner prescribed herein, and recorded. Furthermore, no property shall be developed, no building shall be erected and no site improvements shall be completed except in strict accordance with the provisions of this Ordinance.

No lot in a subdivision may be sold or transferred; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no buildings may be erected in a subdivision or land development, unless and until a final subdivision or land development plat has been approved and recorded, and until construction of any required site improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

SECTION 1.05 JURISDICTION

A. Municipalities with Subdivision Regulations: Any township, borough or city within Lebanon County which has a subdivision or land development ordinance in effect shall not be under jurisdiction of this ordinance. However, applications for subdivision and land development located within a township, borough or city which has adopted a subdivision and land development ordinance shall be forwarded, upon receipt by the municipality, to the Planning Department for review and report, together with a fee as established elsewhere herein. Furthermore, such municipalities shall not approve such applications until the county report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

B. Municipalities without Subdivision Regulations: Any township, borough or city within Lebanon County which does not have a subdivision or land development ordinance in effect shall be under the jurisdiction of this ordinance. Applications for subdivision and land development located within a township, borough, or city which has not adopted a subdivision and land development ordinance shall be submitted to the Planning Department for approval or disapproval. The subdivision or land development plan may be forwarded by the Planning Department to the township, borough or city for review and comment prior to formal action by the Planning Department.

C. Adoption of the County Ordinance by Reference: Any township, borough or city within Lebanon County may adopt, by reference, the Lebanon County Subdivision and Land Development Ordinance and may, by separate ordinance, designate the Planning Department, with the Planning Department's concurrence, as its official administrative agency for review and approval of plats.
CHAPTER 2 - DEFINITIONS

SECTION 2.01 GENERAL TERMS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

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

Words in the present tense include the future tense.

The word "shall" is always mandatory; the word "may" is permissive; and the word "should" means a suggested or preferred action.

The words "person" or "subdivider" or "developer" or "owner" include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

SECTION 2.02 SPECIFIC TERMS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Undefined terms or words used herein shall have their ordinarily accepted meanings or such meanings as the context of this Ordinance may imply.

ACCELERATED EROSION - the removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

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

ACT 247 - see "Pennsylvania Municipalities Planning Code".

BUILDING (SETBACK) LINE - a line established by municipal zoning codes or the subdivision regulations which defines the required minimum distance between any building and the adjacent public right-of-way.

CARTWAY - the portion of the street right-of-way, paved or unpaved, intended for vehicular use. The shoulder is not considered part of the cartway.

COMMISSIONERS - the governing body of the County of Lebanon.

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

COUNTY - Lebanon County, Pennsylvania
DETENTION STRUCTURE – a vegetated pond, swale, or other structure designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate. Also known as a dry pond.

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.

EASEMENT – a right-of-way granted for limited use of land for public or quasi-public purpose.

ENERGY DISSIPATOR – a device used to slow the velocity of storm water particularly at points of concentrated discharge such as pipe outlets.

ENGINEER, COUNTY – a Registered Engineer designated by the Commissioners to perform duties as required by this Ordinance on behalf of the County.

ENGINEER, REGISTERED – an individual licensed and registered as a Professional Engineer by the Commonwealth of Pennsylvania.

FREEBOARD – the difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

GOVERNING BODY – the council in cities and boroughs; the board of commissioners in townships of the first class and in the county; and the board of supervisors in townships of the second class.

GRASSED WATERWAY – a natural or man-made drainageway of parabolic or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a swale).

HOLDING POND – a retention or detention pond.

IMPROVEMENTS – physical additions and changes to the land, necessary to produce usable and desirable lots.

LAND DEVELOPMENT – (i) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or 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 (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

LANDOWNER – the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, 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.

LOT – a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
LOT AREA - the area contained within the property line of a lot or the allocation of land, excluding space within any street right-of-way.

MOBILEHOME - a transportable, single family dwelling intended for permanent occupancy, 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 erections thereon of a single mobilehome.

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MUNICIPALITY - City, Borough, or Township.

ON-SITE STORM WATER MANAGEMENT - the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - adopted as Act 247 of 1968, this act enables municipalities to plan for, and regulate, community development with subdivision and land development ordinances. The code also contains guidelines for subdivision and land development ordinance content. For the purpose of this Ordinance, the Code is referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

PLAN, FINAL - a complete and exact subdivision or land development plan prepared for recording as required by statute, to define property rights, proposed streets and other improvements; a final plat.

PLAN, PRELIMINARY - a tentative subdivision or land development plan showing proposed street and lot layout as a basis for consideration prior to preparation of a final plat.

PLAN, SKETCH - an informal plan, indicating existing features of a tract and the surrounding area and outlining the general layout of a proposed subdivision or land development.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING DEPARTMENT - the Lebanon County Planning Department

PLAT - the map or plan of a subdivision or land development, whether preliminary or final.
RETENTION STRUCTURE - a pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event.

RIGHT-OF-WAY - the total width of any land reserved or dedicated for use as street, alley, or for any public purpose.

SEDIMENT BASIN - a temporary dam or barrier constructed across a waterway or at other suitable locations to intercept the runoff and to trap and retain the sediment.

SITE IMPROVEMENTS - physical additions or changes to the land that may be necessary to provide usable and desirable lots, including but not limited to, utilities, streets, curbing, sidewalks, street lights and storm water facilities.

STORAGE STRUCTURE - a retention or detention structure.

STORM WATER MANAGEMENT - the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development.

STREET - a strip of land including the entire right-of-way used or intended for use as a means of vehicular and pedestrian circulation, whether public or private. The word "street" includes street, thoroughfare, avenue, boulevard, court, expressway, highway, road, lane, and alley.

STREET, PRIVATE - a strip of private land providing access to abutting properties and not offered for dedication or accepted for municipal ownership and maintenance.

SUBDIVIDER - 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.

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 or any residential dwelling, shall be exempted.

SURVEYOR, REGISTERED - an individual licensed and registered as a Professional Land Surveyor by the Commonwealth of Pennsylvania.

SWALE - see GRASSED WATERWAY.
CHAPTER 3 - PROCEDURES

SECTION 3.01 INTENT

The procedures established in this Chapter are intended to define the steps by which a developer shall design, make an application, record plats, and construct improvements, and by which the Planning Department may review, make recommendations, approve plans and otherwise administer these regulations and this Ordinance.

For those subdivisions hereinafter classified as minor subdivisions, a sketch plan and abbreviated final plan procedure is established. For all others, which are classified as major subdivisions or land developments, a preliminary plan and final plat procedure is established. See the Appendix for sample plans.

SECTION 3.02 PRE-APPLICATION

The Planning Department shall make available to developers copies of this subdivision and land development ordinance, the zoning code, the thoroughfare and other adopted plans, street maps, and other information which may affect the development of the property under consideration. Applications for approval of a subdivision or land development shall be in accord with these regulations, other codes and plans as adopted and information furnished.

Prior to the formal submission of a subdivision or land development plan for review and approval, the subdivider is urged to submit a sketch plan to the Planning Department for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the subdivider as early as possible to factors which must be considered in the design of a subdivision, such as pertinent elements of any County or Municipal land use, thoroughfare or other community plans. Review of a sketch plan is an informal, advisory process to guide the subdivider in eventual preparation of a formal preliminary or final plan.

Sketch plans and subsequent official minor and major subdivision and land development plans should be accompanied by any letters of transmittal or development details necessary to explain existing or proposed site conditions which are not self-explanatory on the actual sketch, minor or major subdivision or land development plan.

SECTION 3.03 MINOR SUBDIVISION OR LAND DEVELOPMENT

A. Classification - A division of land to facilitate a lot addition or a land exchange or a division of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside the frontage road and does not involve more than five (5) lots or dwelling units (except that subdivision of lots from a property after five (5) or more lots have been previously subdivided is a major subdivision).
Dedication or establishment of an unimproved right-of-way or easement shall be a minor subdivision. Replatting, resubdivision or revision of five (5) lots or less shall also be considered a minor subdivision. Multi-family, commercial, industrial and mobilehome park development shall be a major, not minor, subdivision or land development, regardless of the number of lots or units created.

B. Application - A final plat complying with the requirements set forth in this Ordinance shall be prepared for each minor subdivision or land development and approval of said plat shall be requested from the Planning Department.

When filing an application for approval of a minor subdivision or land development, the subdivider shall submit to the Planning Department one (1) mylar or original, one (1) clothback print, and eight (8) blue line paper prints of the proposal on 18" X 24" sheets.

C. Review - Upon receipt of the minor subdivision or land development plan, the Planning Department shall begin to review the final plan for compliance with this Ordinance. Where applicable, the plan may be forwarded to the County Engineer, the Soil Conservation Service or other agencies for review and comment. After initial review, the final plan may be forwarded to the municipality in which the development is to occur to provide the municipal planning commission and governing body an opportunity for review and comment. Review comments, conditions and findings of the municipality may be used as substantiation for plan approval or disapproval. After completion of the review process, the final plan shall be approved or disapproved by the Planning Department.

Review and report of plans by the Planning Department for the municipalities that have adopted their own subdivision and land development ordinance shall be forwarded to the said municipalities within thirty (30) days from the date the application was forwarded to the Planning Department.

D. Approval or Disapproval - After an application for approval of a plat of a minor subdivision or land development has been filed with the Planning Department, together will all maps, necessary data, and fees, the plan shall be reviewed and processed. The subdivider or developer shall pay required review fees at the time of official submission of the plat and official submission shall not be deemed to have been made until receipt of all the required review fees. The Planning Department shall complete the review and either approve or disapprove the plat not later than ninety (90) days after such application submission is filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

When the application is approved, it shall be appropriately signed and dated and copies shall be distributed according to Section 3.03(E) of this Ordinance. When the application is disapproved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the Ordinance relied upon. A disapproved copy of the subdivision or land development plan shall be retained by the Planning Department, one copy shall be sent to the municipality and the remaining copies shall be returned to the subdivider, developer and/or his agent.
Failure of the Planning Department to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. However, removal or withdrawal of the subdivision or land development plan from the approval process by the subdivider, developer and/or his agent shall be considered withdrawal of plan application, shall not obligate the Planning Department to approve or disapprove the plan within the herein described timetable and shall not result in a deemed approval when ninety (90) days have elapsed. Upon knowledge of plan withdrawal, the Planning Department shall notify, in writing, the subdivider or land developer that plan withdrawal has disrupted the approval process and no approval or disapproval will be rendered unless the subdivision or land development plan is resubmitted as a new application.

E. RECORDING - After approval of a minor subdivision or land development plat by the Planning Department, the mylar copy shall be placed on record in the Planning Department office and the clothback print shall be filed and recorded in the office of the County Recorder of Deeds, said recording to occur within ninety (90) days of the final or deemed approval date of the plan or the approval shall be null and void. Whenever such plat approval is required by this Ordinance, the Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the approval of the Planning Department. Likewise, whenever plan review and comment by the Planning Department is required by municipal ordinance (Sect. 3.03(C)), the Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the review of the Planning Department.

Copies of an approved plat shall be sent to the applicant and the municipality where the development is planned. Additional copies may be distributed to the Pennsylvania Department of Transportation, County Emergency Management Agency, County Assessment Office, Metropolitan Edison Company, Pennsylvania Power and Light Company, Bell of Pennsylvania, Bethel and Mt. Aetna Telephone Company or other utility or related agency making timely request for copies.

SECTION 3.04 MAJOR SUBDIVISION OR LAND DEVELOPMENT - PRELIMINARY PLAN

A. Classification - Any subdivision or land development involving more than five (5) lots or dwelling units; or any subdivision or land development on a property after five (5) or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, extension or improvement of a street shall be deemed to be a major subdivision or land development. Multi-family, mobilehome park, commercial and industrial development shall be considered major subdivision or land development, regardless of the number of lots or units created.

B. Application - A preliminary plat complying with the requirements set forth in this Ordinance shall be prepared for each major subdivision or land development and an approval requested from the Planning Department.
When filing an application for preliminary approval of a major subdivision or land development, the subdivider shall submit to the Planning Department six (6) blue line prints of the proposal. As part of the submission, the subdivider shall also submit six (6) paper prints of the improvement plan (if not contained on initial sheet) containing details of the physical site improvements (roadways, utilities, etc.) proposed for the subdivision or land development. All sheets shall be 18" X 24" or 24" X 36".

C. Review - Upon receipt of the preliminary plan (and improvement plan, if separate), the Planning Department shall begin to review the plan for compliance with this Ordinance. The preliminary plan shall be examined for suitable relationship to adjoining subdivisions or undeveloped land, feasibility of the program for improvements, and provide an opportunity for advice, suggestions, and adjustments to meet ordinance requirements before the plan becomes rigid. The submission of alternate plans is recommended.

Where applicable, the plan may be forwarded to the County Engineer, Soil Conservation Service, or other appropriate agency for review and comment. After initial review, the preliminary plan, plus any applicable improvement plan, may be forwarded to the municipality in which the development is to occur to provide the municipal planning commission and governing body an opportunity for review and comment. Review comments, conditions and findings of the municipalities may be used as substantiation for plan approval or disapproval. After completion of the review process, the preliminary plan and improvement plan shall be approved or disapproved by the Planning Department.

Review and report of plans by the Planning Department for the municipalities that have adopted their own subdivision and land development ordinance shall be forwarded to the said municipalities within thirty (30) days from the date the application was forwarded to the Planning Department.

D. Approval or Disapproval - After an application for preliminary approval of a plat of a major subdivision or land development has been filed with the Planning Department, together with all improvement plans, maps, necessary data and fees, the Planning Department shall complete the review and either approve or disapprove the plan in accordance with the procedure outlines in Section 3.03(D).

E. Recording - After approval of a preliminary plan for a major subdivision or land development plat by the Planning Department, recording of the preliminary plan is not authorized.

Approval of the preliminary plan shall assure the subdivider for a period of five (5) years from the date of approval that:

1. The general layout of streets, lots, and other features are approved and shall be the basis for the preparation of the final plan; and

2. The general terms and any special conditions under which the approval of the plan was granted will not be changed; and
3. The subdivider may install improvements in accordance with the approved preliminary plan and other requirements contained in this Ordinance and those ordinances of local municipalities where the subdivision is located.

Approval of a preliminary plan does not constitute approval of the final plan, and therefore, does not authorize the recording of the subdivision or land development plan or the sale or transfer of lots. After a period of five (5) years, approval of the preliminary plan shall expire.

SECTION 3.05 MAJOR SUBDIVISION OR LAND DEVELOPMENT - FINAL PLAN

A. Classification - Any subdivision or land development involving more than five (5) lots or dwelling units; or any subdivision or land development on a property after five (5) or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, extension or improvement of a street shall be deemed to be a major subdivision or land development. Multi-family, mobile home park, commercial and industrial development shall be considered major subdivision or land development, regardless of the number of lots or units created.

B. Application - Within five (5) years after the approval of the preliminary plat, a final plat with all necessary supplemental data shall be officially submitted to the Planning Department with a request for approval. Failure to submit a final plan within five (5) years of the date of an approval of the preliminary plat shall void the preliminary approval, unless extended in writing by the Planning Department. Said expired or voided preliminary plan shall not be used as a basis for any development or construction. Any subsequent development shall be preceded by a new preliminary plan.

When filing an application for a final approval of the major subdivision or land development, the subdivider or developer shall submit to the County Planning Department one (1) mylar copy or original, one (1) clothback print, and eight (8) blue line paper prints of the proposal on 18" X 24" sheets.

The subdivider or developer may apply for final approval of: 1) only a portion, section or phase of the entire subdivision or land development as preliminarily approved; or 2) the entire subdivision or land development.

C. Review - Upon receipt of the final plan, the Planning Department shall begin to review the plan for compliance with this Ordinance. The final plan shall be examined for conformity to the preliminary plan, for design and detail of required site improvements and for adherence to other standards of this Ordinance. The plan shall also be examined to determine if the required site improvements have been installed or, in lieu thereof, a bond or financial security has been submitted. Where applicable, the plan may be forwarded to the County Engineer, the Soil Conservation Service or other agencies for review and comment. After initial review, the final plan may be forwarded to the municipality in which the development is to occur to provide the municipal planning commission and governing body an opportunity for review and comment.
Review comments, conditions and findings of the municipality may be used as substantiation for plan approval or disapproval. After completion of the review process, the final plan shall be approved or disapproved by the Planning Department.

Review and report of plans by the Planning Department for the municipalities that have adopted their own subdivision and land development ordinance shall be forwarded to the said municipalities within thirty (30) days from the date the application was forwarded to the Planning Department.

D. Approval or Disapproval - After an application for final approval of a plat of a major subdivision or land development has been filed with the Planning Department, approval or disapproval shall be granted in accordance with Section 3.03 (D) of this Ordinance.

However, no plat shall be finally approved unless the streets on such plat have been improved as may be required by ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, landscaping, water mains, sanitary sewers, storm sewers, storm water management facilities, and other site improvements as may be required by this Ordinance and any applicable municipal requirements have been installed in accordance with such requirements. In lieu of the completion of any site improvements required as a condition for the final approval of a plat, a financial security shall be deposited by the subdivider/developer with the municipality and/or county in an amount to cover the costs of any site improvements which may be required by ordinance. Such financial security shall provide for and secure to the public, the completion of any site improvements which may be required for the subdivision or land development. Financial improvement guarantees shall further be subject to the requirements of Section 5.14 of this Ordinance and Sections 5.09 - 5.11 of Act 247.

E. Recording - After approval of a final plat for a major subdivision or land development by the Planning Department, the plat shall be recorded and copies distributed in the manner prescribed in Section 3.03 (E) of this Ordinance.

Recording shall entitle the subdivider to sell, transfer or develop the land shown on the plat in accordance with the approved plat, subject to any conditions attached thereto. Where final plans are approved for only a portion, section or phase of the entire subdivision or land development, sale, transfer or development may proceed only on that approved portion, section or phase.

When a final plat has been approved, no subsequent change or amendment in zoning, subdivision or other governing ordinance shall be applied to affect adversely the right of the subdivider or land developer to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval.
When the subdivider or land developer has failed to substantially complete development of the approved plan within five (5) years of the aforesaid approval date and when changes in a zoning, subdivision, or other governing ordinance have occurred which affect the design of the approved plat, the subdivision or land development shall be subject to the changes in the zoning, subdivision, or other governing ordinance. The Planning Department shall notify, in writing, the subdivider or land developer that approval has expired and submission and approval of a revised preliminary and/or final plan (as necessary to detail changes), illustrating compliance with the revised ordinance, is required prior to further development or lot transfer.
CHAPTER 4 - PLANS AND PLATS: REQUIRED INFORMATION

SECTION 4.01 INTENT

Plans, maps, data and plats shall be prepared and furnished by the developer as required herein to assure accurate surveying, to provide adequate information for designing and preparing plans, and to facilitate review, approval and recording of plats. Plans and maps shall be neat, legible, uncluttered and easily readable to provide clear documentation of all data. See the Appendix for examples of sample plans.

SECTION 4.02 MINOR SUBDIVISIONS

The subdivider or land developer shall furnish, as part of an application for approval of a minor subdivision or land development plan, the following information on the required 18" X 24" final plan sheets:

A. Title Block
   1. Identification of the plan as a final plan; and
   2. Name of the development, if any; and
   3. Name, address and phone number of the record owner(s), subdivider(s), developer(s), and authorized agent(s); and
   4. Name of the municipality in which the subdivision or land development is located; and
   5. Written and graphic scale of plan; and
   6. Name, address and phone number of plan preparer; and
   7. Date of plan preparation and date of subsequent revisions; and
   8. Deed reference or source of title.

B. Signature Blocks

   Space for date, signature and type of formal action by each of the following:
   1. County Planning Department
   2. Municipal governing body
   3. Municipal planning commission
   4. County Engineer, where applicable
   5. Other officials, where required elsewhere by this Ordinance or individual municipal ordinance.

C. Maps and Data

   1. Location drawing or map section, at a scale of 1" = 800', showing the location of the proposed subdivision in relation to named streets, boundaries, previous subdivisions, etc.
The proposed subdivision or land development area shall be identified by a tone or pattern differentiation and residual land of the subdivider shall be outlined.

The location drawing shall also contain a reference to north and, where possible, be depicted in northerly alignment with the property drawing.

2. Property drawing of the parcel which is to be subdivided. Residual land shall be shown to the extent necessary to assure compliance with all applicable standards. The lot, tract or parcel drawing shall include:

   a. Bearings and dimensions for all property lines; corporation lines; center and right-of-way lines of streets; easements and other rights-of-way; natural and artificial water courses, streams and flood plain boundaries; wetlands; and other boundary lines with distances, radii arcs, chords and tangents of all deflection angles, nearest second and error of closure of not more than one (1) foot in 10,000 feet.

   b. Proposed lot, tract, or parcel lines in prominent, solid lines. Lot, tract, or parcel lines proposed for removal shall be shown in dashed or broken lines.

   c. Location and identification of all control points (iron pins, monuments, etc.) to which all dimensions, angles and bearings are to be referred.

   d. Lot numbers or letters in progressive order to identify each lot or tract. Numbers shall be utilized only for lots, tracts or parcels which are eligible for independent or individual use, whereas letters shall be utilized for lot additions, land exchanges and transfer of lots or parcels which are not eligible for individual use or development. Lot numbers or letters from previous plans shall be encircled by a dashed or broken line circle while currently proposed lot numbers or letters shall be encircled by a solid line circle.

   e. Square footage and acreage of all lots or parcels involved in the subdivision or land development, exclusive of land dedicated for public right-of-way.

   f. The location, size and use of all existing buildings. Proposed buildings shall be shown to the extent necessary to demonstrate compliance with other ordinance criteria.

   g. The building setback line prescribed in the applicable zoning code.

3. Streets, utilities, topography and natural features on the proposed subdivision and within 100 feet of the boundaries, in accordance with the following:

   a. Layout, right-of-way, pavement width and name of all roads and streets.
b. Size and location of all existing and proposed utilities including easements.

c. Existing and proposed on-lot well and sewage disposal system locations, as well as soil probe and percolation test locations for sewage disposal systems.

d. The topography and drainage of all proposed development sites shall be depicted. Contour intervals shall be a maximum of five (5) feet, except that development areas with a grade of less than 5% shall be depicted utilizing two (2) foot contour intervals. Lot additions and currently developed sites shall be required to stipulate only lot corner elevations or general topographic information.

e. Streams, ponds, waterways, flood plains, quarries, sinkholes and other significant topographical, physical or natural features.

4. Storm water management facilities, where required by Section 5.07 of this Ordinance.

5. North arrow and graphic and written scale. The scale shall not exceed 50' to the inch. Deed reference and source of title to the land being subdivided shall be included, as shown by the County Recorder of Deeds.

6. Name of all surrounding property owners.

D. Plan Notes and Conditions

All necessary or recommended supplementary subdivision or land development plan notes or conditions shall be prominently lettered on the plan. This shall include, but not be limited to:

1. Total number of lots or dwelling units proposed by the plan.

2. Applicable zoning standards for front, rear and side yard setbacks, minimum lot area, minimum lot width and zoning district.

3. Statement of intended use for all lots except those intended for single family detached dwellings.

4. Statement of deed restrictions or covenants which may be a condition of sale of the property.

5. Other specifics or clarifications necessary to complete the plan.

E. Certifications and Dedications

1. A certification of ownership shall be signed by the property owner(s) verifying ownership and acceptance of the plan.

2. A statement shall be signed by the owner(s) offering land for dedication to public use for all appropriate streets, rights-of-way, easements, parks, etc.
3. A certification statement by the plan preparer (registered surveyor, engineer, or landscape architect) verifying the plan accuracy.

4. Seal of the registered surveyor, engineer or landscape architect responsible for plan preparation. Any plan establishing property boundaries shall be prepared and sealed by a registered surveyor.

SECTION 4.03 MAJOR SUBDIVISION - PRELIMINARY PLAN

The subdivider or land developer shall furnish, as part of an application for preliminary approval of a major subdivision or land development plan, the following information on the required preliminary plan sheets.

A. Title Block

All information required in Section 4.02A of this Ordinance.

B. Signature Blocks

All information required in Section 4.02B of this Ordinance.

C. Maps and Data

All information required in Section 4.02, Subsection C, Paragraphs 1, 4, 5, and 6 of this Ordinance. Information required in Paragraphs 2 and 3 shall also be supplied as specified, except that:

1. Lots shall be depicted, but individual bearings and dimensions are not required. Lot areas may be approximated.

2. Topographic information shall be completed at two (2) foot contour intervals. It shall show approximate direction and gradient of ground slope on immediately adjacent land; indicate subsurface condition of tract if not typical; show water courses, marshes, sinkholes, wetlands, wooded areas, isolated preservable trees and other significant features.

3. Street and utility information shall be detailed. Street profiles, cross sections and grades shall be specified, detailing cartway, curb, and shoulder design where applicable. Location, size, profiles, elevations and cross sections shall be submitted for all sanitary sewers, water lines, storm sewers, sidewalks, street lights, storm water management facilities and other proposed site improvements.

D. Plan Notes and Conditions

All information required in Section 4.02D of this Ordinance.

E. Certifications and Dedications

All information required in Section 4.02E of this Ordinance.
The subdivider or land developer shall furnish, as part of an application for final approval of a major subdivision or land development plan, the following information on the required 18" X 24" final plan sheet(s):

A. Title Block

All information required in Section 4.02A of this Ordinance.

B. Signature Blocks

All information required in Section 4.02B of this Ordinance.

C. Maps and Data

The plan shall include only the phase or section of the subdivision or land development proposed for immediate recording and development. All information required in Section 4.02C of this Ordinance shall be supplied.

D. Plan Notes and Conditions

All information required in Section 4.02D of this Ordinance.

E. Certification and Dedications

All information required in Section 4.02E of this Ordinance.
CHAPTER 5

REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

SECTION 5.01 INTENT

The design standards established in this Chapter are intended to be fundamental requirements to be applied with professional skill in the subdividing and planning of land so as to produce attractive and harmonious neighborhoods, convenient and safe streets, and economical layouts of residential and other land development. The design standards are further intended to encourage and promote flexibility and ingenuity in the layout and design of subdivisions and land developments, in accordance with modern and evolving principles of site planning and development.

It is also the intent of this Chapter to require subdividers and developers to follow all applicable codes, regulations, and standards adopted by the municipality or the County relative to improvements to the subdivision or development site. In all cases, the codes, regulations and standards of the municipality shall be followed and the improvements shall be approved by the municipal governing body before the final plan is approved. In cases where development codes, regulations, and standards do not exist at the municipal level, the requirements of this Chapter shall be followed and approved by the Planning Department. All improvements as specified in this Chapter or in applicable municipal ordinances shall be installed before the final plat is approved or, in lieu thereof, a guarantee of installation shall be provided by the subdivider or developer prior to final plat approval. The guarantee shall assure the responsible body (Municipality or County) that the required improvements will be installed in accordance with the subdivision or land development plan.

During the design and approval of subdivision and land development plans the Planning Department, the municipal planning agency and governing body, and the developer shall give primary consideration to all thoroughfare plans, water plans, sewer plans, community facility plans, and official maps as may be in effect in the municipality.

SECTION 5.02 GENERAL STANDARDS

In addition to the standards contained elsewhere in these regulations, the following general standards shall be observed.

A. Existing utilities and improvements shall be utilized wherever possible. New roads and extended utility services shall be discouraged if existing services and facilities may be utilized. Scattered urban development shall be avoided.

B. Development designs shall minimize street lengths necessary to serve developed properties.

C. Side lot lines should be substantially at right angles or radial to street lines, unless the purpose of lot line orientation is to obtain greater solar access.
D. Depth of residential lots should be not less than one (1) nor more than two and a half (2-1/2) times the lot width.

E. Every lot shall abut a street. Lot frontage or access shall be physically accessible by standard vehicle in existing condition or the Planning Department shall require illustration of the site improvements planned and necessary to alter steep banks, flood plains, visibility limitations, etc. to a condition that will facilitate safe and adequate access. The Planning Department may also require that lots be arranged to reserve a right-of-way for street access to future lots.

F. Double or reverse frontage lots may be preferred or required when lot access to an adjoining street is not permitted or separation from the street is desired because of topographic, orientation, aesthetic, congestion, safety or high noise level considerations.

G. Adequate easements or rights-of-way shall be required for drainage and utilities. Easements shall be a minimum of twenty (20) feet in width and, whenever possible, shall be centered on side or rear lot lines. No structure or buildings shall be erected within such easements.

H. Additional lot areas beyond minimum size may be required:
   1. On slopes in excess of 15%.
   2. To control erosion or storm water runoff.
   3. To provide sufficient area for sewage disposal.

I. Lots shall be suitably shaped to encourage and facilitate use and maintenance of all portions of the lot. Accordingly, lots shall be square or generally rectangular in shape. Lot configurations which result in flag lots and L-shaped, T-shaped, triangular or otherwise inappropriately shaped lots shall be avoided.

J. Site design and development shall include reasonable efforts to save existing trees and vegetation.

K. The standards of this Ordinance shall apply to all lots being subdivided or developed and residual land which is created by the subdivision or land development activity.

L. Subdivision of property with existing dwellings or development shall be regulated by the following:
   1. Each dwelling or use shall be serviced by separate utility connections. Shared sewage systems are not permitted.
   2. Each dwelling or use subdivided shall be on sufficient land area to satisfy minimum lot area and yard setback requirements. Where adequate land area is not available to satisfy minimum standards, subdivision may be permitted when:
      a. Each dwelling or principal building is in good structural condition.
      b. Mobile homes are not involved.
c. An equitable distribution of land is proposed between the existing uses or buildings.

M. Lot additions, land exchanges, agricultural use only lands, and any other specific or special purpose subdivision or land development shall include prominent plan notes to avoid misinterpretation of the intent of the subdivision or land development plan. Applicable deed restrictions may be required.

N. Deeds filed subsequent to subdivision or land development approval shall accurately and correctly describe the property therein. Deeds shall be in complete compliance with all plan notes and conditions.

Recording a deed which omits or contradicts the information on an approved subdivision or land development plan shall be a violation of this Ordinance.

SECTION 5.03 ENERGY CONSERVATION STANDARDS

Conservation of energy shall be an important principle in the design of subdivisions and land developments. Plans shall facilitate the energy efficient placement of homes and buildings on lots. Whenever the following criteria are found to be appropriate to a site, development design be in accordance with the standards contained herein.

A. Orientation

1. Lots shall be designed for energy efficient siting of buildings with respect to slopes and existing trees.

2. Southerly exposures should be utilized for development. North slopes, especially those over 10% slope, should be avoided because the long shadows created severely restrict solar access.

3. New lots and new residences shall be oriented to make maximum effective use of passive solar energy. The long axis (depth) of each lot should run North-South, with a possible East-West variation of 22-1/2 degrees. Lot design should provide for lots of adequate width, depth, and slope for solar orientation. Lot layout should facilitate solar access by at least 75% of the proposed dwellings or buildings within a development.

4. The largest yard setback should be stipulated on the south side of proposed buildings. Buildings should be situated to the North end of the lot to permit maximum on-lot control of solar skiespace.

B. Streets

1. Streets should be oriented along an East-West axis, with maximum North-South deviations of 30 degrees. This should be required to the maximum extent possible, although size, configuration or orientation of the property; nature of the surrounding development; circulation patterns; existing physical features such as topography and vegetation (trees); and improved design potential may be considered to determine the feasibility of this requirement for a given site.
2. Street system shall be designed to reduce overall lengths and facilitate traffic flow (minimum number of intersections).

C. Vegetation and Wind

1. Site design shall emphasize the preservation of all beneficial natural features of the site, such as existing slope, naturally wooded areas, and water courses. The site design should also avoid requiring removal of large isolated trees and desirable woods and other vegetation, particularly those existing plant materials which serve as wind barriers and aid in energy conservation.

2. Developments shall be designed to maximize wind buffering and/or breeze channelization capabilities of vegetation, topography and structure layouts. Wind breaks and buffers should utilize evergreens to protect north and northwesterly exposures. Cooling breezes from the southwest should be channelled past buildings. Deciduous trees shall be located in areas which will enable them to shade buildings from the summer sun, but still allow penetration of the winter sun.

SECTION 5.04 TOPOGRAPHY

Subdivisions shall be planned to take advantage of the topography of land in order to: utilize the natural contours, economize in the construction of drainage facilities, reduce the amount of grading, and minimize destruction of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the neighborhoods.

Additionally, environmental safeguards may be mandated on slopes in excess of 15%. On steep slopes (in excess of 15%), site and lot design shall be adjusted, where necessary, to mitigate the detrimental effects of development on steeper slopes. The following topographic considerations shall be utilized in design of subdivisions and land developments:

A. Streets - Land which is relatively flat or of very gentle slopes should be planned so that the streets follow the natural drainage courses and as many lots as possible shall be above the street grade. On more irregular topography, streets shall be designed to avoid extensive cuts and fills and follow the ridges or be planned approximately parallel to contour lines, and adjusted, however, so that lots on one (1) side of the street will not be excessively below the street grade.

B. Natural Drainage - Subdivisions shall be designed, particularly on land of very gentle slopes, to take every advantage of natural grades so that all the land can be drained without excessive grading. Unless water courses or drainage ways are enclosed, the plan shall be adjusted so that rear lot lines shall be approximately parallel to the natural or straightened course, and only where such plan is not possible, should side lot lines be arranged parallel to an open drainage course. Easements for drainage ways and low-lying land which are subject to flooding may be included as part of a lot but shall not be used as building sites or included in calculating the required lot area or width.
C. **Natural Features** - Natural features, irregularities, changes in level, brooks, lakes, hilltops, and other focal points within the site, and distant views outside the subdivision shall be integrated in the design to obtain variations and interest in each neighborhood and more attractive building sites. Trees, topsoil, and other natural resources shall be preserved and utilized in the development of the subdivision.

D. **Driveways** - Private driveways shall be designed to furnish safe and convenient access, with reasonable clear sight distance at intersection with the street. Steep slopes shall be traversed diagonally to minimize grades. Driveway grades shall not exceed 15% slope. The Planning Department may require paving of driveways exceeding 10% slope to minimize erosion.

**SECTION 5.05 GRADING**

The developer shall grade each subdivision or land development to establish street grades, floor elevations of buildings, and lot grades in proper relation to each other and to existing topography. However, grading shall be kept to a minimum to avoid loss of topsoil and erosion potential. Lots shall be graded to secure drainage away from buildings. The grading shall facilitate collection of storm water in designated areas and avoid concentration of water in the sewage system location.

The grading of the roadway shall extend the full width of the cartway, shoulder and swale area, if applicable. Where possible, grass strips or channels between the curb or shoulder and right-of-way line should be graded at 3:1 slope; however, when unusual topographic conditions exist, good engineering practice shall prevail.

**SECTION 5.06 LOT SIZES AND STANDARDS**

The minimum lot size and lot width requirements established by municipal zoning ordinance shall be utilized as minimum subdivision standards. All lots shall satisfy the municipal zoning standard for lot width and lot size at the time of subdivision. Additionally, the building setback lines established by the municipal zoning ordinance shall be applicable and shall be noted on each subdivision or land development plan. Additionally, each subdivision or land development plan shall satisfy all other applicable zoning standards, unless variance thereto has been granted.

In cases where zoning standards have not been enacted or might otherwise be determined not to be valid, the following uniform standards shall apply for new building lots:

<table>
<thead>
<tr>
<th>Available Utilities*</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Width</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>On-lot Well &amp; Sewage</td>
<td>1 Acre</td>
<td>150'</td>
<td>40'</td>
</tr>
<tr>
<td>Public Water/On-lot Sewage</td>
<td>30,000 sq.ft.</td>
<td>135'</td>
<td>40'</td>
</tr>
<tr>
<td>On-lot Well/Public Sewer</td>
<td>20,000 sq.ft.</td>
<td>120'</td>
<td>35'</td>
</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>10,000 sq.ft.</td>
<td>100'</td>
<td>30'</td>
</tr>
</tbody>
</table>

* Public also includes approved community water and sewage systems
A. Scope - A Storm water Management Plan shall be required for each subdivision or land development plan (except single family residential lots meeting the criteria of Section 5.07 A.1.) at both the preliminary and final submittal stage. As an integral part of the Storm Water Management Plan, erosion and sedimentation control measures shall be included. For the purposes of this section of the Ordinance, any expansion or construction where such development occupies an area in excess of 20,000 square feet (combined building and paved parking area) shall be considered a land development plan and also require a Storm Water Management Plan in accordance with the applicable regulations of this Section. The 20,000 square foot requirement applies on individual large projects, projects which exceed a cumulative total of 20,000 square feet after the Ordinance effective date (September 13, 1979), and any projects occurring after the 20,000 square feet level has been reached. A Storm Water Management Plan must be approved as per paragraph C of this Section before construction of any expansion may proceed.

1. Exception - Single family residential lots may be exempted from the mandatory design and installation of certain storm water management facilities when the lot improvements (house, driveway, regrading, etc.) on the proposed subdivision plan document to the satisfaction of the Planning Department and the County Engineer that the lot improvements will not result in detrimental storm water discharges within the lot(s) or upon adjoining lands, roads, waterways or other areas. Exemption may be granted by the Planning Department provided all of the following criteria are satisfied:

   (a) The subdivision plan shall meet all of the criteria for a minor subdivision; and

   (b) The minimum lot area shall be two (2) acres; and

   (c) The slope of the lot shall not exceed 4% in the lot improvement area and slopes in excess of 8% shall not exist within fifty feet (50') of the lot improvement area; and

   (d) Streams, waterways and ecologically sensitive areas shall not exist within one hundred feet (100') of the lot improvement area; and

   (e) The proposed lot improvements shall be a minimum of fifty feet (50') from side and rear lot lines, unless site conditions or other requirements necessitate greater setback.

   (f) Plan notes shall document that the soils within the lot improvement area are in the hydrologic soil group A, B or C, as published in the current edition of TR-55, Urban Hydrology for Small Watersheds; and
(g) Storm water discharges shall not endanger or potentially damage the lot improvements, adjoining lands, roads or otherwise pose a threat to the health, safety or welfare of the public; and

(h) No unique or adverse lot conditions shall exist which warrant refusal of the exemption request; and

(i) The exemption request shall be submitted in writing with the subdivision application and shall address all the criteria cited herein; and

(j) Subdivision application shall be accompanied by standard application and inspection fees to assure evaluation of lot(s) for compliance with the exemption criteria at the design, construction and inspection stages; and

(k) Subdivision plans containing any lots which have received storm water management design and installation exemptions in accordance with these provisions shall contain a prominent plan note explaining the exemption and the lot development restrictions applicable thereto; and

(l) Any lot receiving a storm water management installation exemption and subsequently found to be developed, or under development, contrary to the approved subdivision plan, contrary to these exemption provisions or otherwise evidencing a storm water runoff problem shall forthwith be subject to the following:

- Corrective action shall be taken in the lot development to eliminate the noncompliance.

- Submission of a revised subdivision plan shall be required, depicting necessary storm water management facilities, in accordance with standard plan processing procedures.

- Lot owner(s), developer(s) or other responsible person(s) who fail to take corrective lot development action or fail to submit a required revised plan shall be guilty of a violation of this Ordinance, punishable as provided by Section 8.06 of this ordinance.

B. Content - The Storm Water Management Plan shall contain the following:

1. A general description of the proposed subject.

2. Project location on a 7.5 minute U.S.G.S. map or equivalent.

3. Topographic features of the site and adjacent lands that are considered to impact upon the Storm Water Management design. Flow Direction arrows should be utilized to indicate the direction of storm water flow on site.
4. Runoff calculations for the entire watershed and related design computation necessary to substantiate the proposed temporary and permanent storm water management facilities. A minimum affected drainage area of one (1) acre shall be used to calculate required storm water storage, unless otherwise justified by site topography illustrated on the plan.

5. Design and specifications of temporary and permanent storm water management facilities. The volume of storm water detention required per lot shall be noted on the plan, as well as approximate dimensions of the proposed facility. An estimated construction cost should also be provided.

6. Staging or Implementation schedule for constructing the proposed storm water control system. A plan note shall be added to grant county and municipal officials and employees thereof the right of access to the property for inspection of a storm water management facilities and, in the event of default by the subdivider, installation of the storm water management facilities.

7. Maintenance and Ownership provisions.

C. Review and Approval – All Storm Water Management Plans shall be reviewed by the County Engineer prior to County approval. A set of design plans shall be maintained on file at the site during construction, as record drawings.

Observations of construction shall be the responsibility of the County Engineer or his designated representative and shall be conducted to certify compliance with this Ordinance. Upon completion of the storm water management installation for a subdivision or land development of more than one (1) lot or unit with an estimated storm water management facilities construction costs in excess of $3,000.00, the developer/subdivider shall provide a certification of completion from a registered engineer or surveyor verifying that storm water management facilities have been constructed in compliance with the approved plans. Changes to the approved plans shall be authorized only with the written approval of the County Engineer.

D. Design Standards – Computations for determining storm water runoff and for the design of storm water management facilities shall be based upon the current U.S.D.A., Soil-Cover-Complex Method described in TR-55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service National Engineering Handbook, Section 4.

The Storm Water Management Plan shall effectively demonstrate the control of post-development peak discharge rates to pre-development peak discharge rates based on the following standards:
1. All pre-development calculations, unless in woodland, shall be based upon the assumption of grass or pasture cover in good hydrologic condition, and pre-development storm water runoff shall be calculated for a two (2) year storm event. Where the site contains existing impervious surface, up to 50% of the impervious area may be considered as an existing pre-development condition.

2. Storage structures and peak flow from subdivision or land development shall be designed such that post-development five-year peak discharge will not exceed the pre-development two-year peak discharge for the primary outlet structure and from the development.

3. All storage structures shall be designed with emergency spillways. The minimum design capacity of the emergency spillway shall be the 25 year post-development peak discharge while maintaining a minimum of 1.0 foot freeboard.

4. Culverts, pipes, and other water carrying structures shall be designed to handle the peak discharge from the ten year post-development storm event.

5. The storm water management plan shall include calculations indicating velocities of flow, grades, sizes, and capacities of water carrying structures, debris or sediment basins, and retention and detention structures and sufficient design information to construct such facilities.

6. Storm water runoff shall be based on the following 24-hour storm events:

<table>
<thead>
<tr>
<th>STORM FREQUENCY</th>
<th>INCHES OF RAINFALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Years</td>
<td>3.0 Inches</td>
</tr>
<tr>
<td>5 Years</td>
<td>4.0 Inches</td>
</tr>
<tr>
<td>10 Years</td>
<td>4.8 Inches</td>
</tr>
<tr>
<td>25 Years</td>
<td>5.3 Inches</td>
</tr>
<tr>
<td>50 Years</td>
<td>6.0 Inches</td>
</tr>
<tr>
<td>100 Years</td>
<td>6.7 Inches</td>
</tr>
</tbody>
</table>

7. Maximum permitted average velocities are as follows:

(a) Three feet (3') per second where only sparse vegetation can be established.

(b) Four feet (4') per second under normal conditions where vegetation is to be established by seeding.

(c) Five feet (5') per second where dense, vigorous sod can be quickly established or where water can be temporarily diverted during establishment of vegetation.

(d) Six feet (6') per second where well established sod is in existence.
(e) For lined water carrying channels, the following velocities are permitted.

1. Six inch (6") Rock Rip-Rap - Up to six feet (6') per second.

2. Nine inch (9") Rock Rip-Rap - Up to eight feet (8') per second.

3. Asphalt - Up to seven feet (7') per second.

4. Durable Bedrock - Up to eight feet (8') per second.

5. Twelve Inch (12") Rock Rip-Rap - Up to nine feet (9') per second.

6. Concrete or Steel - Up to twelve feet (12') per second.

7. The normal maximum velocity of open channel flows shall not exceed ten feet (10') per second.

8. Energy dissipators shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.

9. Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Department of Environmental Resources, and if applicable by the Water and Power Resources Board and the Division of Dams and Encroachments.

10. All streets shall be so designed to provide for the discharge of surface water from their rights-of-way.

11. The slope of the crown on proposed streets shall be 1/8 of an inch per foot. Slope of the centerline grade shall be at least 0.75%.

12. Adequate facilities shall be provided at low points along streets and where necessary to intercept runoff.

13. Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete or corrugated polyethylene as approved by Pennsylvania Department of Transportation.
14. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.

15. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

16. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.

17. Vertical pipes, inlets, and other surface water receiving structures shall be installed with trash racks.

18. Storm water runoff channels shall be designed and installed to avoid trapping excess sediment.

19. Storage of equivalent storm water runoff for a portion of a property may be considered in lieu of storage of generated runoff provided:
   
a. The site is located so that it is physically impossible to detain runoff from the proposed facilities or drainage problems exist upgrade that would impact upon the site or downgrade properties.
   
b. The impact of generated runoff discharging off site from the subdivision or land development is determined by the County Engineer to be negligible and not detrimental to adjacent properties.
   
c. Implementation of equivalent storage shall be determined applicable and feasible by the County Engineer.

20. A variety of methods for storm water detention are available for use. These include surface detention, subsurface detention, use of existing facilities (ponds, etc.) or a combination thereof. Subsurface detention shall be utilized only where the subsurface is stable and not prone to sink hole formation.

E. Erosion and Sedimentation - Erosion and sedimentation control measures shall be in accordance with the applicable standards and specifications set forth in the current edition of Soil Erosion and Sedimentation Control Handbook as prepared by the Lebanon County Soil Conservation District.
F. Ownership and Maintenance Program - Each storm water management plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities, and erosion and sedimentation control facilities, including:

1. Description of temporary and permanent maintenance requirements.

2. Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.

3. Establishment of suitable easements for access to all facilities.

4. The intent of these regulations is to provide for private ownership and maintenance of storm water management and erosion and sedimentation control facilities. Where the Storm Water Management Plan proposes Municipal Ownership and/or maintenance, a description of the methods, procedures, and the extent to which any facilities shall be turned over to the local municipality, including a written approval of responsibilities as proposed, shall be incorporated as an integral part of the plan.

G. Basic Construction Criteria - Construction of storm water management and erosion control facilities shall be in accordance with the approved plans and accompanying specifications, if any. Construction or development contrary to, or not in compliance with, the storm water management design on the approved subdivision or land development plan shall be a violation of this Ordinance, punishable as provided by Section 8.06 of this Ordinance. The construction details and standards of the following publications in their most recent revision shall be acceptable:

1. "Erosion and Sedimentation Control Handbook of Lebanon County".

2. PennDOT, Form 408, Specifications; and


SECTION 5.08 SEWAGE DISPOSAL

Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Resources and the municipality wherein the subdivision or land development is located. The following requirements specify the design and installation standards for subsurface sewage disposal and public and private sewerage systems.

A. Subsurface Sewage Disposal - All subdivisions and land developments proposing subsurface sewage disposal shall be designed and submitted in compliance with the prevailing requirements of the Pennsylvania Sewage Facilities Act. It is the intent of this section to co-ordinate a simultaneous review of subdivision and land development plans with sewage planning modules at the municipal level, thereby avoiding the approval of lots that are not suitable for sewage disposal. In
accordance with those standards, application for subdivision or land development approval shall satisfy the following procedural requirements:

1. **Minor Subdivision** - The subdivider shall submit the sewage planning module and required associated information to the sewage enforcement officer at the time of final plat application. The subdivision or land development plan shall not be processed until documentation is provided to verify that the sewage enforcement officer has received the sewage planning module. All newly created lots, whether for immediate or future use, shall be tested and approved for sewage suitability.

2. **Major Subdivision** - The subdivider shall submit a preliminary plan depicting general lot layout and street design, as required elsewhere herein. After preliminary approval, the subdivider shall submit the required sewage planning module and associated information to the sewage enforcement officer at the time of final plan application. The subdivision or land development plan shall not be processed until documentation is provided to verify that the sewage enforcement officer has received the sewage planning module.

B. **Existing Public Sewers** - When a subdivision or land development has public sewers available on-site or within one thousand (1,000) feet of the site, sewer lines shall be included on the subdivision or land development plan and installation must be approved by the municipal authority responsible for the sewer system.

C. **Planned Sewer Area** - When a proposed subdivision or land development is located in an area not presently served by public sewers, but which has received design data preparatory to sewer system installation within eighteen (18) months, then the municipality shall determine the necessity of installing house connections and/or capped mains, even though on-site facilities will be required in the interim. Installation of house connections and capped mains shall be in accordance with municipal design data and approved by the municipal engineer prior to approval of a preliminary or final plan.

D. **Private Sewerage System** - When a subdivision or land development is to be provided with a private sewerage system, a statement shall be submitted to the Planning Department from the Pennsylvania Department of Environmental Resources verifying that a permit has been issued approving the proposed facilities. Additionally, the municipality must be satisfied that adequate provisions have been made to guarantee the construction and maintenance of the proposed private sewerage system.

E. **Plan Notice**

1. **Subsurface Sewage Disposal** - All subdivision and land development plans shall contain a plan note specifying that approval of the plan does not guarantee permit issuance for sewage disposal.

2. **Public Sewers** - All subdivision and land development plans shall contain a plan note specifying that connection to public sewer lines is required.
SECTION 5.09 WATER SUPPLY

A water supply system shall be designed and constructed by the subdivider or developer as required by the municipality, water company, or water authority in relation to the specific site of the proposed subdivision or land development. The water supply system shall be capable of meeting the domestic and fire protection needs of the site. When possible, the subdivision or land development should be served by a public water supply system approved by municipal water officials or a community water system approved by the Pennsylvania Department of Environmental Resources. If the subdivision or land development is to be supplied by a public or community water system, the subdivider or developer shall submit a written certification, commitment or evidence that the municipal water company or authority or the association of lot owners or private company, as applicable, has adequate water capacity and has agreed to provide water service.

In those cases where a public or community water system is not available or practical, a well shall be provided for each lot. Wells shall be placed uphill from sewage disposal systems. Wells shall not be within one hundred feet (100') of any part of the absorption field of any on-site sewage disposal system and they shall not be placed within fifty feet (50') of lakes, streams, ponds, quarries, etc.

Subdivision and land development plans shall contain a plan note specifying the source of water supply. Plans proposing the use of public or community water shall contain a note specifying that connection to the public or community water line, as applicable, is required. Plans proposing the use of individual wells shall contain a note specifying that the lot(s) has not been tested for the availability of water of adequate quality or quantity and no guarantee of water availability is provided.

SECTION 5.10 STREETS

In addition to relating to topography, natural features and solar orientation, streets shall be designed according to the function served, the use of abutting land, and standards of width, intersections, maximum grades and curvatures. The Planning Department shall require that all developments have adequate access. Where major subdivision is proposed or may occur because of the patterns started by minor subdivision activity, the Planning Department should require reservation for, or installation of, two or more streets to insure safe and convenient access. Elimination or vacation of previously approved streets shall be approved only when the Planning Department determines that 1) alternate access has been provided in another, more suitable location, 2) further development is not possible utilizing the street, and 3) any land owners who purchased property with reliance upon the street agree in writing to its elimination.

The developer shall design and construct streets, including pavements, shoulders, gutters, curbs, etc., as required by municipal ordinance. Where specific municipal regulations do not exist, the following requirements shall apply.

A. Classification and General Design Goals

1. Major Streets - function primarily for the movement of fast traffic between points of heavy traffic generation. They are often known as arterial streets or highways. They shall be planned for
continuation of existing streets in the system at the same or
greater width in accordance with adopted municipal standards. Major
streets shall contain as few intersections as possible.

2. Collector Streets - function to collect traffic from local streets
   and distribute it into major streets, and, as such, they will
   normally contain a relatively large number of intersections with
   local streets and few with main streets. A collector street system
   may be required wherever a residential neighborhood near a major
   street is over 150 acres in area or where the local street pattern
   is so designed as to converge and serve over 500 one-family
dwellings, or 100 multi-family units. Collector streets shall be
planned for continuity and to lead more or less directly to one or
more focal points or centers of traffic generation, and may become
bus routes.

3. Local Streets - provide direct access to each lot and function to
   allow traffic to circulate toward the principal directions of
   travel, bus routes, schools and playgrounds; however, the design
   shall discourage through and high speed traffic. The street
   pattern shall be indirect and yet continuous to prevent through
   traffic, formed of straight, moderately winding, curved, looped or
   angular streets. Tee-intersections shall predominate and cross-
   intersections shall be minimized. There shall be an underlying
systematic neighborhood pattern; however, gridiron and other rigid
geometrical patterns should be avoided where possible.

The street pattern shall include extensions to the boundaries of
the development to provide circulation between adjoining
neighborhoods.

4. Cul-de-Sac Streets - provide direct access to properties from other
   streets. Ordinarily, a cul-de-sac is a short street with only one
   outlet and having an appropriate terminal for safe and convenient
   reversal traffic movement. Drainage should be towards the open
   end. If drainage is toward the closed end it shall be conducted
   away in an underground storm sewer.

B. Minimum Street Standards - See Chart on next page.

C. Supplementary Street Standards - In addition to the specific standards
cited in Section B, the following street standards shall apply to design
and construction of streets:

1. Intersections
   a. Streets shall be designed to intersect as nearly as possible
      at right angles (90 degrees). No street shall intersect
      another at less than 75 degrees. An oblique street should be
      curbed approaching an intersection and should be at right
      angles for at least 100 feet therefrom.

   b. No more than two (2) streets shall intersect at any one point.

   c. Proposed new intersections along one side of an existing
      street shall coincide with any existing intersections on the
      opposite side of the street. Where intersections cannot
### B. Minimum Street Standards

<table>
<thead>
<tr>
<th>STREET CLASSIFICATION</th>
<th>RIGHT-OF-WAY WIDTH</th>
<th>STREETS W/O CURBS</th>
<th>STREET WIDTH WITH CURBS</th>
<th>GRADE (VERTICAL ALIGNMENT)</th>
<th>RADIUS CURVATURE (HORIZONTAL ALIGNMENT)</th>
<th>REVERSE CURVE TANGENT</th>
<th>SIGHT DISTANCE</th>
<th>OTHER REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Streets</td>
<td>80'</td>
<td>44' 10'</td>
<td>48' 6%</td>
<td>500'</td>
<td>200'</td>
<td>400'</td>
<td></td>
<td>Street width subject to PennDOT requirements</td>
</tr>
<tr>
<td>Collector Streets</td>
<td>60'</td>
<td>34' 8'</td>
<td>34' 8%</td>
<td>300'</td>
<td>100'</td>
<td>200'</td>
<td></td>
<td>Pavement width shall be increased where on-street parking is planned or lots average 80' or less in width</td>
</tr>
<tr>
<td>Local Streets</td>
<td>50'</td>
<td>26' 4'</td>
<td>30' 10%</td>
<td>150'</td>
<td>50'</td>
<td>125'</td>
<td></td>
<td>Maximum length of 600'. Serve maximum 12 lots or dwelling units</td>
</tr>
<tr>
<td>Cul-de-Sac Streets</td>
<td>50' (90' at turnaround)</td>
<td>20' 4'</td>
<td>26' 10% (5% at turnaround)</td>
<td>150'</td>
<td>50'</td>
<td>100'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
practically be connected, a minimum of 150 feet shall separate
the center lines of offset local streets, and 400 feet minimum
shall be provided for collector and major streets.

d. Street curb intersections shall be rounded with a minimum
radius of twenty (20) feet for local streets and thirty (30)
feet for collector or major streets. The radius point shall
be concentric with that for the property line.

e. Intersections shall be designed with a flat grade. In hilly
or rolling topography, a leveling area shall be provided at
the approach to an intersection. The leveling area shall have
a maximum grade of two per cent (2%) for sixty (60) feet
preceding the intersection, measured from the nearest right-of-
way line of the intersecting street.

f. Clear sight triangles of seventy-five (75) feet measured along
the center line from the point of intersection, shall be
provided and maintained at all intersections.

2. Street Names - shall not duplicate others nearby, and shall be
subject to the approval of the municipality. Street signs shall be
erected to identify all streets.

3. Street Expansion - where a subdivision adjoins unsubdivided land
sufficient streets shall be planned to extend to the boundary lines
so that all parcels may be subdivided and a coordinated street
system obtained.

4. Streets for Multi-family Development - shall be planned to connect
with major or collector streets to avoid generating large volumes
of traffic on local residential streets.

5. Reserve Strips - the creation of reserve strips shall not be
permitted adjacent to a proposed street in such a manner as to deny
access from adjacent property to such street.

6. Right-of-way Widths - land for the right-of-way for the opening or
extension of any street within a subdivision shall be dedicated by
the developer. Where a property abuts a street which does not
conform to the right-of-way width required by this Ordinance or
other ordinances of the municipality, the additional width
necessary to meet current standards shall be dedicated when such
land is subdivided.

7. Auxiliary Street Improvements - In addition to the required
pavement and shoulder widths, streets shall be designed and
constructed with curbs, street lights, gutters, culverts, catch
basins, sidewalks and other improvements required by municipal
ordinance or deemed necessary for a proposed subdivision.

D. Unimproved Streets or Rights-of-Way - Subdivision on unimproved (un-
paved) streets or access rights-of-way is discouraged. However, in
municipalities without prohibitive regulations, one lot may access via
an unimproved right-of-way provided that the right-of-way is a minimum
of 50'in width and so located and designed that a street could be
installed in the event of future subdivision activity.
E. Private Streets - Private streets are to be discouraged. They will be approved only if they are designed and constructed to meet public street standards and maintenance is guaranteed in perpetuity via a bonafide homeowner's association (or similar organization) agreement and appropriate financial security for repair and maintenance.

F. Street Construction Standards - Streets and rights-of-way shall be improved to meet township and borough standards. The requirements contained herein are provided as design standards and shall only be used as improvement specifications in municipalities where no municipal standards exist. It shall be the developer's responsibility to satisfy all applicable municipal construction requirements and design standards, or in lieu thereof, deposit a security in compliance with Section 5.14 of this Ordinance and established municipal policies. All public and private streets shall meet the following standards:

1. Adequate surface and subsurface drainage shall be provided.

2. All topsoil shall be removed from the area to be paved.

3. There shall be installed a base to consist of six (6) inches of rolled stone or, on the alternate, an eight (8) inch base of rolled shale, under the paved surface of the cartway and a minimum of four (4) inches of compacted shale or stone shall be installed on the shoulder of the road which shall extend four (4) feet minimum on both sides of the cartway.

4. The base course shall be constructed of minimum two inches (2") ID-2 Binder Course in accordance with the Commonwealth of Pennsylvania, Department of Transportation Manual Form 408. The base binder course being constructed with #2B stone with the specified bituminous residues on the aggregate shall conform to the Form 408 specifications.

5. The surface course shall be constructed of minimum one inch (1") ID-2 Binder Course in accordance with the Commonwealth of Pennsylvania, Department of Transportation Manual Form 408. The surface or wearing course being constructed with #1B stone with the specified bituminous residues on the aggregate shall conform to the Form 408 Specifications.

G. State Approval of Streets and Access - to insure that street designs comply with all applicable standards, the Planning Department may submit any preliminary and final subdivision or land development plans to the Pennsylvania Department of Transportation for review and comment.

Subdivision and land development plans which will require access to a state highway under the jurisdiction of the Pennsylvania Department of Transportation (PADOT) shall contain a plan note specifying that a highway occupancy permit is required from PADOT before driveway access to the state highway is permitted. The plan note shall also specify that plan approval does not guarantee that a PADOT permit will be issued.
SECTION 5.11 MONUMENTS

Sufficient monuments shall be set to ensure that reliable survey points are available for all parts of the subdivision. At least one (1) monument shall be placed for every two (2) lots or every two hundred (200) feet of streets, whichever requirement is less. The monument shall consist of either a cast iron box inside of which shall be placed a 3/4 inch steel pin three (3) feet in length, with the top of the pin set to serve as the survey point, or 4" square X 30" in length concrete containing an iron bar for strength and drill hole for line, set level with finished grade. All lot corners and changes in direction shall be identified by steel pins.

The top of the monument box shall be set at the finished grade upon completion of the grading of the street.

SECTION 5.12 UTILITIES AND OTHER IMPROVEMENTS

All subdivisions shall be designed and serviced with adequate utilities, including electricity and telephone service. The developer shall be responsible to cooperate with the utility companies to insure installation of the necessary utilities. All utilities shall be underground, except where developments of five (5) lots or less are exempted by the Pennsylvania Public Utility Commission. Where required, the developer shall obtain a letter from the utility company confirming that service may be extended to the development.

When required by the municipality, the developer shall provide a street lighting duct system, in accordance with the specifications of the appropriate public utility.

In areas where public water lines are available, fire hydrants shall be installed by the developer. Fire hydrants shall be located no more than 1000 feet apart and within 500 feet of any dwelling or inhabited structure. The nearest fire protection unit may be contacted for input regarding the design and placement of a fire hydrant network.

SECTION 5.13 REQUIRED IMPROVEMENTS

The land improvements required to be completed by the developer of a subdivision or land development, as set forth in this Chapter, shall be designed and installed in accordance with this Ordinance and other codes of the municipality. The improvements shall be of such size and capacities as are required for the development of the proposed subdivision and of extra sizes as may be necessary to serve nearby land which is an integral part of the neighborhood service or drainage areas.

The developer shall be required to extend the improvements to serve adjoining unsubdivided land. If streets or utilities are not available at the boundary of a proposed subdivision, the Planning Department may require the developer to construct off-site extensions of the improvements. Procedures for providing any necessary extra-size and off-site improvements and general standards for pro-rating costs shall be coordinated with the municipality and shall be in accordance with the following:
which are determined by the Planning Department and the municipality according to the standards set forth in this Chapter to be in excess of the size required for the development of the subdivision and the integral neighborhood, service, or drainage area.

If a storm sewer in excess of 18 inches, or a sanitary sewer in excess of 8 inches or a water main in excess of 6 inches is required, but each less in size than the sewer trunk lines or water mains which are to be constructed and financed on a regional basis, the municipality shall construct the extra size utility and require a deposit in advance from the developer for the cost of the utility he is required to install and his portion of other costs which the municipality may assess against the benefitted property owners of the service or drainage area.

B. Extensions to Boundaries — The developer shall be required to extend the improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land; however, where the Department and/or the municipality determines that a connecting street is necessary for the future subdividing of adjoining land, but the present construction of pavement and/or utilities therein are not warranted, the Department and/or municipality may require the dedication of land, the pavement intersections constructed, utilities extended at least three (3) feet beyond the pavement, and connections provided and made available for future extensions by other developers.

C. Off-Site Extensions — If streets or utilities are not available at the boundary of a proposed subdivision, the Planning Department and/or municipality may require as a precedence to approval of a preliminary or final plan, assurances that such improvement extensions shall be provided as follows:

1. If the Planning Department and/or municipality find the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or a municipal expense until some future time, the developer may be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for extensions. Such improvements shall be available for connections by developers of adjoining land, or

2. The municipality may construct and pay for the extensions and assess the costs to the owners benefitted and require a deposit from the developer as described in subsection (A) herein. The municipality may establish a rotary fund to pay for such development costs and not collect the assessments on the intervening land until it is developed.

D. Prorating Costs — In making determinations for prorating costs for the construction of off-site extensions or extra-size improvements, the Planning Department and the municipality shall consider in addition to the standards set forth in this Chapter and other regulations of the municipality the following conditions:

1. The relative location and size of the proposed subdivision,

2. The traffic estimated to be generated by the development in relation to present streets,
3. The natural drainage area for sewers and the service area for water,
4. The development benefits that will accrue to the subdivision,
5. The sequence of land and utility developments in the vicinity, and
6. Any other condition it may find pertinent.

SECTION 5.14 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL

A. Performance Guarantee in Lieu of Installation - No plat shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, storm water management facilities and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvement required as a condition for the final approval of a plat, the subdivider or developer shall deposit with the municipality or county (depending upon type of improvement) a fiscal security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to roads, storm water detention and/or retention basins and other related drainage facilities, open space improvements, or buffer or screen plantings which may be required.

B. Type Guarantee - Without limitation as to other types of financial security which the municipality or county may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

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

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The County Engineer shall review and approve the cost estimate or, for good cause, refuse to accept the estimate, in which case he shall calculate an accurate cost estimate of the required site improvements.

If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent of each year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure. A developer who fails to complete the improvements within the allotted time specified in the financial guarantee shall, at least thirty (30) days in advance of the guarantee expiration date, renew or resubmit a financial guarantee. Failure to keep a financial guarantee in effect until the completion and approval of all improvements shall be a violation of this Ordinance.

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

E. Release from Guarantee - As the work of installing the required improvements proceeds, the party posting the financial security may request the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be made in writing to the municipal governing body, or Planning Department where applicable, and within forty-five (45) days of receipt of such request the applicable municipal or county engineer, shall certify, in writing, to his employers whether or not such portion of the work upon the improvements has been completed in accordance with the approved plat. When the improvements are certified to be in accordance with the approved plat, the municipality or county shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal or county engineer fairly representing the value of the improvements completed. If the municipality or county fails to act within said forty-five (45) day period, the release of funds shall be deemed to
have been approved as requested. The municipality or county may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvement.

The applicant shall assume the necessary expense incurred for the inspection of improvements. Such inspection costs shall be based upon a schedule established and amended from time to time as deemed necessary.

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

G. Remedies to Effect Completion of Improvements - In the event that any required improvements have not been installed as provided in this Ordinance or in accordance with the approved final plat, the municipality or county is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the municipality or county may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal or county purpose. Failure to properly install the required improvements shall also constitute a violation of this Ordinance, punishable as provided by Section 8.06 of this Ordinance.

SECTION 5.15 INSURANCE

The developer agrees to indemnify and save harmless the municipality and county against and from any and all loss, cost, damage, liability, and expense on account of damage to property of, or injury to or death of, the parties thereto or third person, caused by, growing out of, or in any way whatsoever attributable to the construction of said improvements and the use of the street delineated on the subdivision plat during construction. The developer further agrees, but without limiting its liability to indemnify the municipality or county, to carry liability insurance contracts with a reliable insurance company covering the period of said construction in the sum of $200,000 to $400,000 for injury to or death of person(s), and in the sum of $200,000 for damage to or destruction of property, which insurance contracts shall include the municipality and county as named insured.
SECTION 5.16 BUILDING CONSTRUCTION AND OCCUPANCY

A building or zoning permit may be issued and building construction started after the approval of the final plat. Occupancy shall not be permitted prior to the completion of streets, storm water management facilities and other improvements necessary for the reasonable use of the building, unless written authorization is granted by the Planning Department where improvements have been guaranteed by valid bond or other security.
CHAPTER 6 - PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 6.01 INTENT

It is the intent of the Lebanon County Commissioners and the Planning Department to provide for properly designed, constructed and maintained planned residential developments when they are provided for in local municipal regulations. Flexible subdivision design concepts are encouraged to meet the growing demand for a variety of housing types.

SECTION 6.02 APPLICATION OF REGULATIONS

Planned residential developments are permitted only within municipalities with individual planned residential development ordinances or separate planned residential development chapters within their zoning ordinances, as per the following:

A. When a municipality has an individual planned residential development ordinance or a zoning ordinance with a chapter regulating planned residential developments and they also have a municipal subdivision and land development ordinance, the Planning Department role during review shall be advisory, as identified by Act 247 and the applicable municipal ordinance. A combined subdivision and zoning procedure may be possible to allow comprehensive review and approval.

B. When a municipality has an individual planned residential development ordinance or a zoning ordinance with a chapter regulating planned residential development but does not have a municipal subdivision and land development ordinance, the Planning Department shall review and approve or disapprove the plan based upon its compliance with this Ordinance and the applicable municipal ordinances. Subdivision plan processing and approval shall be in accordance with Chapter 3 of this Ordinance and such additional procedures, hearings or requirements as the municipal ordinances may mandate.

C. When a municipality does not have an individual planned residential development ordinance or a zoning ordinance with a chapter regulating planned residential development, sites may not be subdivided or developed utilizing the planned residential development concept or procedures.

SECTION 6.03 REVIEW AND APPROVAL

Upon receipt of planned residential development plans, the Planning Department shall begin to review the plan for compliance with all applicable ordinance criteria and general planning concepts. Plan review and approval or disapproval shall be subject to plan procedures described within Chapter 3 and supplements thereto, as described within Section 6.02 of this Ordinance. Compliance with all applicable municipal and county ordinances is required.
Furthermore, the following general planning concepts shall be applied during the review and approval process for a planned residential development and may be utilized as criteria in the evaluation of any planned residential development application:

A. Land shall be efficiently used; and

B. The design and layout shall be consistent with the character of the surrounding neighborhood; and

C. Permitted non-residential buildings shall be a minor portion of the development and shall be so located and grouped as to minimize impact on adjacent residential uses; and

D. Ownership, maintenance and management of the development project shall be fully identified on the plan and within separate recorded documents to assure construction and continuation of the project; and

E. Open space and recreation areas shall be well located and adequately serve the diverse needs of the proposed residents; and

F. Although a mixture of housing types and design innovation are encouraged, plans shall not contain extensive departure from standard design patterns unless more conventional layout is determined to be impossible or inappropriate; and

G. The plan shall specify that all proposed buildings, community facilities, site improvements and development amenities are to be constructed in accordance with the approved plan and any development schedule approved therewith.
SECTION 7.01 INTENT

The purpose of the regulations set forth in this Chapter is to monitor the subdivision and/or development of flood plain areas in order to promote and protect the general health, welfare, and safety of the community; to require that each subdivision lot in flood plain areas be provided with a safe building site with adequate access; to insure that public facilities which serve such lots or development be designed and installed to preclude flood damage; and to protect individuals from purchasing lands which are unsuitable for development because of flood plain lands. The subsequent sections shall be considered requirements supplemental to those procedures and standards specified elsewhere in the Subdivision and Land Development Ordinance, municipal zoning ordinances, the Lebanon County Floodproofing Building Code, and any other applicable ordinances and codes.

SECTION 7.02 DEFINITIONS OF TERMS UTILIZED IN THIS CHAPTER

A. Building - A structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals, or chattel or which is to house a use of a commercial or manufacturing activity.

B. Development - Any man-made change to improved or unimproved real estate, including, but not limited to buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

C. Flood Plain - (1) a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation by water, (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

D. Floodway - That portion of the one hundred (100) year flood plain including the channel of a river or other watercourse and adjacent land areas which are required to carry and discharge the one hundred (100) year flood where the activities permitted elsewhere in the flood plain district will not cumulatively increase the water surface elevation more than one (1) foot at any given point. Detailed studies of the Regulatory Flood by the Federal Insurance Administrator provide specific flood profiles and allow for the delineation of floodway and flood fringe areas within the bounds of the flood plain. For those areas where no floodway has been identified by the Flood Insurance Study, the floodway may be identified by other available studies or sources of information provided by a registered professional engineer.

E. Regulatory Flood - The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purpose of this Ordinance, the one hundred (100) year flood, as defined by the Federal Insurance Administrator.
F. **Regulatory Flood Elevation** - The 100 year flood elevation based upon the information contained in the Official Flood Insurance Study.

G. **Structure** - A man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

**SECTION 7.03 APPLICATIONS PROCEDURES AND PLAT REQUIREMENTS**

The following procedures shall be required in addition to those specified otherwise in these regulations.

**A. Pre-Application Procedures**

1. It is suggested that prospective developers consult the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.

2. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the probable effect of geologic conditions on the proposed development. Concurrently, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the proposed subdivision or development.

**B. Preliminary Plan Requirements**

The following information shall be required as part of the Preliminary Plan when a subdivision is in a flood plain area and shall be prepared by a registered surveyor:

1. A map illustrating the location of the proposed subdivision or land development with respect to the municipality's flood plain areas including information on, but not limited to, Regulatory Flood Elevations, boundaries of flood plain areas, proposed lots and sites, fill, and flood or erosion protective facilities.

2. Where the subdivision or land development lies partially or completely in the flood plain area or where the subdivision borders on the flood plain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building lots. All such maps shall also show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain area.

**C. Final Plan Requirements**

The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor:

1. All information required for submission of the Preliminary Plan plus any changes required by the Planning Department and/or the local municipal governing body.
2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in flood plain areas. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain area.

SECTION 7.04 DESIGN STANDARDS AND IMPROVEMENTS

The design standards and improvements specified herein shall be considered requirements in addition to those of Chapter 5 and otherwise listed in this Ordinance.

A. General

1. Where not prohibited by this or any other laws or ordinances, land located in flood plain areas may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

2. Building sites for residences or any other type of dwellings or accommodations and building sites for structures or buildings other than residential uses shall be permitted in the flood plain only when in compliance with appropriate municipal zoning ordinances, the Lebanon County Floodproofing Building Code, and any other applicable regulations.

3. If the Planning Department and/or the local municipality determine that only a part of a proposed plat can be safely developed, they shall limit development to that part and shall require that development proceed consistent with this determination.

4. When a developer does not intend to develop the plat himself and the Planning Department and/or the local municipality determine that additional controls are required to insure safe development, they may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

5. Lots which are within the flood plain shall be subject to the following:
   a. Any lots created or revised shall have not more than 50% of their area within the flood plain, except that large lots may be exempted provided a minimum 1 acre area of said lot is outside the flood plain.
   b. Lot access to a public road shall not be restricted or prevented by flood plain areas.

B. Excavation and Grading

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that determination can be made.
as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a Grading and Excavation Permit if such is required by the municipality.

C. **Drainage Facilities**

Storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site disposal sites.

Plans shall be subject to the approval of the Planning Department. The Planning Department may also require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. **Streets**

The finished excavation of proposed streets shall be no more than two (2) feet below the Regulatory Flood Elevation. The Planning Department may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

E. **Sewer Facilities**

All sanitary sewer systems located in flood plain areas, whether public or private, shall be floodproofed to a point two (2) feet above the Regulatory Flood Elevation.

1. The Planning Department may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Planning Department may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

2. The Planning Department may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or within 1000 feet of the proposed subdivision and/or land development, the Planning Department and/or the local municipality shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.
F. Water Facilities

All water systems located in flood plain areas, whether public or private, shall be floodproofed to a point two (2) feet above the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Planning Department and/or the local municipality shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

G. Other Public and/or Private Utilities and Facilities

All other public and/or private utilities and facilities shall be elevated or floodproofed to a point two (2) feet above the Regulatory Flood Elevation.

SECTION 7.05 PERFORMANCE GUARANTEE

No final plat shall be approved by the Planning Department and the local municipality until the improvements required by this Ordinance are completed in a satisfactory manner and approved by the local municipality and the Planning Department. In lieu of such construction, approval may be granted prior to completion providing:

A. The developer enters into an agreement with the local municipality or county guaranteeing that improvements will be installed in accordance with the plans, specifications, and schedules approved by the municipality prior to plat approval. This agreement shall also guarantee that no lot will be sold or building constructed in any flood plain area prior to completion of all protective works or measures planned for such lot and necessary access to facilities; and

B. The developer provides a fiscal surety to guarantee performance of this agreement and completion of the improvements as planned. The surety may include a certified check, escrow account, irrevocable letter of credit or other bond acceptable to the municipality. The procedural requirements of Section 5.14 of this Ordinance shall apply to any such bonding proposal.

SECTION 7.06 MUNICIPAL LIABILITY

The grant of a permit or approval of a subdivision and/or land development plan in the identified flood plain area shall not constitute a representation guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.
SECTION 8.01 INTENT

This subdivision and land development ordinance shall be considered to set forth the minimum requirements for the protection of the public health, safety, comfort, property or general welfare, pursuant to the authority of the Pennsylvania Municipalities Planning Code, Act Number 247, 1968 sessions, as amended, or such statutes hereinafter in effect, and shall be construed most favorably to the county as encouraging standards of planning and development exceeding these basic and minimum regulations.

SECTION 8.02 ADMINISTRATION AND ENFORCEMENT

The Lebanon County Planning Department is authorized to administer the provisions of this subdivision and land development ordinance as herein provided, and to enforce the provisions of this Ordinance on behalf of the Lebanon County Commissioners.

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

The Planning Department may refuse to issue (or order municipal refusal to issue) any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

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

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

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

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

SECTION 8.03 MODIFICATIONS

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 Lebanon County. The Planning Department may grant a modification of the requirements of one or more provisions of this Ordinance if the Planning Department concludes that the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

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

All such modification requests shall be approved or disapproved by the Planning Department. A written record of the action shall be kept for all modification requests.

SECTION 8.04 APPEALS

A subdivider or developer aggrieved by any action of the Planning Department or the County Commissioners regarding refusal to approve a subdivision or land development plan may, within thirty (30) days of such refusal, appeal to the Common Pleas Court of Lebanon County. Any other appeals by aggrieved parties or other landowners shall be subject to the appeal procedures outlined in Article X of Act 247.

SECTION 8.05 SCHEDULE OF FEES

A. Fee Procedures - Each subdivision or land development plan application shall be accompanied by the required review and recording fees, as established herein. Fees shall be payable at the time of plan submission (unless otherwise noted herein) and plan processing, approval and recording shall not be completed until all required fees are paid.

There shall be no refund or credit of fees or a portion of any fee should the subdivider or developer withdraw the plan during the review process or fail to receive plan approval.

The fee schedule set forth in this section may be amended from time to time by adoption of a resolution by the Lebanon County Commissioners setting forth the new fees.
B. County Fees - Fees for review, processing and approval of sub-
division and land development plans shall be payable to the Lebanon
County Planning Department at the time of application, in
accordance with the following schedule:

1. Minor Subdivision, Not Involving New Lots
   (Lot addition, land exchange, division of double home or
   existing buildings, etc.)

   FINAL PLAN ------------------------- $40.00

2. Minor and Major Subdivision or Land Development With New
   Lots/Units
   (See Sections 3.03, 3.04, and 3.05 for explanation of minor
   and major classifications)

<table>
<thead>
<tr>
<th>Number of Lots/Units</th>
<th>Preliminary Plan Fee</th>
<th>Final Plan Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>$100 (where applicable)</td>
<td>$75</td>
</tr>
<tr>
<td>6-10</td>
<td>$150</td>
<td>$125</td>
</tr>
<tr>
<td>11-20</td>
<td>$200</td>
<td>$150</td>
</tr>
<tr>
<td>21-50</td>
<td>$250</td>
<td>$175</td>
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<td>$200</td>
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<tr>
<td>101-200</td>
<td>$400</td>
<td>$250</td>
</tr>
<tr>
<td>201+</td>
<td>$500 + $2 per lot/unit over 200</td>
<td>$300 + $2 per lot/unit over 200</td>
</tr>
</tbody>
</table>

3. Land Development Plans
   (Commercial, Industrial, Institutional, etc. For multi-
   family, residential, see #2 above)

<table>
<thead>
<tr>
<th>Acres*</th>
<th>Plan Review Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>$100</td>
</tr>
<tr>
<td>2.01-5</td>
<td>$150</td>
</tr>
<tr>
<td>5.01-10</td>
<td>$200</td>
</tr>
<tr>
<td>10.01-25</td>
<td>$250</td>
</tr>
<tr>
<td>25.01+</td>
<td>$300</td>
</tr>
</tbody>
</table>

   *Acreage of tract for newly developed lot or acreage
   undergoing review for expansions.

C. Municipal Fees - Where a municipal subdivision or land development
ordinance exists, the subdivider shall pay all fees specified in
Section B for Lebanon County Planning Department plan review, plus
applicable municipal fees (payable to the municipality) for the
approval or disapproval of the plan.
D. **Engineer Review Fees** - All applications involving storm water management or engineering review shall be accompanied by fees, payable to the Lebanon County Planning Department for the County Engineer, in accordance with the following:

1. For review of subdivision and land development plans and requests for inspections:

<table>
<thead>
<tr>
<th>Types</th>
<th>1-5 Lots/units</th>
<th>6-19 lots/units</th>
<th>20 or more lots/units</th>
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</thead>
<tbody>
<tr>
<td>Preliminary Plans</td>
<td>$25/lot or unit</td>
<td>$24/lot or unit</td>
<td>$20/lot or unit</td>
</tr>
<tr>
<td>Final Plans</td>
<td>40/lot or unit</td>
<td>16/lot or unit</td>
<td>12/lot or unit</td>
</tr>
<tr>
<td>Inspections</td>
<td>20/lot or unit</td>
<td>14/lot or unit</td>
<td>14/lot or unit</td>
</tr>
</tbody>
</table>

2. For review of commercial, industrial, or institutional land developments, re-submitted plans, inspections, and other plans which do not qualify for the per lot or unit rate:

   a. A base fee of $100 for review or inspection. Plan reviews or inspections requiring more than 2-1/2 hours of County Engineer time shall be subject to an additional fee based upon the hourly rate established in #2 (b).

   b. An hourly rate of $40 per hour of County Engineer review or inspection time.

3. All fees shall be payable at the time of application, except that:

   a. Inspection fees based upon the per lot, per unit or base fee rates shall be paid by separate checks with the final plan, prior to recording the final plan; and

   b. The hourly rate specified in #2 (b) for review or supplemental review fee shall be payable after review, but before plan approval; and

   c. The hourly rate specified in #2 (b) for inspection or supplemental inspection fee shall be payable after inspection but before final inspection approval and release of any applicable financial guarantees.

E. **Recording Fee** - A recording fee shall accompany all final plan applications. The fee, currently $12.00 per plan, shall be payable to the Lebanon County Recorder of Deeds and subject to change as that office may deem necessary.
SECTION 8.06 PENALTIES

Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Planning Department on behalf of the County Commissioners, pay a judgement of not more than $500 plus all court costs, including reasonable attorney fees incurred by the County of Lebanon as a result thereof.

District justices shall have initial jurisdiction in proceedings brought by the Planning Department in accordance with this Section. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Planning Department may enforce the judgement on behalf of the County Commissioners pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

SECTION 8.07 AMENDMENTS

Amendments to this Ordinance may be initiated by the Planning Department or the County Commissioners. If the amendments are initiated by the County Commissioners, the proposed amendment or amendments shall be submitted to the Planning Department for review and comment at least thirty (30) days prior to a public hearing. Before enactment of a proposed amendment or amendments the County Commissioners shall hold a public hearing thereon pursuant to public notice.

SECTION 8.08 VALIDITY

Should any section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.
SECTION 8.09 EFFECTIVE DATE

This Subdivision and Land Development Ordinance shall become effective on July 25, 1989.

Adopted this 20 day of July, 1989.

ATTEST:

SIGNED:

I hereby certify this to be a true and accurate copy of the Lebanon County Subdivision and Land Development Ordinance.

Donald J. Rhine,
County Administrator
APPENDIX
NOTE:

NO ZONING OR BUILDING PERMIT WILL BE ISSUED FOR ANY LOT UNTIL AN APPROVED SEPTIC TANK PERMIT IS OBTAINED.

I (WE) THE UNDERSIGNED OWNER OF THE REAL ESTATE SHOWN ON THIS PLAN DO HEREBY CERTIFY THAT I (WE) HAVE LAID OFF, PLATTED AND SUBDIVIDED AND HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID ESTATE IN ACCORDANCE WITH ABOVE PLAN.

I (WE) DO FURTHER CERTIFY THAT I (WE), DEDICATE ALL STREETS OR ROADS, AS SHOWN ON ABOVE PLAN TO _____________ TO BE USED AS A PUBLIC ROAD FOR A WIDTH BETWEEN RIGHT OF WAY LINES SHOWN ON THIS PLAN.

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

LAND SUBDIVISION PLAN

SUBDIVISION NAME OR OWENER

TOWNSHIP

LEBANON COUNTY, PA.

SURVEYED BY

DATE

SCALE

ADDRESS

PHONE

SOURCE OF TITLE

DEED BOOK

VOLUME

PAGE

SEAL
NOTE:
No zoning or building permit will be issued for any lot until an approved septic tank permit is obtained.

I (we) the undersigned owner of the real estate shown on this plan do hereby certify that I (we) have laid off, platted and subdivided and hereby lay off, plat and subdivide said estate in accordance with above plan.

I (we) do further certify that I (we), dedicate all streets or roads, as shown on above plan to _______________ to be used as a public road for a width between right of way lines shown on this plan.

I hereby certify this plan to be correct and accurate to the best of my knowledge.

---

LAND SUBDIVISION PLAN FOR

TOWNSHIP

SUBDIVISION NAME OR OWNER

SURVEYED BY

DATE

SCALE

ADDRESS

PHONE

SOURCE OF TITLE

DEED BOOK

VOLUME

PAGE

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Home Back Next
MINTS ON LOTTING

LOTS THIS WAY

NOT THIS WAY

WHEN EXISTING INTERSECTING STREETS FORM ACUTE-ANGLED INTERSECTIONS

WHEN DIAGONAL STREETS CANNOT BE AVOIDED

WHERE FUTURE STREET EXTENSIONS ARE NOT REQUIRED IN CORNERS OF THE PROPERTY
HINTS ON STREET INTERSECTIONS

BAD

RESULTING

BAD

TRAFFIC

BETTER

PATTERNS

GOOD

STREETS SHOULD INTERSECT AT NEARLY RIGHT ANGLES
CONSIDERATION OF TOPOGRAPHY

WHERE GRADES ARE STEEP, STREETS SHOULD BE BUILT DIAGONALLY ACROSS CONTOURS.

UNDESIRABLE CONDITIONS ARE CREATED BY STREETS PARALLEL WITH CONTOURS.

STREETS BUILT AT RIGHT ANGLES TO CONTOURS ARE OF EXCESSIVE GRADE; COSTLY RETAINING WALLS ARE REQUIRED.

ADJUSTMENT TO TOPOGRAPHY

NO ADJUSTMENT TO TOPOGRAPHY
CHAPTER 23

SWIMMING POOLS

(Reserved to accommodate future ordinances)

[See ZONING, Chapter 27, for certain regulations on Swimming Pools.]
CHAPTER 24
TAXATION, SPECIAL

Part 1
Earned Income and Net Profits Tax

§101. Short Title
§102. Definitions
§103. Imposition of Tax
§104. Exemption from Tax; Individuals Under Age 16
§105. Individual Tax Returns and Payments
§106. Employer Withholding, Remittance, and Tax Returns
§107. Tax Collector
§108. Interest, Penalties, Costs, and Fines
§109. Purpose/Amendment and Restatement/Repeal
§110. Effective Date

Part 2
Realty Transfer Tax

§201. Title
§202. Authority
§203. Rules and Regulations
§204. Definitions and Word Usage
§205. Imposition of Tax
§206. Evidence of Payment
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§209. Transfer Documents
§210. Acquired Companies
§211. Credits Against Tax
§212. Statement of Value
§213. Prohibited Acts
§214. Violations and Penalties
§215. Tax to Become a Lien
§216. Proceeds of Judicial Sale
§217. Enforcement
§218. Collector
§219. Interpretation; Effect
Part 1
Earned Income and Net Profits Tax

§101. Short Title. This Part shall be known and may be cited as the “South Annville Township Earned Income and Net Profits Tax Ordinance.” (Ord. 12-14-11, 12/14/2011, §1)

§102. Definitions. All terms defined in the Local Tax Enabling Act shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

COLLECTOR - the person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the tax.

EFFECTIVE DATE - January 1, 2012.

ENACTMENT - this Part.

GOVERNING BODY - the Board of Supervisors of the Township of South Annville.

LOCAL TAX ENABLING ACT - the Local Tax Enabling Act, as set forth in 53 P.S. §6901 et seq., while such numbering and provisions remain in effect under Act 32 of 2008, and as set forth in 53 P.S. §6924.101 et seq., when such numbering and provisions become effective under Act 32, and as amended in the future.

TAX - the tax imposed by this enactment.

TAX RETURN - a form prescribed by the collector for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this enactment or the Local Tax Enabling Act.

TAX YEAR - the period from January 1 to December 31.

TAXING AUTHORITY - South Annville Township.

TCC - the tax collection committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TCD - any tax collection district to which the taxing authority or any part of the taxing authority is assigned under the Local Tax Enabling Act. (Ord. 12-14-11, 12/14/2011, §1)

§103. Imposition of Tax.

1. General Purpose Resident Tax. The taxing authority hereby imposes a tax for general revenue purposes at the rate of one-half percent (0.5%) on earned income and net profits of individual residents of the taxing authority.

2. Ongoing Tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual re-enactment, until this enactment is repealed or the rate is changed.

3. Local Tax Enabling Act Applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this enactment. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax...
on earned income or net profits will automatically become part of this enactment upon the effective date of such amendment, without the need for formal amendment of this enactment, to the maximum extent allowed by 1 Pa.C.S. §1937.

4. **Applicable Laws, Regulations, Policies, and Procedures.** The tax shall be collected and administered in accordance with: (A) all applicable laws and regulations; and (B) regulations, policies and procedures adopted by the TCC or by the collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S. §1937.

(Ord. 12-14-11, 12/14/2011, §1)

§104. Exemption from Tax; Individuals Under Age 16. No exemption from tax. Although credits and deductions against the tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from the tax based on age, income or other factors. (Ord. 12-14-11, 12/14/2011, §1)

§105. Individual Tax Returns and Payments. Every individual receiving earned income or earning net profits in any tax year shall file tax returns and pay tax in accordance with the Local Tax Enabling Act. (Ord. 12-14-11, 12/14/2011, §1)

§106. Employer Withholding, Remittance, and Tax Returns. Every employer shall register, withhold, and remit tax, and file tax returns in accordance with the Local Tax Enabling Act. (Ord. 12-14-11, 12/14/2011, §1)

§107. Tax Collector. The tax will be collected from individuals and employers by the collector. (Ord. 12-14-11, 12/14/2011, §1)

§108. Interest, Penalties, Costs, and Fines. Individuals and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the collector in accordance with the Local Tax Enabling Act. (Ord. 12-14-11, 12/14/2011, §1)

§109. Purpose/Amendment and Restatement/Repeal. The primary purpose of this enactment is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior enactment imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this enactment. Any other prior enactment or part of any prior enactment conflicting with the provisions of this enactment is rescinded insofar as the conflict exists. To the extent the same as any enactment in force immediately prior to adoption of this enactment, the provisions of this enactment are intended as a continuation of such prior enactment and not as a new enactment. If this enactment is declared invalid, any prior enactment levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this enactment. If any part of this enactment is declared invalid, the similar part of any prior enactment levying a similar tax shall remain in effect and shall not be affected by adoption of this enactment. The provisions of this shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any enactment in force prior to adoption of this enactment. Subject to the foregoing provisions of this Section, this enactment...
shall amend and restate on the effective date any enactment levying a tax on earned income or net profits in force immediately prior to the effective date.  
(Ord. 12-14-11, 12/14/2011, §1)

§110. Effective Date. This Part shall take effect and be in force on January 1, 2012.  (Ord. 12-14-11, 12/14/2011, §2)
Part 2
Realty Transfer Tax

§201. Title. This Part shall be known as the “South Annville Township Realty Transfer Tax Ordinance.” (Ord. 2-13-08-1, 2/13/2008, §1)


§203. Rules and Regulations. The Township may promulgate and enforce reasonable rules and regulations for the interpretation, collection and enforcement of the tax. (Ord. 2-13-08-1, 2/13/2008, §1)

§204. Definitions and Word Usage.
1. The singular shall include the plural, and the masculine shall include the feminine and neuter.

2. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

   ASSOCIATION - a partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two (2) or more persons.

   COLLECTOR - the Recorder of Deeds of Lebanon County, Pennsylvania, is hereby appointed collector of the tax levied by this Part.

   CORPORATION - a corporation, joint-stock association, business trust or banking institution which is organized under the laws of the Commonwealth of Pennsylvania, the United States, or any other State, territory, foreign country or dependency.

   DOCUMENT - any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate within the Township, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty (30) years or instruments which solely grant, vest or confirm a public utility easement. “Document” shall also include a declaration of acquisition required to be presented for recording under §210 of this Part.

   FAMILY FARM CORPORATION - a corporation which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:
(1) Recreational activities such as but not limited to hunting, fishing, camping, skiing, show competition or racing.

(2) The raising, breeding, or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.

(3) Fur farming.

(4) Stockyard or slaughterhouse operations.

(5) Manufacturing or processing operations of any kind.

FAMILY FARM PARTNERSHIP - a partnership which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of the interests in the partnership are continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

(1) Recreational activities such as but not limited to hunting, fishing, camping, skiing, show competition or racing.

(2) The raising, breeding, or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.

(3) Fur farming.

(4) Stockyard or slaughterhouse operations.

(5) Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY - any individual, such individual’s brothers and sisters, the brothers and sisters of such individual’s parents and grandparents, the ancestors or lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

MUNICIPALITY - the Township of South Annville, Lebanon County, Pennsylvania.

PERSON - every natural person, association, corporation or entity of any kind. Whenever used in any clause prescribing and imposing a penalty, fine or imprisonment, or both, the term “person” as applied to associations, shall include the responsible members or general partners thereof and, as applied to corporations, the officers thereof.

REAL ESTATE -

(1) Any lands, tenements or hereditaments, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

(2) A condominium unit.

(3) A tenant-stockholder’s interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.
REAL ESTATE COMPANY - a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, ninety percent (90%) or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which:

1. Derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate.

2. Holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

REAL ESTATE TRANSACTION - the making, executing, delivering, accepting or presenting for recording of a document.

TITLE TO REAL ESTATE -

1. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, life estate or perpetual leasehold.

2. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity. In determining the term of a lease, it shall be presumed that a right or option to review or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

TOWNSHIP - the Township of South Annville, Lebanon County, Pennsylvania.

VALUE -

1. In the case of any bona fide sale of real estate at arm’s length for actual monetary worth, the amount of the actual consideration therefor paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate, provided that where the document shall set forth a nominal consideration, the “value” thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

2. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties or the real estate of an acquired company, “value” shall
be the actual monetary worth of the real estate within the
municipality, determined by adjusting the assessed value of the real
estate for local real estate tax purposes for the common level ratio
of assessed values to market values of the taxing district as
established by the State Tax Equalization Board or a commensurate part
of the assessment where the assessment includes other real estate.

(3) In the case of an easement or other interest in real estate
the value of which is not determinable under paragraph .A or .B, the
actual monetary worth of such interest.

(4) The actual consideration for or actual monetary worth of any
executory agreement for the construction of buildings, structures or
other permanent improvements to real estate between the grantor and
other persons existing before the transfer and not removed thereby or
between the grantor, the agent or principal of the grantor or a
related corporation, association or partnership and the grantee
existing before or effective with the transfer.

(Ord. 2-13-08-1, 2/13/2008, §1)

§205. Imposition of Tax.

1. Effective July 1, 2008, a tax is hereby levied and imposed, for
general municipal purposes, on every real estate transaction, at the rate of one
percent (1%) of the value of the real estate represented by the document involved
in the real estate transaction.

2. The tax shall be payable at the earlier of the time the document is
presented for recording, within thirty (30) days of acceptance of the document,
or within thirty (30) days of becoming an acquired company.

3. If the real estate is located partially within and partially outside
the Township, the tax shall be calculated on the value of the portion within the
Township.

4. The tax imposed hereunder shall be due and payable to the collector,
as a joint and several liability, by every person who makes, executes, delivers,
accepts or presents for recording any document or in whose behalf any document
is made, executed, delivered, accepted or presented for recording. In the case
of an acquired company, the company shall also have liability for payment of the
tax. All such persons shall also be liable for any penalties imposed under this
Part.

5. It is the intent of this Part that the entire burden of the tax
imposed on a real estate transaction by the municipality and other political
subdivisions shall not exceed the limitations prescribed in Section 8 of the
Local Tax Enabling Act, 53 P.S. §6908, so that if any other political subdivision
imposes a tax on real estate transactions taxed under this Part, the provisions
of said Section 8 shall apply.

(Ord. 2-13-08-1, 2/13/2008, §1)

§206. Evidence of Payment. The payment of the tax imposed hereunder shall
be evidenced by the collector affixing on the document an official stamp or
writing setting forth the date of payment of the tax and the amount of tax paid.

(Ord. 2-13-08-1, 2/13/2008, §1)
§207. Exempt Parties. The United States, the Commonwealth of Pennsylvania or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a real estate transaction from liability for the tax. (Ord. 2-13-08-1, 2/13/2008, §1)

§208. Excluded Transactions. In order to exercise any exclusion provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation for the reason such document is not subject to tax under this Part. The tax imposed by this Part shall not be imposed upon:

A. A transfer to the Commonwealth of Pennsylvania or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication, or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments, provided that said reconveyance is made within one (1) year from the date of condemnation.

B. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.

C. A conveyance to a political subdivision, school district, or county pursuant to acquisition by the political subdivision, school district, or county of a tax delinquent property at Sheriffs sale or Tax Claim Bureau sale.

D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.

E. A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

F. A transfer between husband and wife; between persons who were previously husband and wife who have since been divorced, provided that the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce; between parent and child or the spouse of such child; between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister; and between a grandparent and grandchild or the spouse of such grandchild; except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.

G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent’s devisee or heir.

H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent.
or specifically named. No such exemption shall be granted unless the collector is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

J. A transfer for no or nominal actual consideration from trustee to successor trustee.

K. A transfer for no or nominal actual consideration between principal and agent or straw party or from or to an agent or straw party where, if the agent or straw party were his or her principal, no tax would be imposed under this Part. Where the document by which title is acquired by a grantee or the statement of value fails to set forth that the property was acquired by the grantee from or for the benefit of his or her principal, there is a rebuttable presumption that the property is the property of the grantee in his or her individual capacity if the grantee claims an exemption from taxation under this paragraph.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the municipality reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.

M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his or her interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.

N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee, or a transfer to a nonprofit industrial development agency or authority.

O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:

1. The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conservation, energy production, pollution control, warehousing or agriculture; and

2. The agency or authority has the full ownership interest in the real estate transferred.

P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.
R. A transfer to a conservancy which possesses tax exempt status pursuant to §501(c)(3) of the Internal Revenue Code of 1954 and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities or a transfer from such a conservancy to the United States, the Commonwealth or to any of their instrumentalities, agencies or political subdivisions.

S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five (75%) percent of each class of the stock thereof.

T. A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family which directly owns at least seventy-five (75%) percent of the interests in the family farm partnership.

U. A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation or family farm partnership which owns real estate.

V. A transaction wherein the tax due is one dollar ($1.00) or less.

W. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

X. Any transfer of real estate which is exempt from realty transfer tax by the statutes of the Commonwealth or regulations of the Pennsylvania Department of Revenue in effect on the date of such transfer. It is the intent of this subsection that the Township’s realty transfer tax be in full compliance with applicable laws and regulations including, but not limited to, Article IV-D of the Tax Reform Code of 1971, as amended by Act 40 of 2005.

§209. Transfer Documents. Except as otherwise provided in §208, documents which make, confirm, or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders, thereof are fully taxable. For the purposes of this Part, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§210. Acquired Companies.

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change:
   A. Does not affect the continuity of the company; and
   B. Of itself or together with prior changes, has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three (3) years.

2. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets, it fails to meet the minimum requirements of a family farm corporation under this Part.
3. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition to the collector for recording and for the affixation of the official stamp or writing evidencing payment of the tax. Such declaration shall set forth the value of real estate holdings of the acquired company in the Township.

(Ord. 2-13-08-1, 2/13/2008, §1)

§211. Credits Against Tax.

1. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him or her within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him or her shall be given to him or her toward the amount of the tax due upon the transfer.

2. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of a new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

3. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

4. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

5. If the tax due upon the transfer is greater than the credit given under this Section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

(Ord. 2-13-08-1, 2/13/2008, §1)

§212. Statement of Value.

Every document lodged with or presented to the collector for recording shall set forth therein and as part of such document the true, full and complete value thereof or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. The provisions of this Section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship, provided that the relationship is specified in the deed, instrument or writing. Documents which are not to be recorded shall be presented to the collector and shall be accompanied by a certified copy of the document and a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. Evidence of payment shall be affixed to the original document and the certified copy. The certified copy and the statement of value shall be filed with the collector.

(Ord. 2-13-08-1, 2/13/2008, §1)

1. It shall be unlawful for any person to:

   A. Make, execute, deliver, accept or present for recording or cause to be made, executed, delivered, accepted or presented for recording any document without the full amount of tax thereon being duly paid.

   B. Fail to record a declaration of acquisition, as required by this Part.

   C. Fraudulently affix to any document any forged evidence of payment.

   D. Fail, neglect or refuse to comply with or violate other provisions of this Part or any rules and regulations promulgated by the municipality under this Part or any rules and regulations of the Pennsylvania Department of Revenue to the extent applicable to the tax levied hereunder.

2. Any person violating any of the provisions of this Section shall be guilty of a summary offense.

3. A person who makes a false statement of value or declaration of acquisition, when he or she does not believe the statement or declaration to be true, is guilty of a misdemeanor of the second degree.

(Ord. 2-13-08-1, 2/13/2008, §1)

§214. Violations and Penalties.

1. If any tax owing under the terms of this Part shall not be paid when due, ten percent (10%) of the amount of the tax shall be added and collected as an initial penalty for nonpayment or underpayment of the tax.

2. If any tax owing under the terms of this Part shall not be paid when due, a penalty shall accrue on the amount of the unpaid tax at the rate of one percent (1%) per month or fractional part of a month on the amount of the unpaid tax, from the due date until the amount of the tax is paid in full.

3. In the case of failure of any acquired company to record a declaration of acquisition, as required by this Part, unless it is shown to the satisfaction of the Township that such failure is due to reasonable cause, a penalty shall accrue on the amount of the unpaid tax at the rate of five percent (5%) per month or fractional part of a month on the amount of the unpaid tax from the due date until the amount of the tax is paid in full. This penalty shall be in addition to all other penalties but shall not in the aggregate exceed fifty percent (50%) of the amount of the unpaid tax.

4. If any part of any underpayment of tax is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.

5. If the Township files suit in order to collect the amount of any tax not paid when due under this Part, at the discretion of the court, any person liable for payment of the tax shall also be liable for reasonable attorneys’ fees incurred by the municipality in prosecution of the suit.

6. No document upon which tax is imposed by this Part shall at any time be made the basis of any action or other legal proceeding, nor shall proof thereof be offered or received in evidence in any court of this Commonwealth or recorded in the office of any Recorder of Deeds of any county of this Commonwealth unless the tax imposed hereunder shall have been paid in full and evidence of payment shall have been affixed thereto by the collector.
7. In addition to the above penalties, if the Township or the collector determines that a person has committed or permitted the commission of a violation of this Part for which criminal penalties have not been established by §213, the Township shall inform such person in writing of the violation, shall notify such person to cease the violation of this Part and shall inform such person that he or she must pay a civil penalty to the Township within the range of the amounts set forth below to settle the violation. The penalty for a first offense shall be not less than fifty dollars ($50.00) and not more than six hundred dollars ($600.00); the penalty for a second offense shall be not less than one hundred dollars ($100.00) and not more than six hundred dollars ($600.00); and the penalty for a third or greater offense shall be not less than two hundred dollars ($200.00) and not more than six hundred dollars ($600.00). If such person fails or refuses to remit the penalty to the Township within ten (10) days from the date of the written notice of the violation of this Part, the Township may commence a civil enforcement proceeding seeking penalties and costs for the violation of this Part, and/or may commence an action in equity. The Township shall seek a judgment for the penalty previously imposed together with additional daily penalties for continuing violations plus all court costs, including the reasonable attorneys’ fees incurred by the Township in the enforcement proceedings. Each day that a violation continues shall constitute a separate violation, and each Section of this Part which is violated shall constitute a separate violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

(Ord. 2-13-08-1, 2/13/2008, §1)

§215. Tax to Become a Lien. The tax imposed by this Part, together with all penalties, shall be a lien against the real estate to which the document relates and, in the case of an acquired company, the real estate owned by the acquired company. The lien shall date from the time when the tax is due and payable and shall continue until discharged by payment in full of the tax, together with all penalties. In order to enforce the lien, the Township may proceed under the Municipal Claims and Tax Liens Act of 1923, 53 P.S. §7101 et seq., or in any other appropriate manner. (Ord. 2-13-08-1, 2/13/2008, §1)

§216. Proceeds of Judicial Sale. The tax imposed under this Part shall be fully paid and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made, and the Sheriff or other officer conducting said sale shall pay the tax herein imposed out of the first moneys paid to him or her in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax. (Ord. 2-13-08-1, 2/13/2008, §1)

§217. Enforcement.
1. In order to determine whether the proper amount of tax has been paid, without limiting any other rights of the municipality, the municipality shall have the right to review all documents or records relating to any real estate transaction or any related transactions and to take such other steps as the municipality shall deem necessary or appropriate, including a review or audit of any documents or records of any party to a real estate transactions to determine the fair market value of the real estate or any other relevant matter as determined by the municipality. Upon request of the municipality and at such place and time as specified by the municipality, any party shall make available
to the municipality any documents or records requested by the municipality.

2. In the event that any tax is not paid when due, the municipality may enforce payment of the tax, together with all penalties, by suit in assumpsit or any other appropriate means.

(Ord. 2-13-08-1, 2/13/2008, §1)

§218. Collector.

1. As provided in 16 P.S. §11011-6, the Recorder of Deeds of Lebanon County shall be the collection agent for this tax, without compensation from the Township.

2. In order to ascertain the amount of taxes due when the property is located in more than one (1) political subdivision, the collector shall not accept for recording any document unless it is accompanied by a statement of value showing what taxes are due each political subdivision.

3. On or before the 10th day of each month, the collector shall pay over to the Township all taxes collected under this Part, less two percent (2%) for use of the County, and shall also provide a report containing the information required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania Realty Transfer Tax. The two percent (2%) commission shall be paid to the County.

4. In accordance with 72 P.S. §8109-C(b), any Recorder of Deeds who shall record any document upon which tax is imposed under this Part without payment of tax as required under this Part as is indicated in the document or accompanying statement of value shall, upon summary conviction, be sentenced to pay a fine of fifty dollars ($50.00) and costs of prosecution.

(Ord. 2-13-08-1, 2/13/2008, §1)

§219. Interpretation; Effect.

1. To the extent that this Part imposes a tax on a real estate transaction which is subject to the Commonwealth of Pennsylvania realty transfer tax imposed by Act 77 of 1986, as amended, and to the extent not inconsistent herewith or with rules or regulations adopted by the municipality, this Part shall be interpreted in the same manner as Act 77 of 1986, as amended, and in accordance with regulations promulgated thereunder.

2. This Part shall impose a tax on all transactions which the Township is permitted to tax under Act 77 of 1986, as amended, to the fullest extent possible.

(Ord. 2-13-08-1, 2/13/2008, §1)
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TREES

(Reserved to accommodate future ordinances)
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§101. General Usage. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated:

1. Words used in the present tense include the future tense. The singular includes the plural.
2. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.
3. The word "lot" includes the word "plot" or "parcel".
4. The term "shall" is always mandatory, the word "may" is permissive.
5. The word "used or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

(Ord. 7/8/1978, Art. 1)

§102. Specific Terms Defined.

ACCESSORY BUILDING - a building detached from and subordinate to the principal building on the same lot and used for purposes customarily incidental to the principal building, but not construed to include vehicles, mobile homes, travel trailers or any parts thereof.

ACCESSORY USE - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT BOOKSTORE - a use with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines, videotapes, coin- or token-operated films or videotapes, paraphernalia, novelties, or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. [Ord. 91102]

ADULT LIVE ENTERTAINMENT FACILITY - a use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual specified sexual activities related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity. [Ord. 91102]

ADULT MOVIE THEATER - a use involving the presentation to three or more persons at one time in a room of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter. [Ord. 91102]

ADULT USE - this term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use. [Ord. 91102]

AGRICULTURE - includes the cultivation of the soil for food products or other useful or valuable growths of the field or garden, horticulture, animal
husbandry, apiculture, aviculture, etc.

AIRPORT - an airstrip/landing strip where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, etc.

AIRSTrip/LANDING STRIP - an area adapted with minimal improvements for use as a temporary runway for aircraft.

ALTERATIONS - as applied to a building or structure, any change or rearrangement of the total floor area, or any enlargement, whether by extending on a side or by increasing in height, or moving from one (1) location or position to another.

ALTERATIONS, STRUCTURAL - any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AREA, LOT - the total area within the lot lines, excluding right-of-way areas.

BLOCK - an area bounded by three (3) or more streets.

BUILDING - any structure having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of human beings, animals, or chattel, including covered porches, bay windows, and chimneys, or for use and occupation for some purpose of trade or manufacture.

BUILDING AREA - the total areas of outside dimensions on a horizontal place at ground level of the principal building and all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen inches (18") bay windows not extending through more than one (1) story and not projecting more than five feet (5') steps and balconies.

BUILDING, DETACHED - a building surrounded by open space on the same lot as the principal building.

BUILDING HEIGHT - the vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE - a line parallel to the front, side or rear lot line or public right-of-way line set so as to provide the required yard setback.

BUILDING, PRINCIPAL - a non-accessory building in which the principal use of the lot is conducted.

BUILDING, SEMI-DETACHED - a building which has one (1) wall in common with an adjacent building.

BULK - a term used to describe the size, volume, area, or shape of buildings or structures, and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

CARPORT - See Garage, Private.

CERTIFICATE OF ZONING COMPLIANCE - a certificate issued and enforced by the Zoning Officer upon the completion of the construction of a new building or upon a change or conversion of a structure or use of a building which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements.

COMMON OPEN SPACE - a parcel of land or water or combination of both located within a development site and designed and intended for the use or enjoyment of residents of a planned development not including streets, off-street parking areas, and areas set aside for public facilities.
COMMONS - a spatially defined element of open space distributed strategically within a Neighborhood Greenway Development such that it provides a focal point for residences as well as a gathering place for residents and an assembly area for community functions. Permanent structures directly related to the intended function of the commons may be included in this space in addition to landscaping and lighting elements. [Ord. 61406]

COMPREHENSIVE PLAN - the Comprehensive Plan for the Township adopted by the Board of Supervisors in accordance with Article III of the MPC. [Ord. 61406]

CONDITIONAL USE - a use which is approved by the Board of Supervisors after review and recommendation by the Township Planning Commission. [Ord. 10-10-01]

DEVELOPMENT PLAN - the provisions for the development of a planned residential development, including 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.

DISTRICT - a portion of South Annville Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Chapter.

DOG KENNEL - any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

DRIVE-IN RESTAURANT - a commercial establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.

DWELLING, APARTMENT - a dwelling unit for rent or lease within multi-family or group buildings providing separate, independent living and sanitary facilities for one (1) family, including provisions for cooking and sleeping. An apartment dwelling may include an efficiency unit where no specific bedroom is provided or a unit containing one (1) or more bedrooms.

DWELLING, GROUP - a group of two (2) or more single family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, MULTI-FAMILY - a building designed for or occupied exclusively by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY - a detached building designed for or occupied exclusively by one (1) family, but shall not be construed to include single unit mobile homes.

DWELLING TWO-FAMILY - a detached or semi-detached, residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

DWELLING UNIT - one (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on weekly, monthly, or longer basis and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

FAMILY - one (1) or more persons occupying a dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being...
counted as a family or families.

FARM - all contiguous land held in single or separate ownership of ten (10) acres or more regardless or whether:

A. Such land is divided into one (1) or more lots, parcels, purports or tracts.

B. Such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise.

C. Such land is bisected by public or private streets or rights-of-way.

[Ord. 1-14-98]

FEEDLOT - a feedlot shall be determined to be any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale, or retail; (2) any structure, pen or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions.

FLOOD AREA, LIVABLE - the sum of the horizontal areas of all rooms used for habitation, such as living rooms, dining room, kitchen or bedroom but not including hallways, stairways, cellars, attics, garages, enclosed porches and roofed terraces, nor unheated areas such as enclosed porches. At least one-half feet (1/2') of the floor area of every habitable room shall have a ceiling height of not less than seven feet (7'), and the floor area of the part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the livable floor area.

GARAGE, PRIVATE - a building or space used as an accessory to the principal building which provides for the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC - any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GASOLINE SERVICE STATION - a structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

GRADE, FINISHED - the completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENS - a spatially defined element of open space designed to serve a variety of outdoor leisure and assembly needs. Landscaping, lighting, and accessory structures integral to the function of the greens may be included.

[Ord. 61406]

GROUP FOSTER HOME - a facility for mentally ill or mentally retarded adults and children. The home is maintained solely for the admission of not more than thirteen (13) mentally ill and/or emotionally disturbed or mentally retarded patients, who are provided with a program of service and protective supervision in a home setting and in which twenty-four (24) hour adult care and supervision is available through appropriate local and state agencies.
HEIGHT OF BUILDING - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator pent houses, tanks and similar projections.

HOME OCCUPATION - a lawful, gainful service oriented occupation or profession other than a no-impact home-based business that is operated by a member of the immediate family residing on the premises and where the occupation or profession is conducted wholly within and as an accessory use to a principal dwelling. The conduct of a clinic, hospital, tea room, tourist home, animal hospital, kennel or automobile services or any similar use shall not be considered a home occupation. [Ord. 91102]

HOSPITAL - a place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanatorium, sanatorium, and preventorium.

HOTEL OR LODGING HOUSE - a building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

JUNK YARD - a lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LOADING SPACE - an off-street space not less than twelve feet (12') wide and fifty-five feet (55') long exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LOT - a single tract or parcel of land, which may legally be described as such, held in single or joint ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory buildings, structures, and such open spaces as are arranged and permitted by this Chapter.

LOT AREA - an area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT, CORNER - a lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred and thirty-five degrees (135°) at the intersection of the two (2) street lines.

LOT COVERAGE - the percentage of the lot area covered with an impervious surface (e.g., buildings, driveways, parking areas, sidewalks). [Ord. 10-10-01]

LOT DEPTH - a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, INTERIOR - a lot other than a corner lot, the sides of which do not abut a street.

LOT LINE - any line dividing one (1) lot from another lot, street or
 parcel.

LOT, THROUGH - an interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH - the horizontal distance between the side lot lines. Required lot width shall be measured at the required setback line; however, the mean lot width shall not be less than the required lot width.

MAP OR ZONING MAP - the zoning maps of Lebanon County and South Annville Township, Lebanon County. [Ord. 10-78]

MASSAGE PARLOR - an establishment that meets all the following criteria: (i) massages are conducted; (ii) the use does not meet the definition of "massage therapy, certified" and the person conducting the massage is not licensed as a health care professional by the State; (iii) the massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor; (iv) the massages are conducted within private or semi-private rooms; and (v) the use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program. [Ord. 91102]

MESSAGE THERAPY, CERTIFIED - a use involving the performance of massages by a person licensed by the State as a massage therapist or certified by a recognized national organization that requires substantial professional training. [Ord. 91102]

MOBILE HOME - a transportable, single unit dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation.

MOBILE HOME COURT OR PARK - any site, lot, or tract of land upon which two (2) or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MOBILE HOME SUBDIVISION - an area planned, designed and improved exclusively for three (3) or more mobile home dwelling units where said lots are sold rather than rented.

MODULAR HOME - a sectional, single family dwelling intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation.

MOTEL - a building or group of buildings, whether detached or in connected units, used as individual sleeping, or dwelling units, designated with separate entrances and designed for occupancy primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MPC - the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., and as may be subsequently amended. [Ord. 91102]
MUNICIPALITY - South Annville Township, Lebanon County, Pennsylvania.

NEIGHBORHOOD CENTER - a facility designed to provide space for one (1) or more neighborhood facilities. A neighborhood center may also include small retail or personal service establishments which are designed to serve a pedestrian-oriented clientele from a Neighborhood Greenway Development.  

[Ord. 61406]

NEIGHBORHOOD FACILITY - meeting rooms, multi-purpose spaces, and similar spaces available for the use of residents of the Neighborhood Greenway Development; library; adult education classroom; and satellite offices for municipal agencies (including, but not limited to, a community police station), social service agencies, and non-profit organizations.  

[Ord. 61406]

NEIGHBORHOOD GREENWAY DEVELOPMENT - the dwelling units, residential accessory uses, neighborhood center, open spaces, and nonresidential structures installed or to be installed upon a Neighborhood Greenway Development tract in accordance with the provisions of §1425 of this Chapter.  

[Ord. 61406]

NEIGHBORHOOD GREENWAY DEVELOPMENT TRACT - the land, which may be comprised of one (1) or more lots, which is proposed to be developed as a single, unified Neighborhood Greenway Development in accordance with the provisions of §1425 of this Chapter.  

[Ord. 61406]

NO-IMPACT HOME-BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

H. The business may not involve any illegal activities.  

[Ord. 91102]

NONCONFORMING BUILDING OR STRUCTURE - a building/structure or part thereof, which at the time of the passage of this Chapter or any subsequent
amendments thereto, does not comply with the provisions of this Chapter or such amendments, with regard to restrictions on area, lot coverage, height, yard requirements, location on the lot, or other similar requirements.

NONCONFORMING LOT - a lot of record existing at the date of the passage of this Chapter or any amendments thereto, which does not at this time have the minimum lot width or contain the minimum lot area for the zoning district in which it is located.

NONCONFORMING USE - a use, whether land, building, or structure, which does not comply with the applicable use provisions of this Chapter, or subsequent amendments thereto, where such use was lawfully in existence at the time of the enactment of this Chapter or amendments thereto.

NURSING OR CONVALESCENT HOME - a building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OFFICE BUILDING - a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public organizations.

OPEN SPACE - land that has been restricted from development so as to achieve one (1) or more of the objectives as specified in §1425.6.A of this Chapter. Such area is intended for the common use and enjoyment of residents of a Neighborhood Greenway Development and may include such complementary structures and improvements as are necessary and appropriate including, but not limited to, walking trails, fitness stations, educational signage or other recreational improvements and amenities. Open space shall not include any of the following: residential or neighborhood center lots or portions of lots, streets, parking areas (other than parking areas serving facilities within with open space), above ground utilities, or other infrastructure. Floodplains, wetlands, historic resources and recreational facilities may be incorporated within any area designated as open space except as provided in §1425.6.O of this Chapter.  [Ord. 61406]

OPEN SPACE AND GREENWAYS PLAN - the plan of South Annville Township which generally prescribes the standards for and identifies the location of residential development in the Township which incorporates designated open space in ways to protect and preserve natural, historical and cultural resources and scenic views, provide useable recreation area and public space, and interconnect with existing or planned open space, recreation or pedestrian facilities.  [Ord. 61406]

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

PARKING SPACE - the space within a building or on a lot or parking lot, for the parking or storage of one (1) automobile. The minimum size of said space shall be two hundred (200) square feet or dimensions of ten feet (10') by twenty feet (20'), exclusive of passageways and driveways and not an integral portion of the street.  [See also, §1502 Standards and Definitions for Off-Street Parking]

PERMIT - building and zoning permit issued by Zoning Officer.

PREMISES - any lot or tract of land and any building or buildings constructed thereon.

PRIVATE ROAD - a legally established right-of-way, other than a public street, which provides the primary vehicular access to a lot.
RETREAT - a facility in a private, natural area, free from distractions thus allowing retreat participants to focus on the goals and objectives of the retreat or allowing individuals opportunity for solitude and reflection and which may provide meals and housing for participants only during the period of the retreat or program only. All kitchen and dining facilities shall be located in a single centrally located building or buildings. [Ord. 9804]

ROAD CLASSIFICATION - a designation given a road in accordance with its function as a carrier of traffic. For the purposes of this Chapter, the following classifications shall apply:

A. Arterial - a road whose function is to provide for high volumes of traffic between communities.

B. Collector - a road whose function is to provide the movement of traffic to community facilities and carry larger volumes of traffic to the arterial road system.

(1) Internal Collector - a road whose function is to provide for the movement of the traffic within and is constructed as part of a subdivision or land development to carry traffic from local to arterial roads.

C. Local - a road whose function is to provide for local traffic movement and direct access to abutting properties.

(1) Internal Local Street - a road whose function is to provide for local traffic within and is constructed as part of a subdivision or land development.

D. Existing Perimeter Street - any street as defined herein that is in existence, or is under construction in accordance with a subdivision or land development by the applicable governing body, on the effective date of this amendment to the South Annville Township Zoning Ordinance. For the purposes of this Chapter, this term shall also include any portion of any existing street proposed to be relocated as part of any subdivision or land development.

[Ord. 10-10-01]

ROW HOUSE (TOWNHOUSE OR ATTACHED DWELLINGS) - three (3) or more single family dwellings in a group, one or more of which have two (2) walls in common with adjoining dwellings.

SANITARIUM, SANATORIUM - a private hospital whether or not such facility is operated for profit.

SCREEN PLANTING - a vegetative material of sufficient height and density to screen the view from adjoining districts of the structures and uses on the premises upon which the screen planting is located.

SETBACK - the horizontal distance from a lot line to the part of the building nearest to such lot line.

SIGN - [See, §1601 - Definition of Signs]

SITE PLAN - a plan of a lot or subdivision on which is shown topography; location of all buildings, structures, roads, rights-of-way, boundaries; all essential dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SPECIAL EXCEPTION - a use specified in district regulations which is permitted only if the Zoning Hearing Board grants approval for issuance of a permit pursuant to the provisions of this Chapter.
SPECIFIED SEXUAL ACTIVITIES - one or more of the following: (i) human male genitals in a visible state of sexual stimulation; (ii) acts of human masturbation, sexual intercourse, oral sex or sodomy; or (iii) fondling or other erotic touching of human genitals. [Ord. 91102]

STORY - a story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six feet (6') or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet (2') below the top plate shall be counted as a story; and, if less than two feet (2') below the top plate, shall be counted as a half (1/2) story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 10-10-01]

STREET LINE - the line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five feet (25') from the centerline of the existing street.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water or attached to something having a fixed location on or in land or water.

SUBDIVISION - the division or redivision of a lot, or parcel of land by any means into two (2) or more lots, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease transfer or ownership, or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBDIVISION ORDINANCE - the Lebanon County Subdivision and Land Development Ordinance [Chapter 22], as amended and as it may be amended or reenacted, or any ordinance enacted by the Board of Supervisors in the future which governs subdivision and land development within the Township. [Ord. 61406]

TOWNHOUSE - a multi-family dwelling consisting of not more than eight (8) attached single family dwelling units, separated by an unpierced party wall, each single family dwelling unit having a separate entrance from the outside, parking and service in the front, and a semi-private rear yard area.

TRAVEL TRAILER - a vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

TRAVEL TRAILER CAMP OR PARK - any site, lot or tract of land upon which provisions are made to accommodate any travel trailer and/or similar temporary dwelling for travel or recreation purposes for short-term occupancy, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such travel trailer camp or park.

USE - the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
VARIANCE - a modification of the regulations of this Chapter granted by the Zoning Hearing Board to the applicant on grounds of practical difficulties or an unnecessary hardship, not self-imposed, pursuant to the provisions of this Chapter and Act 247, Pennsylvania Municipalities Planning Code.

YARD - a required open space, other than a court, unoccupied by a structure, however, fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.

YARD, FRONT - an unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REAR - an unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, SIDE - an unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL) - the agent(s) or official(s) designated by the Township Supervisors to enforce the Official Zoning Ordinance of the Township.

(Ord. 7/8/1978; as amended by Ord. 10-78, 10/7/1978; by Ord. 1-14-98, 1/14/1998, §1; by Ord. 10-10-01, §§1-2; by Ord. 91102, 9/11/2002, §1; by Ord. 9804, 9/8/2004, §1; and by Ord. 61406, 6/14/2006, §1)
Part 2
Establishment of Districts;
Provision for Official Zoning Map

§201. Official Zoning Map.

1. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in §201 of Ordinance Number of the Township of South Annville, Lebanon County, Pennsylvania, together with the date of the adoption of this Ordinance."

3. If, in accordance with the provisions of this Chapter, and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) (changes) were made in the Official Zoning Map; (brief description of nature of change)." said entry shall be signed by the Chairman of the Board of Supervisors attested by the Township Secretary. No amendment to this Chapter, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter and punishable as provided under Part 20.

5. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

(Ord. 7/8/1978, §2.01)

§202. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: "This is to certify that
this Official Zoning Map, was adopted ____________________ as part of Ordinance No. _____ of the Township of South Annville, Lebanon County, Pennsylvania."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

(Ord. 7/8/1978, §2.02)

§203. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as parallel to, or extensions of, features indicated in Subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Hearing Board shall interpret the District boundaries.

(Ord. 7/8/1978, Art. 3)

§204. Use Districts. For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into seven (7) classes of use districts termed respectively.

Class A or Agricultural District
Class RR or Rural Residential District
Class R-1 or Low Density Residential District
Class R-2 or Medium Density Residential District
Class C-1 or General Commercial District
Class C-2 or Highway Commercial District
Class I-1 or Industrial District
Class F or Flood Plain District

(Ord. 7/8/1978, §5.01)
§301. Uniformity of Application. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

§302. Compliance Required for Subsequent Changes in Use. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located. (Ord. 7/8/1978, §4.01)

§303. Buildings and Structures. No building or other structure shall hereafter be erected or altered:
1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.
(Ord. 7/8/1978, §4.02)

§304. Required Yards and Spaces Not to be Shared. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. (Ord. 7/8/1978, §4.03)

§305. Lots and Yards Must Meet Minimum Requirements. No yard or lot existing at the time passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter. (Ord. 7/8/1978, §4.04)

§306. Proposed Uses Not Covered. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district. (Ord. 7/8/1978, §4.05)

§307. Future Annexations of Territory. All territory which may hereafter be annexed to the Township shall be considered to be in the agricultural (A) District until otherwise classified. (Ord. 7/8/1978, §4.06)
Part 4

A - Agricultural Districts

§401. Intent. The regulations of the Agricultural Districts are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on prime farm land and conversion to nonfarm usage is discouraged. Where designated for nonprime farm land, limited residential, nonresidential and farm-related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting. (Ord. 7/8/1978, §6.01; as amended by Ord. 1-14-98, 1/14/1998, §401)

§402. Permitted Uses.


2. Soil cultivation and crop production, truck farming, nurseries, noncommercial greenhouses, general farms, dairying, breeding of horses, etc., including the nonintensive raising, keeping and breeding of poultry, livestock, etc.

3. Intensive raising, breeding and/or keeping of poultry and livestock, including feedlots, poultry houses, etc., for gainful purposes provided that the following conditions are met:

   A. Feedlots, poultry houses and other buildings, structures, corrals or pens in which poultry or livestock are kept for the above use shall be no closer than one hundred (100) feet to any adjoining lot line or road right-of-way or two hundred (200) feet to any residentially zoned property.

   B. No storage of manure or odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line or road right-of-way or within two hundred (200) feet of any residentially zoned property.

   C. Minimum lot area of ten (10) acres.

   D. Riding academies, boarding stables and kennels provided that no kennel runway or animal exercise pen or corral shall be located within one hundred (100) feet of any lot line or right-of-way line, exclusive of clearly identified bridle paths.

4. Public conservation area and structures for the conservation of open space, water, soil, forest and wildlife resources.

5. Public uses such as park and recreation areas, forest reserves, game refuges and similar nonintensive public uses.


7. Churches and cemeteries.


10. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including the following:

   A. Road side stands for the sale of "home-grown" or "home-made" products provided that the following conditions are met:

      (1) At least one-half (½) of all products sold must be produced on the premises.

      (2) The structure used to display and sell such products shall be located at least forty (40) feet from any road right-of-way line and any property line.

      (3) The structure shall not occupy more than two thousand (2,000) square feet of area.

      (4) All parking for the use shall be off-street. A minimum of three (3) off-street parking spaces shall be provided. Additional off-street parking may be required to adequately handle the parking needs.

   B. Home occupations as provided for in §1412 of this Chapter.

   C. Accessory uses as provided for in Part 14 of this Chapter.

11. The following special exception uses, upon approval by the Zoning Hearing Board, as provided for in Part 19 of this Chapter.

   A. Agriculturally oriented commercial establishments as follows:

      (1) Commercial establishments shall bear relationship to the agricultural district and uses permitted therein (i.e., farm implement dealer, feed mill, etc.).

      (2) On-premises butchering operations, as an accessory use, provided that the following conditions are met:

          (a) Butchering operations shall be conducted only by an immediate member of the family, owning and residing on the property.

          (b) Butchering operations shall be limited to the employ of not more than one (1) assistant.

          (c) Any building(s) or structure(s) which involves this use or in which this use is conducted shall be located at least one hundred (100) feet from any adjoining property line.
(d) Any remains, entrails, carcass, etc., resulting from this use shall not be stored on the property.

(e) No objectionable noise, fumes, odor, dust or electrical interference shall be created through this use.

B. Quarrying, including sandpits, gravel pits, removal of topsoil and landfill and the excavation, extraction or removal of any natural resource from the land or ground for any purpose are permitted subject to the following conditions:

(1) Removal of forests or timber is prohibited without prior approval of the Zoning Hearing Board.

(2) The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

(3) Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees there shall be a substantial fence, approved by the Zoning Hearing Board, with suitable gates where necessary, effectively blocking access to the area in which such extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

(4) That portion of access roads located within one hundred (100) feet of any lot in residential use or lot zoned for residential use shall be provided with a dustless surface. Access roads shall connect to collector or major networks avoiding undue movement through a residential area.

(5) At all stage of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

(6) A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the Zoning Hearing Board. After any such operations, the site shall be made reusable for a use permitted in the zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention of the premises and shall be respread over the premises after the operation is retained, the area shall be brought to final grade by a layer of earth capable of supporting vegetation of at least two (2) feet or to original thickness, whichever is less. Fill shall be suitable material approved by the Zoning Hearing Board.

(Ord. 7/8/1978; as amended by Ord. 1-14-98, 1/14/1998, §402)
§403. General District Requirements. All principal buildings, structures and uses erected or established after the adoption date of this Part shall comply with the following requirements:

A. Existing farms shall be permitted the following number of new lots or principal uses, based upon farm size at the date of adoption of this Part.

<table>
<thead>
<tr>
<th>Size of Farm</th>
<th>Maximum Number of Lots or Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 acres to less than 10 acres</td>
<td>Any number in accordance with §§403(C)(4) and 404.</td>
</tr>
<tr>
<td>10 acres to less than 50 acres</td>
<td>2</td>
</tr>
<tr>
<td>50 acres to less than 100 acres</td>
<td>3</td>
</tr>
<tr>
<td>100 acres to less than 175 acres</td>
<td>4</td>
</tr>
<tr>
<td>175 acres to less than 250 acres</td>
<td>5</td>
</tr>
<tr>
<td>250 acres to less than 400 acres</td>
<td>6</td>
</tr>
<tr>
<td>400 acres or more</td>
<td>7</td>
</tr>
</tbody>
</table>

Existing unsubdivided dwellings and principal, nonresidential uses located on the farm shall not be considered part of the permitted allotment. The maximum permitted number of new lots or uses shall apply whether or not individual lots are subdivided at the time the uses are established. Resubdivision of lots created after the adoption date of this Part shall be subject to the maximum allotment determined for the original farm or property.

B. All applications for building and zoning permits to erect a single-family dwelling or principal, nonresidential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

1. Size, shape and dimensions of the farm, size and location of all existing buildings and size, location and use of all proposed buildings or lots.

2. Lots or uses previously approved under these regulations.

3. Land under active cultivation and land in woodlots or forests.

4. Soil information for the farm, including soil series and soil capability class, subclass and unit as classified within the 1981, Soil Survey of Lebanon County, Pennsylvania, and Agricultural Handbook No. 210 of the United States Department of Agricultural Soil Conservation Service.

5. Notation as to which lot or lots carry with it a right of further subdivision or erection of accessory farm or nonfarm
single-family dwellings or principal nonagricultural buildings, if any such right remains from the quota allocated to the farm. This right of further subdivision or erection of accessory farm or nonfarm single-family dwellings or principal nonagricultural buildings or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:

(1) The least suitable farmland (highest numbered soil capability unit) should be utilized for development, unless the applicant can demonstrate: (a) its suitability for the proposed use or (b) design advantages that support the use of other frontage land (view, location, alignment with farming patterns, proximity to other dwellings, etc.). When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland should be utilized for development.

(2) When a farm is comprised entirely of prime farmland (soil capability classes I and II) then the least suitable or least prime land should be utilized for development.

(3) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near intensive farming operations. Subdivision or development shall not necessitate any new streets, except that one (1) lot or use may be assessed via an unimproved fifty (50) foot right-of-way.

(4) A maximum lot area of two (2) acres for single-family dwellings is established in the district requirement chart in §404. The maximum lot area applies to subdivisions for new dwellings and subdivision of preexisting dwellings, even though the preexisting dwellings do not count in the lot allotment for the farm. The purpose of the maximum lot size is to prevent the creation of large lots which remove excessive amounts of agricultural land from crop production. The two (2) acre maximum lot size shall not apply to (a) lot additions for agricultural purposes and (b) subdivision of existing parcels of ten (10) acres or less in size. The Zoning Hearing Board may grant a special exception to allow the creation of a lot in excess of the two (2) acre maximum lot size if the applicant demonstrates that physical characteristics of the property (excessive slope, drainage problems, soil limitations, flooding, sewage disposal deficiencies, ground water recharge area, property shape, etc.) dictate that lot design exceeding the two (2) acre standard is desirable; or that the lot size will result in consolidation of residual land after other suitable lots have been removed; or that the lot will contain areas which are unsuitable for farming; or that the existing configuration of the tract will result in lot design and layout which would otherwise unavoidably physically isolate the excess land from the remainder of the farm; or that the landowner demonstrates that the lot size must be increased to insure an acceptable level of nitrate-nitrogen in the groundwater in accordance with the regulations of the Pennsylvania Department of Environmental Protection and any approved planning
(5) Application for the last lot or use permitted within a farm or property shall be accompanied by a proposed deed for the residual farm land or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Part, punishable in accordance with Part 20 of this Chapter.

(Ord. 1-14-98, 1/14/1998, §403; as amended by Ord. 2/12/2003)

§404. Lots and Yards Requirements. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §§402 and 403, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

<table>
<thead>
<tr>
<th>District Requirements</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Min. Lot Area</td>
<td>Max. Lot Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonresidential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use or Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specified in §§402(3) and 402(11)</td>
<td>1 acre</td>
<td>150 feet</td>
</tr>
</tbody>
</table>

1Maximum lot area shall not apply to lot additions for agricultural purposes and permitted uses specified within §§402(3) through 402(11) and §402(13)(B) of this Part.

No building, with the exception of farm structures, shall exceed two and one-half (2½) stories and thirty-five (35) feet in height unless authorized as a special exception.
### District Requirements

<table>
<thead>
<tr>
<th>Use or Building Specified by Special Exception §402 (13) (A) and in §402 (13) (B)</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Max. Lot Area</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>1 acre</td>
<td>4 acres</td>
<td>150 feet</td>
</tr>
<tr>
<td>1 acre</td>
<td>1-- acres</td>
<td>150 feet</td>
</tr>
</tbody>
</table>

### Residential

<table>
<thead>
<tr>
<th>Single-family detached</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Max. Lot Area</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>1 acre</td>
<td>2 acres</td>
<td>125 feet</td>
</tr>
</tbody>
</table>

(Ord. 1-14-98, 1/14/1998, §404)

§405. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 15 of this Chapter. (Ord. 1-14-98, 1/14/1998, §405)
Part 5
RR - Rural Residential Districts

§501. Intent. The regulations of this district are designed to provide for and protect the growing number of single family residences in a predominately wooded, forest area and to protect the inherent rural nature of the area. (Ord. 7/8/1978, §7.01)

§502. Permitted Uses.

1. Single family dwellings, not including single unit mobile homes.

2. Soil cultivation and crop production, truck farming, nurseries, non-commercial greenhouses, general farms, dairying, breeding of horses, etc., including the non-intensive raising, keeping and breeding of poultry, livestock, etc.

3. Riding academies, boarding stables, and kennels provided that no kennel runway or animal exercise pen or corral shall be located within one hundred feet (100') of any lot line or right-of-way line, exclusive of clearly identified bridle paths.

4. Public conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources.

5. Public uses such as park and recreation areas, forest reserves, game refuges and similar non-intensive public uses.


7. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including the following:
   A. Home occupations as provided for in §1416 of this Chapter.
   B. No-impact home-based business as defined in this Chapter. [Ord. 91102]
   C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]

8. The following special exception uses, upon approval by the Zoning Hearing Board as provided for in §1902 of this Chapter and further provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation or design.
   A. Special exceptions as specified in Part 4, A - Agricultural Districts, of this Chapter.
   B. Retreat, subject to the following regulations:
      (1) The retreat shall be conducted on a single lot and shall be operated by a single entity.
      (2) The applicant shall provide a water and sewer feasibility study with its application to the Zoning Hearing Board. The water and sewer feasibility study shall specify the maximum occupancy of the retreat, the estimated water consumption, the source of water, estimated sewage flows, method of sewage disposal, and other relevant information. The water and sewer feasibility study shall specify whether the retreat will be seasonal or whether the retreat will operate on a year-round basis. The water and sewer feasibility study shall demonstrate that an adequate water supply exists (quantity and
quality) to serve the intended uses and shall demonstrate that the use will not have an adverse impact on adjoining existing uses and future groundwater withdrawal.

(3) The applicant shall submit a traffic impact study with its application to the Zoning Hearing Board which shall be prepared in accordance with the requirements of §1419.3 of this Chapter.

(4) The applicant shall submit a plan with its application to the Zoning Hearing Board which shall provide all information required at §1904.2 of this Chapter. The requirements of §1904.2 shall be applicable to a plan for a retreat. Such plan shall also clearly identify the lot lines for the retreat and clearly distinguish which features are existing and which are proposed. The plan shall clearly identify the maximum occupancy of each existing and proposed structure. The plan shall identify the number of off-street parking spaces required under Part 15 and off-street parking spaces proposed.

(5) The applicant shall submit evidence with its application to the Zoning Hearing Board that applicant has requested the comments of all first due emergency response providers at least thirty (30) days prior to submitting the application. If applicant has received any comments from any first due emergency response providers, applicant shall include such comments with its application.

(6) The applicant shall submit an emergency plan of access with its application to the Zoning Hearing Board meeting the requirements of §1420.21 of this Chapter.

(7) The applicant shall submit a written plan for the long term operation and management of the retreat with its application to the Zoning Hearing Board. Such plan shall at a minimum identify the entity which will own the retreat, the entity which will operate the retreat, staffing and management of the retreat, sanitary sewage disposal system operation and maintenance; water supply system operation and maintenance; street and access drive maintenance and similar matters.

(8) The applicant shall provide at least one (1) full-time manager that is responsible for the operation of the facility. The manager or other responsible staff shall be on site or available by telephone and able to be on site within sixty (60) minutes at all times (twenty-four (24) hours) the use is in operation. The applicant shall provide contact information to all first due emergency response providers.

(9) The applicant shall demonstrate that all operations at the retreat shall have the sole purpose of providing professional, educational, or religious meetings limited to registered participants and/or opportunities for individuals to engage in solitude and meditation. A religious retreat may offer religiously related counseling services to active or retired members of the clergy, other church officials, missionaries, and the families of such individuals, including transitional housing for missionaries or members of the clergy. If a religious retreat offers temporary or transitional housing for missionaries or members of the clergy, the occupants of such temporary or transitional housing may occupy the dwelling units in accordance with the same standards as persons occupying other residential dwellings in the Rural Residential District.

(10) The maximum length of occupancy in any temporary housing
facilities for any person or family shall not exceed 365 total days.

(11) The maximum length of occupancy in any retreat cabins for any person or family shall not exceed thirty (30) total days per calendar year.

(12) Outdoor camping shall be allowed on a limited basis with the length of camping stays to not exceed seven (7) days and the maximum number of campers at any time shall not exceed fifty (50). Camping shall only be at areas designated on the approved land development plan. All camping areas shall be at least two hundred (200) feet from any property line.

(13) The retreat shall not provide any in-patient, out-patient, parent-mandated, or court-mandated, substance abuse or behavioral treatment services.

(14) The retreat shall not contain or serve as a halfway house, wilderness camp or other educational alternative for youths, a rehabilitation center, "extreme" sports center, or health care facility.

(15) The retreat shall not provide housing or counseling adults or juveniles who are sentenced to correctional facilities, on probation, or subject to any other court-restricted activity is prohibited.

(16) Use or storage on the site of mobile homes, recreational vehicles, or any other similar kind of vehicle is prohibited. Notwithstanding the foregoing, the retreat may maintain all terrain vehicles and/or snowmobiles for use by staff only.

(17) The retreat shall not be used to house an institution of higher education, day care facility, or school as each of those terms is defined by the Pennsylvania Department of Education under Title 24 of the Pennsylvania Statutes or Title 22 of the Pennsylvania Code, nor shall the retreat be used for ancillary activities commonly associated with such institutions. This paragraph shall not prevent participants at the retreat from receiving continuing education credits if such credits can be provided or earned in a manner which does not conflict with this subparagraph.

(18) The retreat shall not be developed with a church or house of worship open to the community at large or used for ancillary outdoor activities commonly associated with a church, with the exception of quiet prayer and meditation. Notwithstanding the foregoing, the construction and operation of a chapel for the exclusive use of retreat residents, visitors and staff is permitted, for religious purposes only. The chapel shall be designed and constructed such that its occupancy shall not be greater than the capacity of the retreat as determined in this Section.

(19) The retreat shall not conduct and shall not allow the use of the retreat facilities for the conduct of any activities or events that are open to the public including, but not limited to, lectures, seminars, workshops, meetings, conferences, and entertainment or sporting events. Any place of assembly shall be designed and constructed such that its occupancy shall not be greater than the capacity of the retreat as determined in this Section.

(20) Outdoor events and activities shall be limited to such size and nature as to accommodate retreat participants only. Amplified
music, entertainment, or announcements, outdoor movies or films, fireworks displays, and light shows audible or visible off of the retreat property are prohibited.

(21) Commercial or industrial uses and retail sales are prohibited. Provided, however, that provision of meals, vending machines, and incidental sales of a minor nature may be permitted. In no event shall retail sales of any goods or products be permitted to be made to the general public. All sales shall be limited to staff and participants of the retreat.

(22) In light of the importance of solitude for the proper functioning of the retreat use of the lot, the maximum number of persons at the site shall not exceed two (2) persons per acre at any given time, including staff, residents and visitors.

(23) A retreat shall meet the following minimum requirements:

(a) Minimum lot area: 20 acres.
(b) Minimum lot width: 200 feet.
(c) Maximum lot coverage: 10%.
(d) Minimum setback from all property lines for all structures other than single family detached dwellings: 200 feet.
(e) Minimum setback from all property lines for single family detached dwellings: 100 feet.
(f) Minimum building separation: Completely detached buildings or structures shall not be less than 20 feet from one another.
(g) Maximum building height: two and one-half stories or 35 feet.

(24) A retreat shall be provided with a buffer zone of not less than 50 feet in width along all property lines. The buffer zone shall not be used for any purpose whatsoever; provided, however, required access drives may cross the buffer zone.

(25) The applicant shall demonstrate that any lighting to be installed within the retreat shall meet all requirements of §1420.16 of this Chapter.

(26) The applicant shall comply with all applicable stormwater management, sedimentation and erosion control, and subdivision and land development regulations.

§503. Lot Area, Building Height, and Yard Requirements.

A. A lot width, lot area, and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit erected or altered for any use permitted in this district. [Ord. 1/17/96]
### TABLE OF RR – DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (Sq.ft.)</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>All Permitted Uses</td>
<td>2 acres</td>
</tr>
<tr>
<td>All Permitted Uses if general landscape has slope in excess of 20%</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

B. A lot width, lot area, and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every non-residential building erected or altered for any use permitted in this district. [Ord. 1/17/96]

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (Sq.ft.)</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>All Permitted Uses</td>
<td>2 acres</td>
</tr>
<tr>
<td>All Permitted Uses if general landscape has slope in excess of 20%</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

[Ord. 1/17/96]

No building, with the exception of farm structures, shall exceed two and one-half (2½) stories or thirty-five feet (35') in height unless authorized as a special exception.

(Ord. 7/8/1978, §7.03; as amended by Ord. 1/17/96)

§504. Minimum Off-Street Parking Requirements. Off-street parking shall be provided for in accordance with Part 15 of this Chapter. (Ord. 7/8/1978, §7.04)

§505. Ecological Safeguards. Applications for development of plots with the general landscape having slopes in excess of twenty percent (20%) shall be accompanied by a soil erosion control plan approved and/or prepared by the Soil Conservation Service. Additionally, such properties shall be limited to the removal of no more than twenty-five percent (25%) of the vegetative cover. (Ord.
Part 6
R-1 Low Density Residential Districts

§601. Intent. The regulations for these districts are designed to accommodate and encourage harmonious and compatible residential development consistent with the characteristics of the prevailing open environment of the Township. For this purpose, development is restricted to conventional, low density, single family detached dwellings and related land uses. (Ord. 7/8/1978, §8.01)

§602. Permitted Uses.

1. One single-family detached dwelling on any lot existing as of the effective date of this subsection and any subdivision or land development of land which initially or cumulatively creates five (5) or fewer residential lots or dwelling units from any lot existing as of the effective date of this subsection. [Ord. 61406]

2. Churches and similar places of worship.

3. Public and private nurseries, elementary, middle and high schools, institutions of higher education, municipal buildings and structures, public parks and playgrounds, provided that the following conditions are met:
   A. A minimum front yard of one hundred feet (100') shall be maintained from the road right-of-way line. No parking facilities shall be permitted in the required front yard.

4. Necessary public utility structures and buildings.

5. Soil cultivation and crop production, truck farming, gardening, flower and tree nurseries, non-commercial greenhouses, but not including any raising, keeping, and breeding of poultry, bees, and livestock. In no case shall manure, fertilizer or other odor or dust producing substances be stored anywhere within two hundred feet (200') of any adjoining lot line.

6. Nonintensive raising, breeding, or keeping of poultry, bees or livestock (which shall not be construed to include feedlots, poultry houses, etc.) provided that the following conditions are met:
   A. The minimum lot size shall be ten (10) acres.
   B. No building in which livestock, poultry, or bees, other than customary household pets are kept shall be closer than two hundred feet (200') to any adjoining lot line or road right-of-way.
   C. No storage of manure or odor or dust producing substances shall be permitted within two hundred feet (200') of any adjoining lot line or road right-of-way.

7. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:
   A. Home occupations as defined in §1416 of this Chapter.
   [Ord. 91102]
   B. No-impact home-based business as defined in this Chapter. [Ord. 91102]
   C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]
8. Hospitals, clinics, convalescent homes, animal hospitals and sanitariums provided that the following conditions are met:

   A. A minimum front yard of one hundred feet (100') shall be maintained from the road right-of-way line. No parking facilities shall be permitted in the required front yard.

9. The following Special Exception uses, upon approval by the Zoning Hearing Board, as provided for in Part 19 of this Chapter.

   A. Public, semi-public or private recreation uses such as golf courses, country clubs, swimming and tennis clubs provided that no principal building or structures or parking area will be located within one hundred feet (100') of any road right-of-way line or lot line and provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, glare, lighting, traffic circulation or design.

10. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:

   A. Neighborhood Greenway Development (See §1425).

   B. Any land development or subdivision of land proposing more than five (5) dwelling units or lots initially or cumulatively other than Neighborhood Greenway Development (See §1426).

[Ord. 61406]

(Ord. 7/8/1978, §8.02; as amended by Ord. 91102, 9/11/2002, §3; and by Ord. 61406, 6/14/2006, §2)

§603. Lot Area, Building height and Yard Requirements. A lot width, lot area and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>TABLE OF R-1 DISTRICT REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Utilities</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Nonresidential Building</td>
</tr>
<tr>
<td>Single-Family Dwelling</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Public Water or Sewer</td>
</tr>
</tbody>
</table>
Lot Requirements | Yard Requirements
---|---
Public Utilities | Min. Lot Area (Sq.ft.) | Min. Lot Width | Max. Lot Coverage % | Front | One Side | Total Sides | Rear
---|---|---|---|---|---|---|---
Public Water & Sewer | 20,000 | 100' | 30% | 30' | 10' | 20' | 25'

No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height unless authorized as a special exception.

(Ord. 7/8/1978, §8.03)

§604. Minimum Off-Street Parking Requirements. Off-street parking shall be provided for in accordance with Part 15 of this Chapter. (Ord. 7/8/1978, §8.04)

§605. Greenway Requirement. Any use proposed for lands which are located in the area(s) of the Township identified as part of the open space and greenways plan shall provide designated open space as part of its subdivision and/or land development plan in accordance with the open space and greenways plan and this Chapter. (Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §3)
Part 7
R-2 Medium Density Residential Districts

§701. Intent. The regulations of the Medium Density Residential Districts are designed to provide for a wider range of medium density housing types where municipal services and commercial facilities are most readily available. (Ord. 7/8/1978, §9.01)

§702. Permitted Uses.

1. One single-family detached dwelling on any lot existing as of the effective date of this subsection and any subdivision or land development of land which initially or cumulatively creates five (5) or fewer residential lots or dwelling units from any lot existing as of the effective date of this subsection. [Ord. 61406]

2. Two-family residential structures (duplexes).

3. Multiple family and conversion apartment dwellings.

4. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:
   A. Home occupations as defined in §1416 of this Chapter.
   B. No-impact home-based business as defined in this Chapter. [Ord. 91102]
   C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]

5. The following uses are permitted by Special Exception, upon approval by the Zoning Hearing Board, provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design.
   A. Special Exceptions as specified in the R-1 Residential Districts.

6. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:
   A. Neighborhood Greenway Development (See §1425).
   B. Any land development or subdivision of land proposing more than five (5) dwelling units or lots initially or cumulatively other than Neighborhood Greenway Development (See §1426).

[Ord. 61406]

§703. Lot Area, Building Height, and Yard Requirements. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.
# TABLE OF R-2 DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Use Utilities</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Lot Area (Sq.ft.)</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Nonresidential Building</td>
<td>3 acres</td>
<td>250'</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 acre</td>
<td>125'</td>
</tr>
<tr>
<td>No Public Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Water or Sewer</td>
<td>20,000</td>
<td>100'</td>
</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>10,000</td>
<td>80'</td>
</tr>
<tr>
<td>Semi-Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>8,000</td>
<td>60'</td>
</tr>
<tr>
<td>*Row House</td>
<td>8 units per gross area (max.)</td>
<td>18'</td>
</tr>
<tr>
<td>Apartments</td>
<td>5,000 sq.ft. per unit</td>
<td></td>
</tr>
</tbody>
</table>

*No group of row houses shall consist of more than six (6) units, with no more than three (3) continuous row houses with the same front setback, each variation of the setback being at least four feet (4').

No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height unless authorized as a special exception. (Ord. 7/8/1978, §9.03)

§704. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 15 of this Chapter. (Ord. 7/8/1978, §9.04)

§705. Greenway Requirement. Any use proposed for lands which are located in the area(s) of the Township identified as part of the open space and greenways plan shall provide designated open space as part of its subdivision and/or land development plan in accordance with the open space and greenways plan and this Chapter. (Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §5)
Part 8

C-1 - General Commercial District

§801. Intent. Within any largely agricultural and residential community there exists a need for certain commercial facilities to fulfill needs of persons living therein. These needs are designed to be met by providing for a commercial district easily accessible to the Township residents. (Ord. 7/8/1978, §10.01)

§802. Permitted Uses.

1. Stores for the retailing of food, clothing, drugs, confectionary, hardware, farm equipment and supplies, sporting goods, household appliances, flowers, etc.

2. Personal service shops including barbers, beauty parlors, tailors, shoe repair, dry cleaning, laundromats, etc.


4. Restaurants, tea rooms, cafes, and other places serving food and drink, but not including drive-in restaurants.

5. Business and professional offices.

6. Automobile dealers, repair shops, auto fillings and service stations, body shops, parts centers, supply centers, and washes.

7. Printing and publishing establishments.

8. Mortuary and undertaking establishments.

9. Shops for contractors, plumbing, heating, printing, upholstering, etc.

(Ord. 7/8/1978, §10.02)

§803. Performance Required. All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect on adjacent areas.

Should the Zoning Officer feel there is any possibility of the abovementioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

(Ord. 7/8/1978, §10.03)

§804. Lot Area, Building Height and Yard Requirements. A lot width, lot area, and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.
TABLE OF C-1 DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Area Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>1 acre</td>
<td>200'</td>
</tr>
</tbody>
</table>

[Ord. 9-13-06-01]

A. Parking areas may be included in fifty percent (50%) of the required yards of the C-1 Commercial Districts except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

B. Where side or rear yards adjoin any R-1, R-2, or RR Residential Districts, they shall be no less than fifty feet (50') in width, shall not be used for parking and shall be appropriately landscaped and maintained.

C. No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height unless authorized as a Special Exception by the Zoning Hearing Board.

(Ord. 7/8/1978, §10.04; as amended by Ord. 9-13-06-01, 9/13/2006, §1)

§805. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 15 of this Chapter.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall be not less than six hundred sixty (660) square feet in area with a dimension of twelve feet (12') by fifty-five feet (55') per space with a clearance of not less than fifteen feet (15') in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 7/8/1978, §10.05)
§901. Intent. The regulations of this district are designed to increase the area and accommodate the growing need for commercial districts within the Township. However, since this district is located in a predominantly rural, agricultural area, uses permitted shall be designed and located so as to blend aesthetically with the rural nature of the Township and shall be compatible with those same uses. (Ord. 11/8/1980, §10.01A)

§902. Permitted Uses.
1. All uses permitted in Part 4, A - Agricultural District and subject to the requirements therein.
2. Stores for the retailing of groceries, clothing, drugs, confectionary, hardware, farm equipment and supplies, sporting goods, household appliances, antiques, furniture, flowers, etc.
3. Printing and publishing establishments.
4. Shops for contractors, plumbing, heating, upholstering, etc.
5. Banks, savings and loan, and finance companies.
(Ord. 11/8/1980, §10.02A)

§903. Performance Required. The above listed uses (2 through 5) must be non-objectionable in terms of smoke or dust emission, odors, noise and glare, and shall not be injurious or have an adverse effect or adjacent areas. Furthermore, all applications for development shall be submitted to, the South Annville Township Planning Commission for their review and approval prior to issuance of a Building and Zoning Permit. Said uses shall be designed so as to continue the rural, agricultural nature of the area. Structures shall, therefore, be appropriately constructed and landscaped.

Should the Planning Commission disapprove said application or should the Zoning Officer feel there is any possibility of an adverse effect to the general health, safety and welfare of local residents, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.
(Ord. 11/8/1980, §10.03A)

§904. Lot Area, Building Height and Yard Requirements. A lot width, lot area and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.
### TABLE OF C-2 DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Min. Lot Area (Sq.ft.)</strong></td>
<td><strong>Min. Lot Width</strong></td>
</tr>
<tr>
<td>Nonresidential Uses</td>
<td>3 acres</td>
</tr>
<tr>
<td>Agricultural Uses</td>
<td>3 acres</td>
</tr>
<tr>
<td>Residential Uses</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

[Ord. 9-13-06-01]

A. No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, unless authorized as a Special Exception by the Zoning Hearing Board.


§905. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 15 of this Chapter. In addition to the requirements of Part 15, parking areas may be included in seventy percent (70%) of the required yards of the C-2 Commercial District. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall not be less than six hundred and sixty (660) square feet in area with a dimension of twelve (12) by fifty-five feet (55') per space, with a clearance of not less than fifteen feet (15') in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 11/8/1980, §10.05A)

§906. No Outside Storage. There is to be no outside storage of equipment and/or building materials in this district. (Ord. 11/8/1980, §10.06A)
§1001. Intent. This district is designed to promote a compatible combination of light industrial, professional and commercial uses in an environment where such uses can complement each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the permitted, special exception and conditional uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings, larger lots and inoffensive processes characterize such uses. To these ends, the District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment. (Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1002. Permitted Uses. In an (I) Industrial District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to land development plan approval in accordance with the Lebanon County Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Chapter:

A. Offices or office complexes.

B. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices and veterinary clinics.

C. Light manufacturing, fabricating, processing, packaging, compounding or assembling activities conducted within a completely enclosed building not exceeding two hundred fifty thousand (250,000) square feet of floor area.

D. Wholesale, warehousing distribution centers and contractors' supply centers conducted within a completely enclosed building not exceeding one hundred fifty thousand (150,000) square feet of floor area.

E. Medical research laboratories and pharmaceutical facilities.

F. Repair services, such as radio, television and appliance shops.

G. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.

H. Construction vehicles and equipment sales and services.

I. Newspaper and printing establishments.

J. Fitness center, health club, golf driving range and batting cages.

K. Day care centers.

L. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, millinery and dry cleaning and laundry services, upholstery operations and shoe-repair shops.

M. Municipal buildings and facilities.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)
§1003.   Special Exception Uses. The following uses and activities are permitted as Special Exceptions, upon approval by the Zoning Hearing Board as provided for in Part 19 of this Chapter:

A. Light manufacturing, fabricating, processing, packaging, compounding or assembling activities requiring a floor area greater than two hundred fifty thousand (250,000) square feet subject to:

(1) The applicant shall provide a detailed description of the proposed use in each of the following topics:

(a) The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

(b) The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

(c) Any environmental impacts that are likely to generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances including, but not limited to, those required by this Chapter.

(d) The total maximum building area shall not exceed five hundred thousand (500,000) square feet.

B. Restaurants, cafes, delis and other places serving food subject to:

(1) Restaurants, cafes, delis and other places serving food shall be primarily intended to serve the employees, tenants and users of the industrial district.

(2) The primary operation of the facility shall be for food that is served and consumed on the premises where prepared.

(3) Restaurants, cafes, delis and other places serving food shall not include entertainment and or dancing.

(4) No establishment will be permitted which allows or permits patrons to bring their own alcoholic beverages onto the premises for consumption thereon.

C. Automobile recycling and junkyards used for storage, wrecking, and converting used or discarded materials provided that the following conditions are met:

(1) Minimum lot of ten (10) acres.

(2) Such use shall be not closer than one hundred fifty feet (150) feet to any road right-of-way and no less than five hundred (500) from any district other than industrial.

(3) Such use shall be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet backed by a solid fence no less than six (6) feet in height.
4. Air fields, strips, or landing facilities and buildings accessory thereto provided that the following conditions are met:

   A. Minimum lot area of ten (10) acres.

   B. Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within a five hundred (500) foot radius of the runway.

   C. Runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any adjoining property line or road right-of-way line.

   D. A description of equipment and facilities to be utilized, and a description of overall development plans for the lot shall be made available to the Zoning Hearing Board.

   E. The airport approach area shall be defined as an area three hundred (300) feet wide and lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty feet (20) from each end of runway. No building, structure or airport hazard shall exceed one (1) foot in height, for each twenty (20) feet of length of an established airport runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.

   F. Any pulsating or flashing lighting is prohibited.

   G. Flood lights, sport lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

   H. Any radio or electronic device shall be permitted only with approval and license by the Federal Communication Commission.

   I. All facilities of this nature shall conform and operate under the standards set by the FAA and the Pennsylvania Aeronautical Commission.

   J. The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.

5. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in this Chapter.

6. Adult uses in accordance with the requirements of §1422. [Ord. 91102 (Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3; and by Ord. 91102, 9/11/2002, §5)]
shall be calculated using the perimeter of the entire display area.

B. Outdoor storage of materials is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Chapter.

(1) For the purposes of this Section, outdoor storage shall:

(a) Be an accessory use to the principal use of the property.

(b) Include accessory materials including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property.

(c) Exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property.

(d) Exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.

(2) The maximum area for outdoor storage shall be one thousand (1000) square feet.

(3) Storage areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use or required off-street parking areas.

3. Parking, Loading or Service Areas. All parking, loading or service areas shall be provided in accordance with Part 15 of this Chapter.

4. Landscaping and Screening. All landscaping and screening shall be installed in accordance with §1418 of this Chapter.

5. Signs. All signs shall be provided in accordance with Part 16 of this Chapter.

6. Illumination. All illumination shall be provided in accordance with the requirements of §1517 and §1518(J) of this Chapter.

7. Performance Standards. All uses shall comply with the performance standards as provided for in §1420 of this Chapter.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1005. Lot Area, Lot Width, and Coverage Requirements.

1. Minimum lot area: One (1) acre.

2. Minimum lot width at the street line: One hundred fifty (150) feet.

3. Minimum landscape area: Thirty (30) percent.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1006. Setback Requirements.

1. Front Yard. Front yard setback distances are determined by the kind of road or highway on which the property fronts as follows:

   A. Existing Perimeter Street. Eighty (80) feet from the street right-of-way line or ninety-five (95) feet from street centerline, whichever is greater.

   B. Internal Collector Street. Seventy (70) feet from the street right-of-way line or eighty-five (85) feet from street centerline,
whichever is greater.

C. Internal Local Street. Sixty (60) feet from the right-of-way line or seventy-five (75) feet from the street centerline, whichever is greater.

2. Side Yard. A minimum of fifty (50) feet each side.
   A. Loading areas, and outdoor display and storage areas shall be set back at least fifteen (15) feet from the side lot lines.

3. Rear Yard. A minimum of fifty (50) feet in depth.
   A. Loading areas, and outdoor display and storage areas shall be set back at least twenty (20) feet from rear lot line.

4. Residential Buffer. No building shall be located nearer than two hundred (200) feet, and no other structure, off-street parking lot, loading area, dumpster or outdoor storage area shall be located nearer than fifty (50) feet, to an existing residential building unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1007. Building Height Regulations.

1. The maximum building height shall be three (3) stories or forty (40) feet, which ever is less.

2. The height of a principal building may be increased to a maximum height of seventy-five (75) feet provided the structure is setback a horizontal distance at least equal to its height from any right-of-way or property line.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)

§1008. Design Features/Bonus Incentives.

To reduce the potential for traffic congestion, the following bonus incentives are available when prescribed design features are provided. These bonus incentives and specified design features are as follows:

| Design Features                                                                 | Bonus Incentive                                                                 |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---|
| Coordinated vehicular access between two or more adjoining land uses that make use of only one shared access drive onto an adjoining road. | A five (5) percent increase in the maximum permitted lot coverage for each use. |
| Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties. | Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a fifteen percent (15) reduction in the total number of parking spaces required for all uses. |
| Coordinated signage with two or more uses sharing only one free standing sign. | A five (5) percent increase in the maximum permitted lot coverage and a twenty-five percent (25) increase in the maximum permitted size of any attached or freestanding signs. |

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, §3)
Part 11
Floodplain Districts

§1101. Intent. These provisions are intended to prevent the creation of health and safety hazards, the needless loss of life or property from possible natural catastrophe and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. Additionally, these regulations are designed to prohibit or restrict construction of any mobile home, permanent building or structure, or uses and activities in any floodplain district in order to minimize future flood damage as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around water courses and induce flooding conditions. (Ord. 91-1109-1, 11/9/1991, §1101)

§1102. Definition of Terms Utilized in Floodplain Districts.

ALLUVIAL SOIL MAPS - soils maps prepared by the United States Department of Agriculture, Soil Conservation Service, which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

APPROXIMATED FLOODPLAIN DISTRICTS (F-1) - the Approximated Floodplain District shall be that floodplain area for which no specific flood profiles have been provided. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17. This elevation information shall be subject to review by the Township and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Resources, a river basin commission, etc.

CONSTRUCTION - the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. For floodplain purposes, "construction" includes structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Township.

DEVELOPMENT - any man-made change to improved or unimproved real estate including, but not limited to, buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

FLOOD - a temporary inundation of water on normally dry land areas.

FLOOD FRINGE (F3) - the portion of the one hundred (100) year floodplain located outside the floodway and for which flood elevations have been determined.

FLOODPLAIN - (1) a relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation...
by water; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

FLOODPLAIN DISTRICTS - the zoning districts that establish the bounds of the one hundred (100) year floodplain as identified by the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the Approximated Floodplain (F-1), Floodway (F-2) and Flood Fringe (F-3) Districts.

FLOODWAY (F-2) - that portion of the one hundred (100) year floodplain, including the channel of a river or other watercourse and adjacent land areas, which are required to carry and discharge the one hundred (100) year flood where the activities permitted elsewhere in the floodplain district will not cumulatively increase the water surface elevation more than one (1) foot at any given point. The detailed study of the regulatory flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain.

ONE HUNDRED (100) YEAR FLOOD (REGULATORY FLOOD) - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

ONE HUNDRED (100) YEAR FLOODPLAIN - (1) the relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation on the average of once every one hundred (100) years; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source on the average of once every one hundred (100) years.

REGULATORY FLOOD - the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this Part, the one hundred (100) year flood, as defined by the Federal Insurance Administrator.

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation based upon the information contained in the official Flood Insurance Study.

START OF CONSTRUCTION - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footing, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction facilities for servicing the site on which the mobile home is
to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

SUBSTANTIAL IMPROVEMENT - any reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Part, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

TOXIC MATERIALS - the following materials and substances which are listed in §38.7 of the Department of Community Affairs Floodplain Management Regulations adopted pursuant to the Pennsylvania Floodplain Management Act (Act 1978-166) have been determined to be dangerous to human life:

A. Acetone.
B. Ammonia.
C. Benzene.
D. Calcium carbide.
E. Carbon disulfide.
F. Celluloid.
G. Chlorine.
H. Hydrochloric acid.
I. Hydrocyanic acid.
J. Magnesium.
K. Nitric acid and oxides of nitrogen.
L. Petroleum products (gasoline, fuel oil, etc.)
M. Phosphorus. N. Potassium.
O. Pesticides, (including insecticides, fungicides, and rodenticides).
P. Sodium.
Q. Sulphur and sulphur products.
R. Radioactive substances, insofar as such substances are not otherwise regulated.

(Ord. 91-1109-1, 11/9/1991, §1102)
§1103. Delineation of Districts.

1. The floodplain districts shall include all areas subject to inundation by flood waters of the regulatory flood. The basis for the delineation of the three (3) floodplain districts (Approximated Floodplain, Floodway and Flood Fringe Districts) shall be the Flood Boundary/Floodway Map (dated December 16, 1980) and the Official Flood Insurance Study prepared by the Flood Insurance Administrator.

2. Three (3) separate districts are necessary to equitably enforce floodplain management controls in the floodplain districts. The Approximated Floodplain District (F-1) shall include all areas of the Township subject to inundation by flood waters of the regulatory flood for which no specific flood profiles have been provided. The actual elevation and extent of the district is to be determined by the regulatory flood elevation. In order to determine the regulatory flood elevation, the following variety of sources of data shall be used.

   A. Alluvial soil maps prepared by the U.S. Soil Conservation Service.
   B. Local data from the 1972 flood.
   C. Army Corps of Engineers - Floodplain Information Reports.
   E. Other available sources of floodplain information.

3. In lieu of the previously mentioned, the Township shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township or a qualified agent thereof.

4. The Floodway District (F-2), where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Boundary/Floodway Map. In the Flood Fringe District (F-3), where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe District shall be that area of the one hundred (100) year floodplain not included in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

5. The delineation of the floodplain, Approximated Floodplain, Floodway and Flood Fringe Districts may be revised by the Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps
of Engineers, river basin commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.

6. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Administrator. Where interpretation is needed concerning the exact location of any boundary of the floodplain districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

(Ord. 91-1109-1, 11/9/1991, §1103)

§1104. District Provisions.

1. All uses, activities, and development occurring within the Approximated Floodplain, or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Part and with all applicable codes and ordinances such as the Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

2. No structure, including mobile homes, or land shall hereinafter be used and no structures, including mobile homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part.

3. All permitted uses shall be regulated by the provisions of the nearest zoning district. Where there happen to be conflicts between the provisions or requirements of the Approximated Floodplain, Floodway or Flood Fringe Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the floodplain districts be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the floodplain districts are located.

A. Approximated Floodplain (F-1) and Floodway (F-2) Districts. In the Approximated Floodplain and Floodway Districts no development, including mobile homes, shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities.

(1) Permitted Uses. In the Approximated Floodplain and Floodway Districts, the following uses and activities are permitted provided that they are in compliance with the provisions of the nearest zoning district, will not result in any increase in the level of the regulatory flood anywhere, are not prohibited by this or any other ordinance and provided that they do not require...
structures, mobile homes, fill, vehicles, or parts thereof, storage of materials and equipment, substantial improvements or other development:

(a) Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry and sod farming and wild crop harvesting.

(b) Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as post and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

(c) All uses customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris; impervious parking and loading areas; and airport landing strips.

(d) The following uses and activities are permitted as special exceptions upon approval of the Zoning Hearing Board; provided, that they are in compliance with the provisions of the nearest zoning district, the provisions of the Lebanon County Floodproofing Building Code, will not raise the level of the regulatory flood at all and are not prohibited by any other ordinances:

1) Structures accessory to the uses and activities in subsection (a), above, but shall not be construed to include mobile homes, vehicles or parts thereof.

2) Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar related uses.

3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

4) Extraction of sand, gravel and other materials.

5) Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or, provided that such material and equipment is firmly anchored to prevent
flotation or movement; and/or, can be readily removed from the area within the time available after flood warning.

6) Other similar uses and activities provided they cause no increase in flood height and or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building code and all other applicable codes and ordinances.

B. Flood Fringe District (F-3). In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district; provided, that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.

C. Prohibited Uses. In the Floodway (F-2), Flood Fringe (F-3), and Approximated Floodplain Districts (F-1) the following uses and activities are strictly prohibited:

1) Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.
2) Public or private nursing homes.
3) Jails or prisons.
4) Public or private schools or institutions of higher education.
5) New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.
6) A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply or more than five hundred fifty (550) gallons of such materials or any amount of radioactive substances.
7) Any other use, activity, or development not specifically permitted under the terms of this Part.

(Ord. 91-1109-1, 11/9/1991, §1104)

§1105. Additional Safeguards.

1. No part of any private on-lot sewage disposal system shall be constructed within the floodplain districts.

2. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

3. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located-near a municipal boundary.
4. Use of fill is prohibited within the Approximated Floodplain and Floodway Districts, unless the property owner or applicant provides a document acceptable by the Zoning Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the regulatory flood at any point. Use of fill in the Flood Fringe District is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

5. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. Also, adjacent communities, the Department of Community Affairs, and the Flood Insurance Administrator must be notified. Additionally, the Township must be assured that the flood carrying capacity of in altered or relocated watercourse is maintained.

6. The placement or replacement of any mobile home in the Floodway (F-2) or Approximated Floodplain (F-1) Districts is prohibited, except in replacement units in existing mobile home parks and existing mobile home subdivisions. Said replacement units shall comply with the special anchoring requirements of §1.5 of the Lebanon County Floodproofing Building Code.

(Ord. 91-1109-1, 11/9/1991, §1105)

§1106. Factors to be Considered by the Zoning Hearing Board When Reviewing Special Exceptions and Variances. In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Part, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other ordinances and shall apply all of the following factors:

A. The danger of life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
I. The relationship of the proposed use or structure to the Comprehensive plan and floodplain management programs of the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

L. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places where appropriate.

M. No variance shall be granted to allow either in whole or in part any prohibited use listed in §1104(3) (C) of this Part.

N. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums.

O. Variances shall not be given in the floodway that result in any increase in flood levels during the one hundred (100) year flood.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

   (1) Increased insurance premium rates will result.

   (2) Construction occurring below the one hundred (100) year flood level will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Part.

§1107. Nonconformities. A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

1. Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Floodplain (F-1) Districts:

   A. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code; provided, that such measures and elevation techniques do not raise the level of the regulatory flood.

   B. May be expanded or enlarged, but not substantially improved; provided, that said expansion or enlargement (a) does not exceed twenty-five (25) percent of the area of the first floor of the struc-
ture existing at the time of adoption of this Part, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable flood proofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

2. Existing nonconforming structures or uses located in the Flood Fringe (F-3) District:

A. May be substantially improved, moved, replaced, modified, altered, or repaired; provided, that such work is conducted in full compliance with the provisions of this Part, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.

B. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Part; and, provided that said enlargement or expansion complies with the above requirements of subsections (a), (b) and (c) of §1107(1)(B).

3. If any nonconforming structure or use, including mobile homes, located in the floodplain districts is demolished, removed or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced or continued except in conformity with the provisions of this Part, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

(Ord. 91-1109-1, 11/9/1991, §1107)

§1108. Lot Area, Yard and Sign Requirements. The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district. (Ord. 91-1109-1, 11/9/1991, §1108)

§1109. Additional Administrative Requirements.

1. To insure that all construction and development within identified floodplain areas will be conducted employing flood damage controls, the Zoning Administrator shall require the following specific information to be included as part of an application for a permit:

A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

   (1) All such proposals are consistent with the need to minimize flood damage.

   (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

   (3) Adequate drainage is provided to reduce exposure to flood hazard.
B. Such plan shall also include existing and proposed contours and elevations of the grounds, regulatory flood elevations, structure elevation, lowest floor elevation, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures.

C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Part, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

2. Review of Application by County Conservation District. A copy of all plans and application for construction and/or development in the identified floodplain areas to be considered for approval shall be submitted by the applicant to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Administrator for possible incorporation into the proposed plan.

3. Review of Application by Others. A copy of all plans and specifications for construction and/or development in the identified floodplain areas to be considered for approval may be submitted by the applicant at the discretion of the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit.

4. A record of all variances granted, including their jurisdiction, shall be maintained by the Township as well as reported in the annual report to the Flood Insurance Administrator.

(Ord. 91-1109-1, 11/9/1991, §1109)

§1110. Statement of Disclaimer. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Part shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision made hereunder. (Ord. 91-1109-1, 11/9/1991, §1110)

§1111. Building Permits Required. Building permits shall be required before any proposed construction, substantial improvement, or development is undertaken within any identified flood prone area of the Township. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required State and Federal permits.

(Ord. 91-1109-1, 11/9/1991, §1111)
Part 12
Conditional Use Procedures

§1201. Conditional Use Applications. Any person desiring to obtain approval of a conditional use from the Board of Supervisors shall submit an application to the Board of Supervisors which shall contain all of the information required for an application for a special exception set forth in §1904 of this Chapter and shall submit a plan meeting all requirements of §1904.1. No conditional use application is complete without payment of the required fee. (Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §7)

§1202. General Criteria. When conditional uses are provided for in this Chapter, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with the stated standards and criteria. The Board of Supervisors may grant approval of a conditional use provided that the applicant complies with all of the specific standards and criteria for the particular use and all of the following general standards for conditional uses. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all conditions, requirements, standards, criteria and performance standards for the conditional use enumerated in the Section which gives the applicant the right to seek the conditional use and any other Section of this Chapter which relates to the proposed use.

B. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or all improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including, but not limited to, police protection, fire protection, utilities, parks and recreation.

C. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal vehicle and pedestrian circulation, parking, buffering, and all other elements of proper design as specified in this Chapter and any other governing law or regulation.

D. The applicant shall provide the Board of Supervisors as part of the application for the conditional use with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

E. The proposed conditional use shall not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood, and the use of property adjacent to the area included in the conditional use application shall be adequately safeguarded.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §7)

§1203. Conditions. The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the
public welfare and the purposes listed above, including conditions which are
more restrictive than those established for other uses in the same zone.
These conditions shall be enforceable by the Zoning Officer and failure to
comply with such conditions shall constitute a violation of this Chapter and
be subject to the penalties described in this Chapter. (Ord. 7/8/1978; as
added by Ord. 61406, 6/14/2006, §7)

§1204. Notice and Hearing for Conditional Use Application. The Board
of Supervisors shall provide notice of the hearing on an application for a
conditional use in accordance with MPC requirements. The Board of Supervi-
sors shall conduct the hearing on an application for a conditional use in
accordance with all MPC requirements. (Ord. 7/8/1978; as added by Ord.
61406, 6/14/2006, §7)

§1205. Site Plan. Any site plan presented in support of the condi-
tional use shall become an official part of the record for said conditional
use. Approval of any conditional use will also bind the use in accordance
with the submitted site plan; therefore, should a change in the site plan be
required as part of the approval of the use, the applicant shall revise the
site plan prior to the issuance of a zoning permit. Any subsequent change to
the use on the subject property not reflected on the originally approved site
plan shall require the obtainment of another conditional use approval. (Ord.
7/8/1978; as added by Ord. 61406, 6/14/2006, §7)

§1206. Expiration of Conditional Use Approval. If the conditional use
is granted, the applicant shall file an application for and shall gain
approval of a preliminary subdivision and/or land development within eighteen
(18) months of the date of the decision of the Board of Supervisors. The
applicant shall obtain approval of a final subdivision or land development
plan within thirty (30) months from the date of the decision of the Board of
Supervisors. Applications for preliminary subdivision and/or land develop-
ment and final subdivision and/or land development shall contain all relevant
information from the conditional use process. The applicant shall complete
the construction authorized by a decision of the Board of Supervisors
granting conditional use approval within five (5) years from the date of the
decision. However, upon written request by the applicant and for good cause,
the Board may extend either the time within which to obtain approval of a
preliminary subdivision plan and/or to obtain approval of a final subdivision
plan and/or to complete construction. If the applicant fails to meet such
time periods, the conditional use approval shall expire. (Ord. 7/8/1978; as
added by Ord. 61406, 6/14/2006, §7)

§1207. Number of Applications Which May Be Pending. No more than one
(1) application for the same property shall be pending before the Board of
Supervisors at any time. If an applicant files a second or subsequent
application with the Board of Supervisors while an application for the same
property is pending, the Board of Supervisors shall schedule a hearing for
the second or subsequent application as required by the MPC and may deny the
second or subsequent application for violation of this Section unless that
applicant has, in writing, withdrawn the application for the property which
was pending on the date the second or subsequent application was filed.
(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §7)
$1301. Intent.

1. Within the districts established by this Chapter or amendment that may later be adopted, there exist;
   A. lots,
   B. structures,
   C. uses of land and structures, and
   D. characteristics of use,
which were lawful before this Chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these nonconformities to continue until they are removed. It is further the intent of this Chapter that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition to removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. 7/8/1978, §14.01)

§1302. Nonconforming Lots of Record. In any district a permitted building and customary accessory building(s) may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, not withstanding limitations imposed by other provisions of this
Chapter. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the minimum requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If one or more lots are on record in the Office of the Recorder of Deeds of Lebanon County and have been duly approved by the Township Supervisors, they may be developed according to the recorded plan even though said lots may not conform with the minimum requirements for area or width or both that are generally applicable in the district. However, no portion of said lots or parcels shall be used or sold in a manner which further diminishes compliance with lot width and area requirements as established by this Chapter.

(Ord. 7/8/1978, §14.02)

§1303. Nonconforming Uses of Land (or Land With Minor Structures Only). Where at the time of passage of this Chapter, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), the use may be continued so long as it remains otherwise lawful, provided that the following conditions are met:

A. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) continuous days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

B. No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 7/8/1978, §14.03)

§1304. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed in a manner which increases its nonconformity.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 7/8/1978, §14.04)
§1305. Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with replacement cost of one thousand dollars ($1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged or extended, except on contiguous property owned at the time of adoption of this Chapter.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter.

C. Any nonconforming use of a structure, or structure and premises, may as a Special Exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Chapter.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety percent (90%) of the replacement cost at the time of destruction.

(Ord. 7/8/1978, §14.05)

§1306. Repairs and Maintenance. Nothing in this Chapter shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

(Ord. 7/8/1978, §14.06)


Any use which is permitted as a Special Exception in a district under the terms of this Chapter (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(Ord. 7/8/1978, §14.07)
Part 14
Supplementary District Regulations

§1401. Visibility at Intersections. On a corner lot in any district, a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

A. Seventy-five feet (75') from the point of intersection of the center line of intersecting streets, except that;

B. Clear sight triangles of one hundred feet (100') shall be provided for all intersections with arterial and major streets as designated in the Township Comprehensive Plan.

(Ord. 7/8/1978, §15.01)

§1402. Lots in Two Districts. Where a district boundary line divides a lot in single or joint ownership of a lot of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty feet (30') into the more restricted portion, provided that the lot has frontage on a street in the less restricted district. (Ord. 7/8/1978, §15.02)

§1403. Front Yard Exceptions. When an unimproved lot is situated between two (2) improved lots with front yard setbacks less than those required for the district, the required front yard of the unimproved lot may be reduced to a depth equal to the average of the two, improved, adjoining lots; however, in no case shall a front yard be reduced by more than fifty percent (50%) of the required front yard of the district. (Ord. 7/8/1978, §15.03)

§1404. Foundations. All dwelling units hereafter erected or altered shall have a permanent continuous foundation. The footer shall be installed to a minimum depth of twenty-four inches (24") below ground level. (Ord. 7/8/1978, §15.04)

§1405. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that area, yard, and other requirements of this Chapter shall be met for each structure as though it were on an individual lot. (Ord. 7/8/1978, §15.05)

§1406. Accessory Buildings. No separate accessory building shall be permitted in any required front or side yard. In rear yards, they shall not be permitted within five feet (5') of the rear lot line. However, where abutting a public street or alley, a garage shall be no less than fifteen feet (15') from the right-of-way of said street or alley. (Ord. 7/8/1978, §15.06)
§1407. Projections Into Yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Terraces or patios, provided that such terraces or patios are not under roof or otherwise enclosed and not closer than five feet (5') to any adjacent property line.

B. Projecting architectural features - bay windows, cornices, eaves, fireplaces chimneys, window sills, or other architectural features - provided they do not extend more than five feet (5') into any required yard nor closer than five feet (5') to any adjacent property line.

C. Uncovered stairs and landings.

D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five feet (5') into any required yard nor closer than five feet (5') to any adjacent property line.

(Ord. 7/8/1978, §15.07)

§1408. Accessory Uses.

1. Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four inches (24") or more shall be located in a rear yard only. Such pools shall be not less than fifteen feet (15') from side and rear property lines, with a continuous fence not less than three and one-half feet (3'/') in height above the ground level. Such fence shall be equipped with a lockable gate. Any deck, patio or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten feet (10') to the side and rear lot lines.

2. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen feet (15') from side or rear property lines.

3. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five feet (5') of any property line.

4. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(Ord. 7/8/1978, §15.08)

§1409. Exception to Height Regulations. The height limitations of this Part shall not apply to church spires or farm structures when permitted by other provisions of this Part, (i.e. silos, barns, etc.), belfries, cupolas, penthouses, and domes not used for human occupancy nor to chimneys, ventilators skylights, water tanks, bulkheads and similar features, utility poles and standards and necessary mechanical appurtenances usually
carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other government regulations. (Ord. 7/8/1978, §15.09)

§1410.   Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street approved by the Township Supervisors, and all structures shall be so located on said lot so as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. 7/8/1978, §15.10)

§1411.   Parking, Storage, or Use of Major Recreational Equipment. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designated to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot used for residential purposes except in a carport, enclosed building or to the rear of the front yard setback line. Furthermore, such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. (Ord. 7/8/1978, §15.11)

§1412.   Parking and Storage of Certain Vehicles. Automotive vehicles of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed structures. (Ord. 7/8/1978, §15.12)

§1413.   Corner Lot Restrictions. On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street. When such lot is bounded by a public thoroughfare or private road which is less than twenty feet (20') in width (right-of-way), then those requirements indicated for interior lots shall apply. (Ord. 7/8/1978, §15.13)

§1414.   Municipal Uses. In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation uses. (Ord. 7/8/1978, §15.14)

§1415.   Public Utilities Exempt. The regulations of this Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ord. 7/8/1978, §15.15)
§1416. Home Occupation Regulations. In any district, a member of the immediate family owning and residing on the premises may use parts of a dwelling for any gainful occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence, and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than signs as are regulated by other South Annville Township Ordinance.

B. Home occupation shall be limited to the employment of not more than one (1) assistant.

C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the area of the first floor of the dwelling nor more than five hundred (500) square feet.

D. All parking shall be off-street and two off-street spaces shall be provided in addition to that required of the residence unit.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

(Ord. 7/8/1978, §15.16)

§1417. Gasoline Pumps and All Other Service Equipment. Gasoline pumps and all other service equipment shall be setback not less than twenty-five feet (25') from any lot line and/or street right-of-way and located in such a manner that vehicles stopped for service will not extend over the property line or right-of-way line. (Ord. 7/8/1978, §15.17)

§1418. Screening and Landscaping Requirements.

1. Yard Ground Cover. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g., grass, ivy, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced.

2. Landscaping Requirements.

A. Any required landscaping (landscaping strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, materials. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping and screening. No less than eighty (80) percent of the required landscaping area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

B. For each seven hundred fifty (750) square feet of required area for landscape strips, one (1) shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (for parking lots), one (1) shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
3. **Screening.** The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.

4. **Selection of Materials.** Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

5. **Landscaping Setbacks.**

   A. All landscaping materials, excluding yard ground covers, shall be set back five (5) feet from any adjoining street right-of-way line.

   B. No shrub nor tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any farm within the (A) Agricultural District.

6. **Landscaping and Screening for Parking Areas.** The following landscaping and screening requirements shall apply to all parking lots:

   A. **Landscape Strip.**

      (1) When a parking lot is located in a yard which abuts a street, a landscape strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscape strip. This strip shall be measured from the street right-of-way line. The strip may be located within any other landscape strip required to be located along a street.

      (2) Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of fifteen (15) feet from all property lines. Such setbacks shall be used for landscape strips.

   B. **Interior Landscaping.**

      (1) In any parking lot containing twenty (20) or more parking spaces (except a parking garage), ten (10) percent of the total area of the lot shall be devoted to interior landscaping.

      (2) Such interior landscaping may be used, for example, at the end of parking space rows to help visually define travel lanes through or next to the parking lot.

      (3) Landscape islands shall be provided to break up rows of parking spaces at least every ten (10) parking spaces.

      (4) All interior landscaping shall be provided in concrete
curbed islands.

(5) Landscaped areas situated outside the parking lot, such as perimeter or peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

(6) For the purpose of computing the total area of the parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

(7) A combination of trees, shrubs or other approved material shall be provided. Ground cover alone shall not satisfy this landscape requirement.

(8) Shrubbery provided at interior drive intersections shall be maintained at a maximum height of thirty (30) inches.

(9) At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished grade level.

(10) Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Wheel stops or curbing shall be provided.

(11) If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

C. Screening

(1) When a parking lot is located on a property which is within two hundred (200) feet of, and which adjoins land in a residential zone or an existing residential building, the parking lot shall be screened from the adjoining residential property.

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, §4)

§1419. Required Traffic Study Standards.

1. All residential developments or subdivisions containing ten (10) or more dwelling units or residential lots, all non-residential subdivisions containing ten (10) or more lots or units of occupancy and all non-residential developments (with the exception of agricultural development) with buildings containing in excess of six thousand (6,000) square feet of usable space, shall provide studies and reports in accordance with the requirements of this Section. This requirement shall apply to any development that shall exceed any of the above criteria either initially or cumulatively form the effective date of this Section.

2. General. The applicant is responsible for assessing the traffic impacts associated with a proposed development that meets any condition set forth above. The Township or its designee will review the applicant’s assessment and supply available data upon request to aid the applicant in preparing the study. The applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the applicant is responsible for ensuring that any submitted development plans meet the minimum State and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft study, the Township or its designee may review the data sources, methods and findings
and provide comments in written form. The applicant shall be responsible for all
costs for such review. The applicant will then have the opportunity to
incorporate necessary revisions prior to submitting a final study.

3. **Traffic Impact Study Contents.** A traffic impact study prepared for a
specific site development proposal shall follow the basic format shown below.
Additions or modifications should be made for a specific site, when appropriate.
This basic format allows for a comprehensive understanding of the existing site,
future conditions without the proposed use and the impacts associated with the
proposed development plan. Following is a brief narrative for each section of a
traffic impact study.

**A. Introduction.** This section identifies the land use and
transportation setting for the site and its surrounding area.

(1) **Site and Study Area Boundaries.** A brief description of the
size of the land parcel, general terrain features, legal right-of-way
lines of the highway, and the location within the jurisdiction and the
region should be included in this section. In addition, the roadways
that afford access to the site and are included in the study area
should be identified. The exact limits of the study area should be
based on engineering judgment and an understanding of existing traffic
conditions at the site. In all instances, however, the study limits
must be mutually agreed upon by the developer, its engineer, and the
Township.²

(2) **Site Description.** This Section should contain a brief
narrative that describes the proposed development in terms of its
function, size and near and long term growth potential. This
description should be supplemented by a sketch which clearly shows the
proposed development within the site boundaries, its internal traffic
circulation pattern and the location and orientation of its proposed
access points.

(3) **Existing and Proposed Site Uses.** The existing and proposed
uses of the site should be identified in terms of the various zoning
categories in the jurisdiction. In addition, identify the specific use
on which the request is made since a number of uses may be permitted
under the existing ordinances.

(4) **Existing and Proposed Nearby Uses.** Include a complete
description of the existing land uses in the vicinity of the site as
well as their current zoning. The applicant should also state the
proposed uses for adjacent land, if known. This latter item is
especially important where large tracts of underdeveloped land are in
the vicinity of the site and within the prescribed study area.

(5) **Existing and Proposed Roadways and Intersections.** Within the
study area, describe existing roadways and intersections (geometrics
and traffic signal control) as well as improvements contemplated by
government agencies.

**B. Analysis of Existing Conditions.** This section describes the
results, as well as the data collection efforts, of the volume/capacity
analysis to be completed for the roadways and intersections in the vicinity
of the site under existing conditions.

(1) **Daily and Peak Hour(s) Traffic Volumes.** Provide schematic
diagrams depicting daily and peak hour(s) traffic volumes for roadways

²Editor’s Note: Text underlined in Ord. 10-10-01 as enacted.
within the study area. Turning movement and mainline volumes are to be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.

(2) Volume/Capacity Analyses at Critical Points. Utilizing techniques described in the Highway Capacity Manual or derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.

(3) Level of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) are to be computed and presented. This section should also include a description of typical operating conditions at each level of service.

C. Analysis of Future Conditions Without Development. This section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.

(1) Daily and Peak Hour(s) Traffic Volume. Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in §1419(3)(B)(1)in terms of locations and times (daily and peak hours).

(2) Volume/Capacity Analyses at Critical Locations. Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.

(3) Levels of Service at Critical Points. Based on the results obtained in the previous section, determine levels of service (A through F).

D. Trip Generation. Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township.

E. Trip Distribution. Identify the direction of approach for site generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that the Township can replicate these results.

F. Traffic Assignment. Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from §1419(3)(C) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

G. Analysis of Future Conditions With Development. This section describes the adequacy of the roadway system to accommodate future traffic with development of the site.

(1) Daily and Peak Hour(s) Traffic Volumes. Provide mainline and turning movement volumes for the highway network in the study area as
well as driveways and internal circulation roadways for the appropriate time periods.

(2) **Volume/Capacity Analyses at Critical Points.** Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to §1419(3)(B)(2) and §1419(3)(C)(2).

(3) **Levels of Service at Critical Points.** As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.

(4) **Final Design.** Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.

H. **Recommended Improvements.** In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. The levels of service shall not deteriorate to worse than C if they are currently A or B, must be maintained if they are C, and improved to C if they are D, E, or F. In addition, there shall be no increase in delay if a satisfactory level of service can not be attained. These proposals would not include committed projects by the State and local jurisdictions that were described in §1419(1) and reflected in the analysis contained in §§1419(2) and 1419(3).

(1) **Proposed Recommended Improvements.** Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.

(2) **Volume/Capacity Analyses at Critical Points.** Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.

(3) **Levels of Service at Critical Points.** As a result of the revised volume/capacity analysis presented in the previous section, present levels of service for the highway system with improvements.

I. **Conclusion.** The last section of the report should be a clear concise description of the study findings. This concluding section should serve as an executive summary.

4. **Contribution in Lieu of Preparation of Studies.** If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Board to waive the preparation of such study, provided:

   A. The applicant for approval of any residential subdivision or land development shall provide the Township with a certification of the number and type of dwelling units to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

   B. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

   C. The contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by any Authority for tapping and connection fees and shall be in addition to all other review,
inspection and other fees or charges imposed by the Township and/or any Authority, and all sums otherwise agreed to be paid by the applicant.

D. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.

E. All contributions in lieu of preparations of fees shall be paid prior to approval of the final plan by the Township Supervisors.

F. All developments receiving a modification of preparation of a traffic evaluation study in accordance with this section shall provide, as a minimum, the information required in §1419(3)(D).

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, §5)

§1420. Industrial Performance Standards.

1. Legislative Intent.

A. The Board of Supervisors desires to provide standards for the operation of industrial uses within the Township in order to protect the health, safety and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare, heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. These items can cause a serious danger to the public health and safety if they are not properly handled and limited. For example, excessive noise has been demonstrated to cause hearing loss, and air pollution has been proven to exacerbate respiratory difficulties. The dangers of fire are well known, and the control of substances which create a risk of fire is necessary.

B. The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access control and landscaping and screening requirements. Traffic and access controls will lessen the possibility of vehicular accidents. Landscaping and screening will provide a barrier to the use and discourage trespassing. The limitation of outdoor storage serves a similar purpose.

C. The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions. This will allow police, firefighters and rescue personnel to gain access to the premises in an efficient and safe manner in times of emergency.

2. Enforcement.

A. The industrial performance standards contained in this Part shall be the minimum standards to be met and maintained by all industrial uses within the Township.

B. For the purposes of this section, industrial uses shall be defined as those uses, regardless of location, which are specified as permitted uses or uses by special exception, in the Industrial District established by this Chapter including uses of a similar nature not specifically identified in this Chapter but which would be permitted in an industrial district.

C. Industrial uses existing within the Township on the effective date of this Section which do not currently meet and maintain the standards contained herein shall bring their operations into compliance within six (6) months from the effective date of this Section. It shall be the
responsibility of the owner and/or operator of the industrial use to determine if the industrial use meets and maintains the standards set forth in this Section.

D. The owner and/or operator of any industrial use existing on the effective date of this Section shall have the right to appeal a determination that the industrial use does not meet and maintain the industrial performance standards contained herein to the Zoning Hearing Board in accordance with Part 19 herein.

E. The owner and/or operator of any industrial use may, as a special exception, apply to the Zoning Hearing Board for relief from the requirements of the industrial performance standards contained in this Part.

3. Exterior Uses and Storage.

A. For the purposes of this Section, outdoor storage shall:

(1) Be an accessory use to the principal use of the property.

(2) Include accessory materials including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property.

(3) Exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property.

(4) Exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.

B. All organic rubbish or storage shall be in airtight, vermin proof containers.

C. All industrial uses, as defined herein and not located within the Industrial District, shall be conducted within completely enclosed buildings.

D. In the Industrial District, and except as herein after provided, any use is permitted either indoors or outdoors but in compliance with the applicable performance standards.

(1) All industrial uses, including storage, within 200 feet of a residential district boundary or an existing residential building, shall be conducted within completely enclosed buildings unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

E. Within all other districts, all industrial uses, including storage, within 500 feet of a residential district boundary or an existing residential building, shall be conducted within completely enclosed buildings unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

F. Outdoor storage of materials is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Chapter.

(1) The maximum area for outdoor storage shall be one thousand (1000) square feet.

(2) Storage areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use or
required off-street parking areas.

4. **Certification**. All applications for industrial uses must be accompanied by a certification from a registered professional engineer in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the appropriate district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.

5. **Noise**.

   A. Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements are to be made at any point in residential or commercial districts as indicated in Table I following.

   B. Impact noise shall be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop forge hammer. Measurements are to be made at any point in residential or commercial districts as indicated in Table I.

   C. Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels in a residential district shall be reduced by 5 decibels for impact noises.

   D. The following sources of noise are exempt:

      (1) Transportation vehicles not used in the ordinary cause of business and not under the control of the owner, tenant, lessor.

      (2) Occasionally used safety signals, warning devices, and emergency pressure relief valves.

      (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

6. The following Table I describes the maximum sound pressure level permitted from any industrial source and measured in any adjacent residential district or existing residential use or any commercial district lot. All industrial uses shall be limited by the following standards:

   **TABLE I**

<table>
<thead>
<tr>
<th>Octave band in cycles</th>
<th>7 a.m. to 7 p.m.</th>
<th>7 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>- 75</td>
<td>74</td>
</tr>
<tr>
<td>75</td>
<td>- 150</td>
<td>59</td>
</tr>
<tr>
<td>150</td>
<td>- 300</td>
<td>52</td>
</tr>
<tr>
<td>300</td>
<td>- 600</td>
<td>46</td>
</tr>
<tr>
<td>600</td>
<td>- 1,200</td>
<td>42</td>
</tr>
<tr>
<td>1200</td>
<td>- 2,400</td>
<td>39</td>
</tr>
<tr>
<td>2400</td>
<td>- 4,800</td>
<td>36</td>
</tr>
<tr>
<td>above</td>
<td>- 4,800</td>
<td>33</td>
</tr>
</tbody>
</table>

For any noise of an impulsive or periodic character the permissible limits...
for each octave band shall be reduced by five (5) decibels.

Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

7. Vibration.

A. Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

B. The maximum vibration is given as particular velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

\[ P.V. = 6.28 \times F \times D \]

- P.V. = Particle velocity, inches per second
- F = Vibration frequency, cycles per second
- D = Single amplitude displacement of the vibration, inches

C. Table I designates the applicable columns of Table II that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table II. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

**TABLE I**

<table>
<thead>
<tr>
<th>Use</th>
<th>Adjacent Lot Line</th>
<th>Commercial Dist. Boundaries</th>
<th>Residential Dist. Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Uses</td>
<td>C</td>
<td>B</td>
<td>A</td>
</tr>
</tbody>
</table>

The maximum peak particle velocities that correspond to the above designations are as follows:

**TABLE II**

<table>
<thead>
<tr>
<th>Vibration</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steady State</td>
<td>0.02</td>
<td>0.05</td>
<td>0.10</td>
</tr>
<tr>
<td>Impact</td>
<td>0.04</td>
<td>0.10</td>
<td>0.20</td>
</tr>
</tbody>
</table>

D. The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. (Particle velocity in inches multiplied by the frequency in cycles per second.)

E. For purposes of this Chapter steady-state vibrations are vibrations, which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses, which do not exceed sixty (60) per minute, shall be considered impact vibrations.

F. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for
residential district boundaries (Column A) shall be reduced to one-half of the indicated values.

8. Dust and Particulates.

A. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity within the boundaries of any lot, shall not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the State of Pennsylvania rules and regulations governing air contamination and air pollution, and, in case of conflict, the most restrictive shall apply.

B. The emission rate of particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous 4 hour period which will result in the highest average emission rate.

C. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

D. Industrial Uses. For all industrial uses, the maximum emission rate of dust and particulate matter from all stacks shall be five-tenths pounds (0.5) per hour per acre of lot area.


A. Emission of oxides of sulfur (as sulfur dioxide) from combustion and other process shall be limited in accordance with the requirement of each district. The oxides of sulfur may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

B. Industrial Uses. For all industrial uses, the maximum emission rate of oxides of sulfur from all stacks shall be five-hundredths (0.05) pounds per hour per acre of lot area.

10. Smoke.

A. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.

B. Industrial Uses. For all industrial uses, the emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.


A. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)," or its equivalent.

B. Industrial Uses. For all industrial uses odorous materials released from any operation or activity shall not exceed the odor threshold concentration at or beyond the property line measured at either ground level or habitable level.


A. The ambient air quality standards for the State of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State of Pennsylvania, the release of such materials shall...
be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24 hour sampling period.

B. Industrial Uses. For all industrial uses the release of airborne toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value across lot lines.

   A. Activities involving the storage, utilization or manufacture of products which decompose by detonation shall be in accordance with the regulations of each industrial district.
   
   B. Such materials shall include, but are not limited to, all primary explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium nitrate, blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

   C. Industrial Uses. For all industrial uses, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.

   A. Industrial Uses. For all industrial uses, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

15. Fire Hazard Liquids and Gases.
   A. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this Section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.

   B. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table for all industrial uses.

   **TABLE OF STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES**

<table>
<thead>
<tr>
<th>LIQUIDS</th>
<th>GASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above Ground, Flash Point, °F</td>
<td>Above Ground</td>
</tr>
<tr>
<td>Less than 70</td>
<td>70° - 200°</td>
</tr>
<tr>
<td>5,000 gal</td>
<td>20,000 gal.</td>
</tr>
<tr>
<td></td>
<td>150,000 SCF*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIQUIDS</th>
<th>GASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below Ground, Flash Point, °F</td>
<td>Below Ground</td>
</tr>
<tr>
<td>Less than 70</td>
<td>70° - 200°</td>
</tr>
</tbody>
</table>

A. Glare. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles when measured within a residential district or at an adjoining residential use.

(1) Direct Glare. Direct glare is defined for the purpose of this Chapter as illumination beyond the property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries meeting the standards of subsection (16)(A)(2) below.

(2) Indirect Glare. Indirect glare is defined for the purpose of this Chapter as illumination beyond the property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed a maximum of zero point three-tenths (0.3) footcandles and an average of one-tenth (0.1) footcandles. Deliberately induced sky-reflected glare, such as by casting a beam upward for advertising purposes, is prohibited.

B. Luminaries. All luminaries for parking areas, walkways, and similar purposes shall be so hooded or shielded so that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. No luminary may be placed more than twenty-five (25) feet above the ground, and the maximum illumination at ground level shall not exceed three (3) footcandles.

17. Heat. For the purposes of this Chapter, heat is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change be in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

18. Radioactive Radiation. No activities shall be permitted which emit dangerous radioactivity at any point. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Pennsylvania.

19. Liquid or Solid Waste. No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with standards approved by the Department of Environmental Protection or any other regulating department or agency including, but not limited to, the South Annville Township Sewer Authority and any other inter-municipal agreements, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to
the breeding of rodents or insects.

20. **Electromagnetic Radiation.** It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisor Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: 1) American Institute of Electrical Engineers, 2) Institute of Radio Engineers, and 3) Electronic Industries Association.

21. **Emergency Plan of Access.**

   A. A written plan of emergency access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement.

   B. The owner's plan of action for emergency access to the building shall be submitted to the Township at the time of submission for a permit.

   *(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, §6)*

**§1421. Commercial Performance Standards.**

   A. Enforcement of commercial performance standards shall follow the enforcement procedures of §1420(4). Commercial uses shall be defined as those uses regardless of location which are specified as permitted uses, uses by special exception or conditional use in any of the commercial districts of this Chapter including uses of a similar nature not specifically identified in this Chapter but which would be classified as Commercial by the Township Zoning Officer.

   B. **General Commercial Design Standards.**

      (1) Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts which shall be clearly marked and designated for such storage.

      (2) All multiple use commercial centers under single ownership shall have only one free standing advertising sign. Additional flat wall signs shall be allowed in accordance with the sign regulations of this Chapter.
To the greatest extent possible commercial buildings shall be designed to have fifty percent (50%) of the minimum required landscape area contained between the street right-of-way line and the building face.

§1422. Adult Uses. Where authorized by special exception, adult uses, including but not limited to adult bookstore, adult movie theater, massage parlor, and adult live entertainment use, shall be subject to the following regulations:

A. Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this Chapter 27.

(1) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult use typically involve insufficient self-regulation to control these secondary effects.

(2) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods.

(3) To not attempt to suppress any activities protected by the free speech protections of the U.S. Constitution, but instead to control secondary effects.

B. No adult use shall be located within: (i) 500 lineal feet of the lot line of any library, public park, existing dwelling, primary or secondary school, place of worship, day care center or child nursery.

C. No adult use shall be located within 1,000 lineal feet of any existing adult use.

D. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines.

E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. The building [shall] be windowless or have an opaque covering over all windows or doors of any area in which materials are displayed.

F. No adult use shall be used for any purpose that violates any Federal, State or municipal law.

G. Signs shall comply with all requirements of Part 16 of this Chapter.

H. The adult use shall not include the sale or display of obscene materials, as defined by State law, as may be amended by applicable court decisions.

I. The adult use shall meet all of the following dimensional
requirements:

(1) Minimum lot area: one (1) acre.
(2) Minimum front yard: sixty feet (60').
(3) Minimum side and rear yards: fifty feet (50').
(4) Minimum lot width: two hundred fifty feet (250') at the building line.
(5) Maximum building height: thirty-five feet (35') except as provided in Part 14 of this Chapter 27.

J. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

K. Only lawful massages as defined by court decisions shall be performed in a massage parlor.

L. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.

M. Any application for an adult use shall state the names and home addresses of (i) all individuals intended to have more than a five percent (5%) ownership in such use or in a corporation owning such use and (ii) an on-site manager responsible to ensure compliance with this Chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

N. The adult use shall not operate between the hours of 12 midnight and 7 a.m.

O. As specific conditions of approval under this Chapter, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 am. and 8 am.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits, enclosed viewing booths among other matters).

P. No adult use may be changed to a different adult use without obtaining a new special exception approval.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, §6)

§1423. Forestry Activities. In accordance with the requirements of §603(f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal §603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect. (Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, §7)

§1425. Neighborhood Greenway Development.

1. Purpose and Goals. It is the intent of the Board of Supervisors to encourage innovation and to promote flexibility, economy, and ingenuity in development consistent with the provisions of Article VI of the MPC, the Comprehensive Plan, and the Open Space and Greenways Master Plan. The application of alternative design standards and/or increases in the permissible density of development is dependent on the extent to which a project achieves the following design objectives and goals:

   A. Encouraging growth in the most appropriate locations.
   B. Encouraging appropriate residential densities and land use intensities.
   C. Preserving and enhancing natural and historic or scenic beauty.
   D. Creating a distinct physical settlement connected by protected greenway land to adjoining Annville Township, nearby schools and other amenities.
   E. Developing a settlement of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips.
   F. Promoting design that results in residentially scaled buildings fronting on, and aligned with, streets.

2. Eligibility. Within the R-1 and R-2 Districts, Neighborhood Greenway Development is permitted by conditional use for subdivisions which create six (6) or more lots either singularly or cumulatively after the effective date of this Section, subject to compliance with the criteria in this Section.

3. Minimum Requirements for Development under the Neighborhood Greenway Development. Each Neighborhood Greenway Development shall meet all of the following minimum requirements:

   A. The Neighborhood Greenway Development tract shall not be less than ten (10) acres in gross lot area.
   B. The Neighborhood Greenway Development tract shall be developed according to a single plan that depicts complete build-out of the Neighborhood Greenway Development tract with common authority and responsibility. If more than one (1) person has an interest in all or a portion of the Neighborhood Greenway Development tract, all persons with interests in any portion of the Neighborhood Greenway Development tract shall join as applicants and shall present an agreement, in a form acceptable to the Township Solicitor, guaranteeing that the Neighborhood Greenway Development tract as a whole shall be developed in accordance with any approval granted under this Section as a single Neighborhood Greenway Development with common authority and governing documents.
   C. All dwelling units and nonresidential structures shall be provided with public water service and public sewer service.
   D. The Neighborhood Greenway Development shall be provided with open space in accordance with this Section.
E. The Neighborhood Greenway Development may be provided with a neighborhood center.

F. No more that fifty percent (50%) of the Neighborhood Greenway Development tract may be covered with impervious surface unless a greater impervious surface coverage is permitted through the use of design incentives set forth in subsection .19 below.

G. Conditional use approval is required before preliminary plan submission.

4. Applicability of Standards. It is the intention of the Board of Supervisors in accordance with §605(3) of the MPC to encourage innovation and to promote flexibility, economy, and ingenuity in development. To that end, the Board of Supervisors may by conditional use approval authorize development of a Neighborhood Greenway Development under the standards set forth in this Section if the applicant demonstrates to the satisfaction of the Board that the proposed Neighborhood Greenway Development is in accordance with, and substantially advances all of, the goals and design objectives in subsection .1 above. If the Board determines that the proposed Neighborhood Greenway Development does not meet the goals and design objectives of subsection .1 above, the applicant shall be required to comply with all applicable requirements of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22] in the design and installation of the facility which is part of the Neighborhood Greenway Development. If there is any dispute as to whether the Neighborhood Greenway Development or any portion thereof meets the design objectives of this Section, the applicant shall be required to comply with all requirements of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22].

5. Application Procedure. An applicant who desires to develop a Neighborhood Greenway Development shall submit an application for conditional use approval which shall include all of the following:

A. Site plan meeting all requirements of subsection .20 below.

B. Open space plan identifying all features required by subsection .6 below. The open space plan shall also include a written statement describing the applicant's proposal for future ownership and maintenance of the open space.

C. Landscaping plan providing a complete proposal for the landscaping and planting of the Neighborhood Greenway Development tract and identifying all features required by subsection .6.G below.

D. Street lighting plan providing a complete proposal for the installation of street lighting to serve the Neighborhood Greenway Development tract.

E. Traffic impact study meeting all requirements of §1419.1 of this Chapter.

F. Architectural guidelines for the Neighborhood Greenway Development which shall include styles, proportions, massing, and detailing.

G. Statement identifying all design incentives under subsection .19 below which have been incorporated, and written support for each design incentive. This statement must identify the specific design incentive provided, must identify the reduction of the standard taken,
and must support the applicant's claim that the Neighborhood Greenway Development as proposed provides the identified design incentive.

H. Statement identifying all modifications of standards of this Section, under subsection .21 below, and written support for each modification. This statement must identify the specific modification requested and provide support that the modification meets all requirements of subsections .1.A through .1.F.

I. Required Application Fee.

No application shall be considered complete without all of the above-listed items. The Township shall not accept incomplete applications for conditional use approval to use the Neighborhood Greenway Development.

6. Open Space. A minimum of thirty-five percent (35%) of the Neighborhood Greenway Development tract shall be devoted to common open space. Through the use of incentives offered in subsection .19 below, the amount of open space maybe reduced. However, every Neighborhood Greenway Development shall be designed to provide a minimum of thirty percent (30%) of the Neighborhood Greenway Development tract as open space.

A. It is the express intent that this requirement for open space be used to protect those valuable resources that are identified by the comprehensive plan and open space and greenway master plan and further addressed by the regulations contained within the Subdivision and Land Development Ordinance [Chapter 22] regarding preservation of natural features, etc. Open space shall be designed and arranged to achieve as many of the following objectives as possible:

(1) Protection of important natural, historic, and cultural resources.

(2) Preservation of scenic views from public roads and neighboring residential properties.

(3) Provision of new and/or connection with existing trails, greenways, linear parks, or open space on adjoining parcels.

(4) Provision of useable play or recreation areas, or equipment, that are conveniently accessible to residents throughout the Neighborhood Greenway Development.

(5) Provision of public space as the focal point of the Neighborhood Greenway Development when coordinated with greens and public commons which are dispersed throughout the Neighborhood Greenway Development.

(6) Interconnection of areas of proposed open space within the Neighborhood Greenway Development and interconnection of open space within the proposed Neighborhood Greenway Development with existing or planned open space or recreational facilities on lands adjoining the Neighborhood Greenway Development tract.

B. The applicant shall demonstrate the specific measures employed to achieve the objectives in subsection .6.A above through the provision of an open space plan depicting all proposed elements of the common open space. Each open space plan shall identify:
(27, §1425(6)(B), cont’d)

(1) The location and size of proposed commons and/or greens.

(2) Connections among proposed areas of open space on the Neighborhood Greenway Development tract and connections of proposed areas of open space on the Neighborhood Greenway Development tract with elements of open space on adjoining tracts if such exists or is proposed.

(3) Location and size of trails, greenways or other pedestrian linkages, including the surface proposed.

C. In all Neighborhood Greenway Developments, regardless of the total amount of open space provided and regardless of the design incentives utilized, the applicant shall provide open space in the amount of at least thirty percent (30%) of the area of the Neighborhood Greenway Development tract. Not less than fifty percent (50%) of the required open space shall meet all of the criteria set forth in subsection .6.C(1) through (3) below. The remaining portion of the required open space may contain floodplains, wetlands, steep slopes, and similar features.

(1) The land shall not contain floodplains, wetlands, steep slopes or other natural features which would render the land unbuildable under applicable ordinances and regulations. For the purposes of this subparagraph, unbuildable land is land upon which walking trails, fitness stations, or other recreational improvements and amenities cannot be constructed.

(2) The land shall not contain stormwater management facilities.

(3) The land shall be configured to serve residents adequately and conveniently. Strips of land running around the perimeter of the Neighborhood Greenway Development tract or separating proposed lots within the Neighborhood Greenway Development less than twenty-five feet (25') in any dimension shall not be counted as open space to meet the required minimum unless such land is improved with walking trails, fitness stations, or other recreational improvements and amenities acceptable to the Board of Supervisors or unless such land is, in the opinion of the Board of Supervisors, integrated and integral to the overall open space design.

D. Each Neighborhood Greenway Development containing fifty (50) or more dwelling units shall be provided with at least one (1) green containing not less than ten thousand (10,000) square feet. Other greens and commons of not less than one thousand (1,000) square feet in area shall be dispersed throughout the Neighborhood Greenway Development. A green or common which meets the requirements of subsection .6.C(1) through (3) above may be included within the required minimum open space.

E. The design of a hard (paved) or soft (mulched) surfaced pedestrian and bicycle network system linking development within the Neighborhood Greenway Development shall be provided to connect various commons and greens depicted on the open space plan. Access to all such areas shall be provided from public streets. Where necessary, easements shall be provided to accommodate pedestrian access as well as access for maintenance equipment and bicycles.
F. Landscaping. A vital component of the required open space plan shall be the design and provision of appropriate landscaping which shall include a combination of types of shrubs, trees (both evergreen and deciduous), and groundcovers, with emphasis on native plant species and low maintenance varieties. To ensure the proper placement of suitable materials, the applicant shall provide a landscaping plan, prepared by a registered landscape architect, which specifies the type and size of proposed vegetation, as well as identifying the location of existing vegetation to be retained. The landscaping plan shall include all portions of the proposed open space and shall identify all lighting proposed for all portions of the open space including, but not limited to, common area and pathways. The landscaping plan shall also include all areas outside of the open space which are required to be landscaped (such as parking areas, dumpster locations, etc.), the location of proposed street plantings and tree lawns, and the type and location of street trees to be provided.

(1) The applicant shall provide a maintenance guarantee to ensure the health and vitality of all plant material for a period of eighteen (18) months from planting. Any of the landscaping which dies or is removed within this time frame shall be replaced with vegetation of the same size and species. The applicant shall also be responsible to assure the proper care and maintenance of all plant material within the open space for the duration of this eighteen (18) months and until such time as the open space is transferred a property owners association or other entity as authorized by this Section.

G. The applicant shall arrange for the ownership, administration, and maintenance of open space in accordance with one or more of the following:

(1) The Township may in its sole discretion accept dedication of open spaces or any interest therein for public use and maintenance with no consideration to be paid by the Township. Unless waived by the Board of Supervisors at time of approval, the Township shall have the option to accept all or any portion of the open space at any time within ten (10) years of the recording of the final subdivision and/or land development plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor, that the common open space is irrevocably dedicated to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated open space unless and until it has been accepted by formal action of the Board of Supervisors.

(2) The applicant may establish an automatic-membership property owners association made up of the owners of property in the Neighborhood Greenway Development as a nonprofit corporation for the purpose of owning, administering, and maintaining open space; provided, however, the association shall not be dissolved nor shall it dispose of the open space by sale or otherwise (except to an organization conceived and established to own, administer, and maintain common open space approved by the Board of Supervisors) without first offering the open space for dedication to the
Township. The property owners association shall be empowered to levy and collect assessments from the property owners of the Neighborhood Greenway Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

(3) The applicant may establish a deed or deeds of trust, approved by the Board of Supervisors, for the purpose of owning, administering, and maintaining open space, with the trustee empowered to levy and collect assessments from the property owners of the Neighborhood Greenway Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

(4) With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the applicant may transfer the fee simple title in the open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:

(a) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.

(b) The conveyance contains appropriate provisions for proper retransfer or reverter in the event that the organization becomes unable to continue to carry out its functions.

(c) A maintenance agreement acceptable to the Township is entered into by the applicant, organization, and Township.

H. If the Township does not accept dedication of the open space, the applicant shall grant to the Township, in a form acceptable to the Township Solicitor, all of the rights to maintain common open space described in Article VII of the MPC.

7. Street Lighting. The applicant shall provide street lights within the Neighborhood Greenway Development in a manner consistent with the architectural guidelines and acceptable to the Township and the applicable energy provider. Lighting shall be used to increase the safety of pedestrians as well as vehicles while contributing to the character of the overall Neighborhood Greenway Development.

8. Permitted Uses. The following uses are permitted within a Neighborhood Greenway Development in accordance with types of uses, density and dimensional criteria set forth in this subsection and subsection .9 below:

A. Single-family dwellings in the R-I, Low Density Residential District and the R-2, Medium Density Residential District.

B. Two-family residential structures, multiple family and conversion apartment dwellings in the R-2, Medium Density Residential District.

C. Neighborhood facilities within a Neighborhood Center.
D. Within a neighborhood center, retail sales and personal service establishments including, but not limited to, news stand, coffee shop, apothecary, restaurant, hair and/or nail salons, gift shop, bakery, specialty food store, drycleaner (drop-off only), bike sales/rental, copy center, barber shop or another use which the Board of Supervisors determines during the conditional use approval process is substantially similar to the listed uses. Such retail sales and personal services shall not exceed fifty (50%) of the area of the neighborhood center.

E. Public uses including greenways, trails, commons, greens and municipal and essential community uses.

F. **Lot Size Requirements.**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Residential Dwellings</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Neighborhood Center</td>
<td>N/A</td>
<td>25,000 sq. ft. lot</td>
</tr>
<tr>
<td>Public Use Buildings/Structures</td>
<td>N/A</td>
<td>20,000 sq. ft. lot</td>
</tr>
</tbody>
</table>

9. **Requirements for Residential Development.** The maximum density for dwelling units within a Neighborhood Greenway Development shall be based upon the gross lot area of the Neighborhood Greenway Development tract. The maximum density without the use of design incentives is three (3.0) dwelling units per acre, while and the maximum density if the applicant uses one or more design incentives is three and five-tenth (3.5) dwelling units per acre.

   A. All dwelling units shall be situated so as to retain a view of some portion of the open space and shall be located within eight hundred feet (800') of a commons, green, or trail.

   B. All lots shall maintain minimum front, rear, and side yard setbacks of six feet (6').

   C. No dwelling units within a Neighborhood Greenway Development shall have direct access to existing Township or state streets surrounding the Neighborhood Greenway Development tract. All access shall be from an internal street system designed to service the Neighborhood Greenway Development.

10. **Neighborhood Centers.** Each Neighborhood Greenway Development may include one (1) neighborhood center. Each neighborhood center shall comply with the following:

   A. Uses are limited to those that residents are likely to need on a daily or regular basis and shall not include any fuel dispensing or drive-through facilities.

   B. The overall size and type of each use within the neighborhood center is restricted to prevent the establishment of intensive commercial-type facilities that exceed the local orientation.

   C. Each use other than a neighborhood facility within a neighborhood center shall be designed to provide basic convenience commercial goods and services to existing and future nearby residences.
D. All neighborhood centers shall be provided with convenient
pedestrian access. Any necessary parking facilities shall be located
to the side or rear of any structure.

E. Where a neighborhood center adjoins residentially zoned lands
or existing residential use, the center's side and rear yards shall,
regardless of the other uses in those yards, contain landscaping that
adequately buffers and screens the adjoining residential properties.
The type of landscaping shall be consistent with that in the open space
component of the overall development and be arranged so as to block the
ground level view between grade and a height of six feet (6'). Such
landscape screens must achieve this visual blockage within two (2) years
of installation.

F. The adaptive use of historical structures on the Neighborhood
Greenway Development tract is a preferred option for the siting of a
neighborhood center. However, when new construction must be undertaken,
the design of such structure(s) shall not detract from the community
character of the Neighborhood Greenway Development and the surrounding
area.

G. The applicant may initially use the neighborhood center as a
sales office. If the applicant uses the neighborhood center as a sales
office, the applicant shall insure that not less than fifty percent
(50%) of the floor area of the neighborhood center shall be converted
to neighborhood facilities and/or retail sales and personal service
establishments authorized in subsection .8 above upon the sale of thirty
percent (30%) of the dwelling units. The applicant shall further insure
that not less than seventy-five percent (75%) of the floor area of the
neighborhood center shall be converted to neighborhood facilities and/or
retail sales and personal service establishments authorized upon the
sale of seventy-five percent (75%) of the dwelling units in the
Neighborhood Greenway Development.

11. Required Parking. All uses within the Neighborhood Greenway
Development shall be provided parking in accordance with subsection.

A. On-street parking spaces along the front property line shall
count toward the minimum number of parking spaces required for the use
on that lot (except where there are driveway curb cuts).

B. The amount of off-street parking required for all dwelling
units and public uses shall be in accordance with Part 15 of this
Chapter.

C. The amount of parking for all retail sales and personal
service establishments in neighborhood centers shall be one (1) parking
space for each three hundred (300) square feet of gross floor area. The
parking shall be provided either on the neighborhood center lot or in
designated on-street parking areas within five hundred feet (500') of
the neighborhood center buildings or by a combination thereof.

D. All nonresidential uses shall adequately accommodate both
handicap parking and bicycle parking.

12. Architectural Guidelines. It is not the intent of the Board of
Supervisors to dictate architectural styles. However, a set of standards
shall be chosen by the applicant and adhered to consistently throughout the
development. Standards selected shall enhance the design objectives and
goals as specified by subsection .1. Architectural guidelines shall be
established and approved as a condition of the conditional use approval. The
applicant shall submit a set of guidelines which shall include styles,
proportions, massing, and detailing. To the extent necessary on each site,
these features shall be compatible with the design of historical resources on
and adjacent to the Neighborhood Greenway Development tract. The archi-
tectural guidelines shall be recorded with or be part of documentation imposing
covenants and conditions upon the Neighborhood Greenway Development.

13. Overall Development Form. In meeting the design objectives and
goals specified by subsection .1, new construction shall, to the greatest
extent possible, be sited so as to preserve natural vistas and existing
resources of the Neighborhood Greenway Development tract as delineated by
the required site plan. Components of the Neighborhood Greenway Development
shall be designed in a pattern of blocks and interconnecting streets, defined
by buildings, street furniture, landscaping, sidewalks, on-street parking,
and public space.

14. Streets. Streets within the Neighborhood Greenway Development
shall provide safe and convenient access and circulation patterns and shall
meet the design standards of this subsection.

A. Streets shall be designed to establish a hierarchy which shall:

   (1) Avoid alteration of cultural or historical resources as
       identified by the Comprehensive Plan and Open Space and Greenway
       Master Plan.

   (2) Minimize alteration of natural resources as identified
       by the Comprehensive Plan and Open Space and Greenway Master Plan.

   (3) Provide a view to prominent natural vistas.

   (4) Promote pedestrian movement and calm traffic speeds as
       necessary.

   (5) Provide for on-street parking where applicable.

   (6) Be provided with sidewalks on both sides.

   (7) Accommodate nonmotorized traffic.

B. Street patterns shall form a network, with variations as
needed for topographic, environmental, and other design considerations.
Proposed streets within the Neighborhood Greenway Development designed
as collector streets shall have a minimum centerline turning radius of
one hundred fifty feet (150'). All other streets within the Neighbor-
hood Greenway Development shall be designed with a minimum centerline
turning radius of eighty feet (80'). All intersections of streets and
all intersections of access drives with streets shall maintain a clear
sight triangle. The minimum clear sight triangle side length shall be
seventy-five feet (75'). All intersections of streets with existing
arterial streets shall have a minimum clear sight triangle side length
of one hundred feet (100').

C. Street width and design standards shall be as set forth in the
table below:
<table>
<thead>
<tr>
<th>Street Type</th>
<th># Travel Lanes</th>
<th>Parking</th>
<th>Sidewalks</th>
<th>Cartway Width</th>
<th>R-O-W Width</th>
<th>Curb Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector*</td>
<td>2</td>
<td>No</td>
<td>Yes</td>
<td>28 ft.</td>
<td>50 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>N</td>
<td>2</td>
<td>No</td>
<td>Yes</td>
<td>20 ft.</td>
<td>50 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>N-1</td>
<td>2</td>
<td>1-side</td>
<td>Yes</td>
<td>28 ft.</td>
<td>50 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>N-2</td>
<td>2</td>
<td>2-sides</td>
<td>Yes</td>
<td>32 ft.</td>
<td>50 ft.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

N: Neighborhood Street with neither homes nor parking on either side of the street
N-1: Neighborhood Street with homes and parking on just one side of the street; the parking must be on the same side of the street as the homes
N-2: Neighborhood Street with homes and parking on both sides of the street

*For purposes of this Section, the following streets are considered collectors:
- Bachman Road from Royal Road to the northern Township boundary
- Louser Road from South White Oak Street (State Route 934) to Mount Pleasant Road
- Mount Pleasant Road from Louser Road to the northern Township boundary
- South White Oak Street (State Route 934) from Royal Road to the northern Township boundary
- Spruce Street from Royal Road to the northern Township boundary

   A. **Setbacks.** Driveways shall not be located within five feet (5') of a fire hydrant and shall be setback at least two feet (2') from any side lot line, unless a common or joint driveway location is proposed. Driveways shall not connect with a public street within twenty feet (20') from the right-of-way lines of any intersection street. Garages shall be set back a minimum of twenty-four feet (24') from the property-side edge of the sidewalk.

   B. **Length.** A minimum driveway length of twenty-four feet (24') from the sidewalk edge to garage door shall apply to driveways which provide access to the front of dwelling units from streets where sidewalks exist or are proposed.

16. Sidewalks. Sidewalks are to be provided on both sides of all streets within the Neighborhood Greenway Development as well as along existing streets connecting the Neighborhood Greenway Development to existing or future development adjacent to the Neighborhood Greenway Development tract.
   A. Sidewalks shall be no less than four feet (4') wide in residential areas and no less than five feet (5') wide in areas providing access to neighborhood facilities within the Neighborhood Greenway Development or commercial areas adjacent to the Neighborhood Greenway Development tract.
B. Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than three feet (3') wide.

17. Transit Facilities. If the Neighborhood Greenway Development tract is located on an existing or proposed collector street which is on an existing or proposed County of Lebanon Transit Authority (COLT) bus route, a transit shelter and bench shall be provided. A bus pullout lane shall also be provided to accommodate the safe boarding of passengers and smooth transition of traffic. Where the Neighborhood Greenway Development has been designed to provide one (1) or more through street connections, the provision of multiple transit sites may be warranted. If COLT notifies the Township that it will provide service within the Neighborhood Greenway Development tract prior to approval of a final subdivision or land development plan, the applicant shall provide a transit site to serve the neighborhood center or, if more than one (1) neighborhood center building is constructed, to serve the Neighborhood Greenway Development center building selected by COLT or the Board of Supervisors.

18. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required landscaping plan. At a minimum, they shall be located along each side of all existing or proposed public or private streets.

A. New street trees shall be deciduous shade trees with a caliper of two and five-tenth (2.5) to three (3) inches measured at chest height.

B. Street trees shall be spaced at intervals no greater than forty feet (40') along both sides of each street, including arterial roads, excluding rear access lanes and alleys.

C. Selected species shall:
   (1) Cast moderate to dense shade in summer.
   (2) Have a typical life span of more than sixty (60) years.
   (3) Mature to a height of at least fifty feet (50').
   (4) Be tolerant of pollution and direct or reflected heat.
   (5) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.
   (6) Be able to survive two years with no irrigation after establishment.
   (7) Be of native origin, provided they meet the above criteria.

D. Existing healthy and mature street trees may be counted toward the street tree planting requirement.

E. Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.
19. **Design Incentives.** Designs which incorporate one or more of the following elements shall qualify for reductions in the percentage of open space required, or an increase in the permitted density of a Neighborhood Greenway Development, or other modification of the design standards as specified herein. In no event shall density exceed the maximum density with design incentives set forth in subsection .9.

A. Provision of improvements to active recreational areas such as equipment, fields, spectator facilities, or jogging/stretching/fitness stations. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one percent (1%), with the total reduction of open space not to exceed five percent (5%); or, an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (1/2) an additional dwelling unit per acre. To qualify for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township.

B. Provision of improvements to passive recreational areas such as fountains, benches, trail surfacing, or educational signage related to the presence of unique species of plants or animals or the background of historical resources on the Neighborhood Greenway Development tract. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one percent (1%), with the total reduction of open space not to exceed five percent (5%) or an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (1/2) an additional dwelling unit per acre for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township. To qualify for the reduction, the location and extent of each type of amenity shall be acceptable to the Township.

C. Provision of rear access to properties with the use of alleys. Subdivisions served in whole or in part with alleys shall qualify for consideration of a decrease in the required open space or an increase in the maximum density as follows:

<table>
<thead>
<tr>
<th>Portion of Total Number of Lots in Subdivision Served</th>
<th>Open Space Decrease</th>
<th>Density Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>at least one-quarter</td>
<td>1%</td>
<td>one-tenth additional dwelling unit per acre</td>
</tr>
<tr>
<td>at least one-half</td>
<td>2 1/2%</td>
<td>one-quarter additional dwelling unit per acre</td>
</tr>
<tr>
<td>at least three-quarters</td>
<td>5%</td>
<td>one-half additional dwelling unit per acre</td>
</tr>
</tbody>
</table>

20. **Site Plan Requirements and Effect of Site Plan Approval.**

A. Each applicant under this Section shall present a site plan of the Neighborhood Greenway Development with the application for a conditional use. The site plan shall at a minimum contain:

(1) The project name or identifying title.
(2) The name and address of the landowner of the tract, the applicant, and the firm that prepared the plan.

(3) The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions.

(4) A north arrow, a graphic scale, and a written scale.

(5) The entire tract boundary with bearings and distances, and identification of all corner markers.

(6) A location map, for the purpose of locating the site to be subdivided or developed, at a minimum scale of two thousand feet (2,000') to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries, and streams existing within one thousand feet (1,000') of any part of the property proposed to be developed.

(7) The plotting of all existing adjacent land uses and lot lines within two hundred feet (200') of the proposed development including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.

(8) The names of all immediately adjacent landowners and the names and plan book numbers of all previously recorded plans for adjacent projects.

(9) Contours at vertical intervals of two feet (2') for land with average natural slope of twelve percent (12%) or less, and at vertical intervals of five feet (5') for more steeply sloping land; location of bench mark and datum used.

(10) The delineation of all those areas which have been identified as being subject to the one hundred (100) year flood in accordance with Part 11 of this Chapter.

(11) The delineation of all soil types as indicated by the most recent U.S.D.A.-N.R.C.S. Soil Survey of Lebanon County.

(12) The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.

(13) A list of site data including, but not limited to, the following:
   (a) Total acreage of the tract.
   (b) Zoning district.
   (c) Proposed use of the land.
   (d) Proposed gross area of the development.
   (e) Proposed gross residential density.
   (f) Proposed number of dwelling units.
   (g) Proposed number of lots.
(h) Acreage of all street rights-of-way proposed for dedication.

(i) Acreage and percentage of common open space.

(j) Acreage to be sold to individual owners.

(k) Acreage to be retained by landowner.

(l) Acreage of any commercial, public or semi-public use areas.

(m) Proposed number of parking spaces.

(n) Any proposed design incentive, including the provision under which the incentive is authorized, the improvement proposed to qualify for the incentive, the increase in density, the change in the mix of dwelling types, the decrease in open space, the increase in impervious coverage or the decrease in landscaping claimed.

(14) The proposed location and dimensions of all streets, access drives, parking compounds, sidewalks, bikeways, and curbing.

(15) The proposed location of all lot lines with approximate dimensions.

(16) The approximate size of all lots in square feet or acreage.

(17) The proposed location and configuration of all buildings.

(18) The proposed location, size, and use of all common open space areas, structures, and recreation facilities.

(19) Proposed landscaping, buffering, screening, walls, and fences.

(20) A proposed phasing plan of the development.

(21) A descriptive narrative of the proposal's impact on each of the following resources, and the specific measures undertaken or which will be undertaken to incorporate and protect such features in accordance with the objectives and goals identified by subsection .1. The applicant shall take appropriate steps to conserve these resources and shall identify what efforts have been made to mitigate necessary impacts to these resources. Features depicted on the plan shall include, but shall not be limited to, the following:

(a) Existing vegetation and woodlands.

(b) Natural habitats.

(c) Slopes in excess of fifteen percent (15%).

(d) Ponds, lakes, streams, and rivers.

(e) Wetlands.

(f) Ridgelines.

(g) All areas identified as being subject to the one hundred (100) year flood in accordance with Part 11 of this Chapter.
(h) Surface drainage characteristics.

(i) All cultural, historical, and natural features on and adjacent to the Neighborhood Greenway Development tract.

B. The Board of Supervisors in approving conditional use applications shall make compliance with the site plan and any revisions thereto required by the Board of Supervisors a part of the approval. The applicant shall develop the Neighborhood Greenway Development tract in the manner set forth on the site plan and any required revisions thereto unless a change to the site plan is authorized in accordance with paragraphs .C or .D below. This procedure for revisions to the site plan shall supersede the provisions for changes to the site plan set forth in §1104.4 of this Chapter.

C. An applicant may make minor revisions to the site plan as may be necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by the Pennsylvania Department of Transportation as part of a highway occupancy permit. The Board of Supervisors during the subdivision and land development process shall determine whether the applicant's proposed changes to the approved site plan constitute minor revisions necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by the Pennsylvania Department of Transportation as part of a highway occupancy permit.

D. An applicant who desires to make a change to an approved site plan which the Board of Supervisors determines does not constitute a minor revision authorized by paragraph .C above shall apply for and obtain an additional conditional use approval.

(1) Any applicant who proposes a change to an approved site plan which shall not alter any of the items set forth in subparagraph (2) below shall demonstrate during the additional conditional use approval process that the site plan for the proposed Neighborhood Greenway Development as revised by the applicant continues to meet all requirements of this Section.

(2) Any applicant who proposes a change to an approved site plan which shall alter any of the following items shall demonstrate during the additional conditional use process that the site plan for the proposed Neighborhood Greenway Development continues as revised by the applicant to meet all requirements of this Section and shall also demonstrate that the proposed modification to the approved site plan meets the requirements of subparagraph (3) below:

(a) Increase in the number of dwelling units or decrease in the number of dwelling units in excess of ten percent (10%).

(b) Change in the amount of nonresidential building area or land area to be devoted to nonresidential uses.

(c) Change in the amount or location of open space areas.
(d) Change in the minimum lot sizes for the residential dwellings.

(e) Change in any improvement proposed to qualify for a design incentive authorized by subsection .19.

(3) An applicant who desires to make a revision to a site plan which affects any of the criteria in subsection .20.D(2) above shall demonstrate to the satisfaction of the Board of Supervisors during the additional conditional use approval process that such change will:

(a) Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual or spatial characteristics.

(b) Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.

(c) Not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed Neighborhood Greenway Development.

(d) Not result in any danger to the public health, safety or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted under §604(1) of the MPC.

(e) Allow for equal or better results than the originally approved site plan and represent the minimum modification necessary.

21. Modification of Standards. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards of this Section in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a Neighborhood Greenway Development using the neighborhood design option, also make application for conditional use approval under this subsection. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

A. Such modifications of design standards better serve the intended purposes and goals of the Neighborhood Greenway Development option as expressed in subsection .1.

B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Neighborhood Greenway Development.

C. Such modifications will not result in an increase in residential densities permitted for the Neighborhood Greenway Development tract.

D. Such modifications will not result in a decrease in open space
(27, §1425(21)(D), cont’d) (27, §1425(21)(D), cont’d)

below that required in subsection .6 for the Neighborhood Greenway Development tract.

E. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this Section.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §6)

§1426. Residential Subdivisions and Land Developments of Six or More Lots or Dwelling Units.

1. Approval Required. Any person desiring to subdivide a lot in existence on the effective date of this Section, either initially or cumulatively, into six (6) or more residential lots or who desires to initially or cumulatively create six (6) or more dwelling units shall obtain conditional use approval under this Section.

2. Application Requirements. Any application for a conditional use under this Section shall submit documentation and plans meeting all requirements of §1425.20.A and shall also submit a landscaping plan providing a complete proposal for the landscaping and planting of the development and identifying all features required by §1425.6.F above and a street lighting plan.

3. Greenways. Greenways are to be provided as identified on the South Annville Township Open Space and Greenways Master Plan, in accordance with the criteria set forth in §1425.6.C(1) through (3) above, and to insure connection with greenway elements on adjoining tracts where they exist or are planned.

4. Sidewalks. Sidewalks are to be provided on both sides of all streets within the development as well as along existing streets connecting the development to existing or future development adjacent to the development site.

   A. Sidewalks shall be no less than four feet (4’) wide in residential areas and no less than five feet (5’) wide in areas providing access to neighborhood facilities within the development or commercial areas adjacent to the development.

   B. Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than three feet (3’) wide.

5. Transit Facilities. If the development site is located on an existing or proposed collector street which is on an existing or proposed County of Lebanon Transit Authority (COLT) bus route, a transit shelter and bench shall be provided. A bus pullout lane shall also be provided to accommodate the safe boarding of passengers and smooth transition of traffic. Where the development has been designed to provide one or more through street connections, the provision of multiple transit sites may be warranted. If COLT notifies the Township that it will provide service within the development prior to approval of a final subdivision or land development plan, the applicant shall provide a transit site to serve the neighborhood center.

6. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required landscaping plan. At a minimum, they shall be located along each side of all existing or proposed public or private streets.
A. New street trees shall be deciduous shade trees with a caliper of two and five-tenth (2.5) to three (3) inches measured at chest height.

B. Street trees shall be spaced at intervals no greater than forty feet (40') along both sides of each street, including arterial roads, excluding rear access lanes and alleys.

C. Selected species shall:
   1. Cast moderate to dense shade in summer.
   2. Have a typical life span of more than sixty (60) years.
   3. Mature to a height of at least fifty feet (50').
   4. Be tolerant of pollution and direct or reflected heat.
   5. Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.
   6. Be able to survive two (2) years with no irrigation after establishment.
   7. Be of native origin, provided they meet the above criteria.

D. Existing healthy and mature street trees may be counted toward the street tree planting requirement.

E. Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, §6)
§1501. Off-Street Parking Facilities, When Required. Accessory off-
street parking facilities, including access driveways, shall be required in
accordance with the provisions of this Part as a condition precedent to the
occupancy of such building or use. Facilities shall be provided for the entire
building or use:

A. Whenever a building is constructed or a new use established;

B. Whenever the use of an existing building is changed to a use
requiring more parking facilities;

C. Whenever an existing building is altered or enlarged so as to
increase the amount of parking spaces required under this Part.

(Ord. 7/8/1978, §16.01)

§1502. Continuation of Parking Facilities. All off-street parking
facilities, or those required as accessory to a use of a proposed or altered
building, shall continue unobstructed in operation, shall not be used for
commercial automobile service or repair and shall not be reduced below the
required size as long as the main use remains, unless an equivalent number of
spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas
established therefor by persons who are not the owners thereof, the Township
Supervisors may require, before approval, evidence in writing that the owner or
owners of the land to be included in such parking areas have by covenant agreed
to allow the use of such land for the required off-street parking; such covenant
to be filed for record with the Recorder of Deeds of Lebanon County.

(Ord. 7/8/1978, §16.02)

§1503. Standards and Definitions. For the purpose of determining
accessory off-street parking requirements, definitions and standards shall be as
follows:

ACCESSORY PARKING SPACE - an open or enclosed area accessible from a
street for parking of motor vehicles of owners, occupants, employees,
customers, or tenants of the main building or use. Each parking space shall
be not less than ten feet (10') wide and not less than twenty feet (20')
long, exclusive of all drives, curbs, and turning space. The number of
spaces shall be determined from an accurate plan of the area.

FLOOR AREA - the total area all the floors measured from the exterior
faces of the building (except the floor area used for storage or packaging
of merchandise may be excluded), or, where set forth in the schedule in
§1504 only the floor area used by a specific use.

SEAT - the number of seating units installed or indicated, or each
twenty-four (24) linear inches of benches, pews, or space for loose chairs
or similar seating facilities; spacing of rows shall be thirty inches (30")
on center.

(Ord. 7/8/1978, §16.03)
§1504. Schedule of Minimum Required Off-Street Parking Spaces.

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INSTITUTIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>1. Civic and educational; primary and secondary school; library places for public assembly</td>
<td>1 space for each employee plus 1 space for each five (5) seats in assembly rooms.</td>
</tr>
<tr>
<td>2. Governmental; municipal building used for administrative functions</td>
<td>1 space for each two hundred (200) square feet of office floor area plus 1 space for each four (4) seats in assembly room.</td>
</tr>
<tr>
<td>3. Place of worship</td>
<td>1 space for each five (5) seats in principal assembly rooms.</td>
</tr>
<tr>
<td>4. Welfare: Hospital</td>
<td>1 space per three (3) beds plus 1 space for each employee on the largest shift.</td>
</tr>
<tr>
<td>Health Center</td>
<td>1 space per one hundred fifty (150) square feet of floor area.</td>
</tr>
<tr>
<td>Home for the aging; Nursing Home</td>
<td>1 space per each five (5) guest rooms or apartment units plus 1 space for each employee.</td>
</tr>
<tr>
<td>Group Foster Home</td>
<td>1 space per each 2 guests plus 2 spaces for each resident family plus 1 space for each employee.</td>
</tr>
<tr>
<td>Retreat [Ord. 9804]</td>
<td>2 off-street parking spaces for each transitional housing dwelling unit, plus 1 space for each employee, plus 1 space for each 2 beds in cabins providing overnight accommodation. [Ord. 9804]</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>5. One, two and multi-family</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td><strong>OFFICE BUILDING</strong></td>
<td></td>
</tr>
<tr>
<td>6. Medical and dental offices and clinics</td>
<td>1 space per two hundred (200) square feet of floor area plus 1 space for each doctor and dentist.</td>
</tr>
<tr>
<td>Building or Use</td>
<td>Parking Spaces Required</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>7. Other Offices</td>
<td>1 space per four hundred (400) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.</td>
</tr>
<tr>
<td>8. Motel, Hotel</td>
<td>1 space per guest room or unit.</td>
</tr>
<tr>
<td>9. Mortuary</td>
<td>1 space per thirty (30) square feet of assembly rooms, or 1 space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces.</td>
</tr>
</tbody>
</table>

**RETAIL BUSINESS**

| 10. Retail stores, banks, service | 1 space per three hundred (300) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors. |
| 11. Eating places, bars, taverns | 1 space per two hundred (200) square feet of floor area, or 1 space per two (2) seats, whichever requires the greater number of spaces. |
| 12. Club, lodge, or other assembly hall | 1 space per four (4) seats in building. |

**COMMERCIAL BUSINESS**

| 13. Indoor Theater            | 1 space per four (4) seats in building.                            |
| 14. Dance hall, skating rink, swimming pool | 1 space per fifty (50) square feet of area used for dancing, skating, or swimming. |
| 15. Bowling Alley             | Four (4) spaces per bowling lane.                                 |
| 16. Service and Storage       | 1 space for every two (2) employees on the combined employment on the two (2) largest successive shifts. |
| 17. Executive Offices, Sales  | 1 space per two hundred (200) square feet of executive and sales office floor area of one and one-half (1½) spaces per employee, whichever is larger. |
18. Service and storage establishments, laboratories, manufacturing plants and other uses provided in the Industrial District [Ord. 10-10-01] One (1) space for every two (2) employees on the two largest shifts or one (1) space per 100 square feet of gross floor area, whichever is greatest. [Ord. 10-10-01]

19. Storage and warehousing [Ord. 10-10-01] One (1) space per employee on the two (2) largest shifts [Ord. 10-10-01]

20. For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above deemed most similar to the proposed use. [Ord. 10-10-01]

§1505. Separate or Combined Use or Facilities. A building containing one (1) use shall provide the off-street parking space as required for the specific use. A building or group of buildings containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of spaces required for each use. (Ord. 7/8/1978, §16.05)

§1506. Parking and Garage Facilities for Residences. Accessory parking facilities shall be located on the same lot as the dwelling served. Each single family, duplex, two-family and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two (2) automobiles for each dwelling on the premises. (Ord. 7/8/1978, §16.06)

§1507. Site Plan Approval.

1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a detailed drawing (site plan), drawn to scale, showing the proposed layout of the parking area. The drawing shall indicate all of the design elements required hereafter; and,

2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained. (Ord. 7/8/1978, §16.07; as amended by Ord. 10-10-01, 10/10/2001, §§8-9; and by Ord. 9804, 9/8/2004, §3)

§1508. Surfacing.

1. All parking lots shall be constructed and maintained with a paved surface of bituminous materials or another dust-free surface approved by the Board.

2. All parking compounds proposed for automobiles shall be paved to meet the following minimum standards:
   A. Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in PennDOT Specifications, Publication 408, and its latest revisions.
B. The bituminous surface shall consist of a minimum of two (2) inches of ID-2 binder course and one and one-half (1½) inch ID-2 wearing course. Material shall be equal or superior to current PennDOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications.

3. Parking compounds proposed for trucks shall require a heavier pavement section. The pavement section for parking compounds for trucks shall be designed for their intended use but in all instances the paving section shall not be less then the design guidelines for the minimum depths of pavement courses, flexible
pavement, collector functional classification, (Table 2.1) as provided in PENNDOT Publication 70, Guidelines For the Design of Local Roads and Streets, as amended. (Ord. 7/8/1978, §16.08; as amended by Ord. 10-10-01, 10/10/2001, §11)

§1509. Separation From Streets and Sidewalks. Parking spaces shall be guarded by curbs or concrete wheel stops which are arranged so that parked cars cannot project into streets, yards, landscaping or sidewalks. (Ord. 7/8/1978, §16.09; as amended by Ord. 10-10-01, 10/10/2001, §12)

§1510. Drainage. Parking lots shall be graded to a minimum slope of one (1) percent and a maximum slopes of five (5) percent. Adequately sized inlets and stormwater management facilities shall be provided to discharge storm water in accordance with the applicable stormwater management regulations. (Ord. 7/8/1978, §16.09; as amended by Ord. 10-10-01, 10/10/2001, §13)

§1511. Parking Space Size. Parking spaces shall be sized as follows:
   A. Parallel parking spaces shall be a minimum of twenty-three (23) feet by eight (8) feet.
   B. Non-parallel parking spaces shall be a minimum of nineteen (19) feet by nine (9) feet.
   (Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §14)

§1512. Handicap Parking Spaces. Handicap parking spaces shall be designed and provided in accordance with the standards of the Americans With Disabilities Act.
   (Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §15)

§1513. Parking Spaces and Interior Drives.
   1. Interior drives within any commercial or industrial land development shall be designed so as to prevent blockage of vehicles entering or leaving the site.
   2. Interior drives between or along rows of parking spaces shall have the following minimum width:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Width of Driveway in Feet One-Way Traffic</th>
<th>Width of Driveway in Feet Two-Way Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 Degrees</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>60 Degrees</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>45 Degrees</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>30 Degrees</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>Parallel</td>
<td>12</td>
<td>24</td>
</tr>
</tbody>
</table>

3. No interior drive shall be less than twelve (12) feet wide for each lane of travel.
4. Not less than a five (5) foot radius shall be provided for horizontal curves in interior drives and parking areas.
5. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of interior drives or
parking facilities.

6. Interior drives shall be clearly marked by adequate painted markings, curbing and signs so that operations of vehicles intending to patronize such parking areas shall not duly impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

7. All parking spaces and interior drives shall be adequately marked and maintained. The lines defining parking spaces shall be a solid white line with at least a four (4) inch width. Painted lines for interior drives and painted arrows shall be provided and maintained to control parking and direct traffic circulation.

8. A sufficient back-up area shall be provided for all dead-end parking areas by extending the interior drive a minimum of ten (10) feet beyond the last parking space(s).

9. For any parking area designed or expanded for over thirty vehicles, permanent curbed raised islands shall be provided to separate parking spaces from access lanes.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §16)

§1514. Off Street Loading Areas.

1. **Size; Surfacing.** The loading area shall be at least fifteen (15) feet wide and sixty-five (65) feet long. It shall be surfaced and maintained with a bituminous material in accordance with the requirements of this Chapter.

2. **Layout.** The loading area shall be arranged so that there will be no need for motorists to obstruct or back over any public right-of-way, access drive, or any parking spaces.

3. **Location.** A ground level loading area may be located in any side or rear yard. Wherever possible, off-street loading facilities shall be located on the face of a building not facing any adjoining residentially zoned land.

4. **Spaces Required.** Off-street loading spaces must be provided for each building erected, enlarged, or for any change of use in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number Spaces</th>
<th>Unit of Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital or other institution</td>
<td>None</td>
<td>First 10,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>1.0, +1.0</td>
<td>10,000 to 100,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each additional 100,000 sq. ft. (or fraction)</td>
</tr>
</tbody>
</table>

| Hotel                        | None          | First 10,000 sq. ft.                 |
|                              | 1.0, +1.0     | 10,000 to 100,000 sq. ft.            |
|                              |               | Each additional 100,000 sq. ft.      |

| Industry or manufacturing    | None          | First 2,000 sq. ft.                  |
|                              | 1.0, +1.0     | 2,000 to 25,000 sq. ft.              |
|                              |               | Each additional 40,000 sq. ft.       |

<p>| Multi-family dwelling        | None          | Less than 100 dwelling units         |
|                              | 1.0, +1.0     | 100 to 300 dwelling units            |
|                              |               | Each additional 200 dwelling units (or fraction) |</p>
<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number Spaces</th>
<th>Unit of Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office building, including banks</td>
<td>None</td>
<td>First 10,000 sq. ft.</td>
</tr>
<tr>
<td>Retail sales and services, per store</td>
<td>None</td>
<td>First 3000 sq. ft.</td>
</tr>
<tr>
<td>Shopping centers gross lease area</td>
<td>1.0</td>
<td>25,000 sq. ft. up to</td>
</tr>
<tr>
<td>Undertaking establishment or funeral parlor</td>
<td>None</td>
<td>First 3,000 square feet</td>
</tr>
<tr>
<td>Wholesale or warehousing, (except Mini-warehousing)</td>
<td>1.0</td>
<td>First 1,500 sq. ft.</td>
</tr>
</tbody>
</table>

*(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §17)*

§1515. Lighting.
Parking areas, loading areas and pedestrian areas shall be lighted to the following standards:

A. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface.
B. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way.
C. Poles for mounting lights shall not exceed twenty-five (25) feet in height.
D. All lighting plans shall be delineated on the plan and shall include photo metrics.
E. Appropriate footer and mounting details shall be included on the plans.
F. Light fixture and pole styles shall be approved by the Township.
*(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §18)*

§1516. Access Drive Requirements. Every parking lot shall be connected to a street by means of an access drive. Access drives shall be designed in accordance with the following:

A. Access drives shall be connected to a street of lesser classification when there is more than one street classification involved.
B. The number of access drives intersecting with a street may not exceed two (2) per lot. The Zoning Hearing Board may, by special exception,
grant additional access drive connections where the street frontage is greater than two thousand (2000) feet.

C. Access drives shall be designed so as to prevent blockage of vehicles entering or leaving the site.

D. The edge(s) of all access drives shall be set back the following minimum distances:
   (1) Two hundred (200) feet from any portion of any street intersection.
   (2) Two hundred (200) feet from any other access drive located upon the same lot.
   (3) Fifteen (15) feet from any side or rear property line. However, this setback shall be waived when a shared access/parking area is proposed.

E. A one-hundred (100) foot clear sight triangle shall be provided and maintained at the intersections of all access drive and streets.
   (1) Clear sight triangles shall be indicated on all plans.
   (2) No building, structure, landscaping, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

F. The cartway of all access drives shall be designed and constructed in accordance with the design guidelines for the minimum depths of pavement courses, flexible pavement, collector functional classification, (Table 2.1) as provided in PENNDOT Publication 70, Guidelines for the Design of Local Roads and Streets, as amended.

G. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

<table>
<thead>
<tr>
<th>Number of Lanes</th>
<th>Cartway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three (3) lanes</td>
<td>Thirty -six (36) feet</td>
</tr>
<tr>
<td>Two (2) lanes</td>
<td>Twenty -four (24) feet</td>
</tr>
<tr>
<td>One (1) lane</td>
<td>Twelve (12) feet</td>
</tr>
</tbody>
</table>

H. Parallel parking may be permitted along one side of access drives provided the required width is increased by eight (8) feet.

I. The maximum grade of any access drive shall not exceed four (4) percent within one hundred (100) feet of the centerline of the intersecting street. The maximum grade of access drives shall not exceed ten (10) percent. Vertical and horizontal curves shall be provided as required by the applicable subdivision and land development ordinance.

J. Access drives shall be provided with an unobstructed green area (setback) that is parallel to, and along the entire length of the access drive.
   (1) The width of the green area shall be measured from the edge of paving and be a minimum of fifteen (15) feet in width.
   (2) The green area may be utilized for storm water management facilities, utilities, lighting, landscaping and other compatible uses. In no case shall any building or structure be located within the required green area.

K. Access drives which terminate in a cul-de-sac shall not exceed
one thousand six hundred (1,600) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac to the center of the turnaround area.

L. Access Drive Lighting. Any subdivision or land development plan that proposes an access drive shall provide access drive lighting in accordance with the following:

(1) Lighting shall be provided at a minimum average of one-half (½) foot candles at an elevation of three (3) feet above the surface.

(2) All lighting shall be so arranged as to reflect the light downward and away from adjoining premises.

(3) Poles for mounting lights shall not exceed twenty-five (25) feet in height.

(4) All lighting plans shall be delineated on the plan and shall include photo metrics.

(5) Appropriate footer and mounting details shall be included on the plans.

(6) Light fixture and pole styles shall be approved by the Township.

(Ord. 7/8/1978, §16.09; as added by Ord. 10-10-01, 10/10/2001, §19)
A. Definitions

§1601. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PERSON - any natural person, partnership, firm, association, corporation, or other legal entity.

PREMISES - area occupied by a business or other public enterprise. When more than one business occupies a single building on the ground floor, each business area shall be considered a separate premise. A business or other public enterprise which occupies other floors shall be considered separate premises.

SIGN - any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word sign shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this ordinance.

A. Ground-Pole Sign - a sign supported by one or more uprights, poles or braces placed in or upon the ground.

B. Illuminated Sign - a sign that provides artificial light directly, or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

C. Off-Premises Advertising Sign - a sign which contains a message unrelated to a business or profession conducted upon the premises where such sign is located, or which is unrelated to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

D. Permanent Sign - any sign which is not a temporary sign.

E. Projecting Sign - a sign which projects from and is supported by a wall of a building.

F. Roof Sign - any sign erected and maintained upon or above the roof of any building.

G. Temporary Sign - a sign, constructed of cloth, canvas, fabric, wood or other similar material, with or without a structural frame, and intended for a limited period of display.
H. Wall Sign - a sign which is attached directly to or painted upon a building wall, and which does not extend more than eighteen (18) inches therefrom, nor extend above the roof line.

SIGN AREA - area of the smallest triangle, rectangle or circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three-dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle which can totally circumscribe the sign in the plane of its largest dimension.

In this Chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter. (Ord. 8/9/1986)
B. General Regulations

§1621. Signs Permitted in All Districts. Signs listed in this section are permitted in all zones and shall not require licenses or stickers, and they shall not be counted when calculating the number of signs on a premises; provided, such signs conform with the general regulations for signs enumerated in §§1622 to 1627 of this Part:

1. Name and address of resident, but not to include any commercial advertising, of not more than two (2) square feet in a sign area;

2. No trespassing signs or other such signs regulating the use of a property, such as No Hunting, No Fishing, etc. of no more than two (2) square feet in area in residential zones and five (5) square feet in all commercial and industrial zones;

3. Real estate signs not exceeding five (5) square feet in area in residential zones, and twenty-five (25) square feet in all commercial and industrial zones, which advertise the sale, rental, or lease of the premises upon which said signs are located. Such real estate signs shall be removed within ten (10) days after the premises advertised has been sold, rented or leased;

4. Bulletin boards for public, charitable, or religious institutions, when located on the premises thereof, and with a sign area of no more than thirty-six (36) square feet if single-faced, nor more than fifty (50) square feet if double faced, and if used exclusively for noncommercial announcements;

5. Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and playgrounds, and the like;

6. Memorial signs or tablets and signs denoting the date of erection of buildings;

7. Flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization;

8. Temporary signs no larger than thirty-six (36) square feet in area advertising the sale of edible farm products produced on the premises, or advertising auctions, and special events of charitable or public service groups;

9. Permanent residential development signs not exceeding twenty-five (25) square feet in area at major entrances designed to identify a residential subdivision and containing no commercial advertising;

10. Signs identifying places of worship when located on the premises thereof;

11. Signs identifying a golf course or country club, or other recreational facility when located on the premises thereof and containing no commercial advertising.

(Ord. 8/9/1986)

§1622. Signs Prohibited in All Districts. The following signs shall not be permitted, erected, or maintained in any district, notwithstanding
anything else contained in this ordinance or elsewhere. Sign which are prohibited in paragraphs marked with an asterisk(*) shall be removed or brought into conformity with the provisions of this ordinance within ninety (90) days after the ordinance is passed.

1. Signs which incorporate in any manner any flashing or moving illumination or illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or their apparent visible movement achieved by electrical pulsations or by actions of normal wind currents, except when not visible from motor vehicles traveling on public roadways. Hanging signs which simply swing in the wind, clocks, barber poles, and time and temperature signs may be exempted provided they comply with all other provisions of this ordinance.

2. Light sources which cast light on signs shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located.

*3. Any sign or sign structure which constitutes a hazard to public safety or health.

*4. Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, either when driving on a roadway or when entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.

*5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

*6. Signs which make use of words such as STOP, LOOK, ONE WAY, DANGER, YIELD, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic.

*7. Any obsolete sign, which no longer advertises a bona fide business conducted, or a product sold. In any case, ninety (90) days shall be allowed for removal of an obsolete sign.

*8. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body. No sign located on public property or a public right-of-way shall bear any commercial advertising or announcement.

9. Signs painted, on, attached to, or supported by a tree, stone, cliff or other natural object, except signs permitted under section 201(9).

10. String lights, other than temporary holiday decorations, which are unshielded from off the property on which they are located.

11. Searchlights, pennants, spinners, banners and streamers except for occasions such as grand openings and then only with special permission of the Sign Review Board/Sign Inspector/Zoning or Enforcement Officer. Use shall be limited to a fifteen (15) day period.

(Ord. 8/9/1986)
§1623. Limit on Number of Signs per Premises. Notwithstanding anything else in this Part or elsewhere, no more than five (5) signs may be erected or maintained on or off any premises at any one time; except that when a premises is located on a corner lot and has public entrances on two or more public ways, or where a building has both a front and rear public entrance, one (1) additional sign may be erected. In calculating the total number of signs on a premises, both permanent and temporary signs shall be combined in the total. (Ord. 8/9/1986)

§1624. Limit on Height of Signs. No sign, or any part thereof, including braces, supports, or lights shall exceed a height of twenty-five (25) feet. Height shall be measured from grade level directly below the face of the sign to the highest part of the sign. (Ord. 8/9/1986)

§1625. Limit on Sign Area. Notwithstanding anything else in this ordinance or elsewhere, or the total sign area per premises, including both permanent and temporary signs, [sign area] shall not exceed two (2) square feet per lineal front foot of the main building on the premises, except that no premises shall be limited to less than twenty (20) square feet of total sign area. In no case shall the total sign area of all signs on one premises exceed two hundred (200) square feet. Notwithstanding anything else in this Part, the total sign area for a basement premises shall not exceed twenty (20) square feet. (Ord. 8/9/1986)

§1626. Safety and Maintenance.

1. Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in a reasonable and prudent manner. In the absence of an electrical ordinance, the National Electrical Code shall be used as the standard for all wiring systems.

2. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

(Ord. 8/9/1986)
C. Specific Kinds of Signs; Signs in Certain Zones

§1631. Projecting Signs. In addition to the general provisions of this Part 16, the following regulations shall apply to all projecting signs:

1. No projecting sign shall project more than five (5) feet beyond the building line in the direction of the street, nor shall any portion of any projecting sign be closer than two (2) feet to the face of the street curb or curb line.

2. No portion of any projecting sign shall be less than ten (10) feet above grade level.

3. No single face of a projecting sign shall exceed fifteen (15) square feet in sign area.

4. No projecting sign shall have a vertical dimension greater than six (6) feet.

5. There shall be no more than one (1) projecting sign for any premises unless the premises is located on a corner lot or has public entrances on two (2) or more public ways, in which case one (1) projecting sign may be erected for and toward each public way.

(Ord. 8/9/1986)

§1632. Wall Signs. In addition to the general provisions of this ordinance, the following regulations shall apply to all wall signs:

1. No wall sign shall extend above the top of the wall upon which it is placed.

2. No wall sign, or any part thereof, shall project more than twelve (12) inches from the wall upon which it is mounted. If external lighting is used, reflectors must be ten (10) feet above the surface of the ground, be equipped with wire mesh guards, and must not extend more than two (2) feet from the wall of the building.

3. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.

(Ord. 8/9/1986)

§1633. Ground-Pole Signs. In addition to the general provisions of this Part, the following regulations shall apply to all ground-pole signs:

1. Every ground-pole sign and all parts, braces, and supports thereof shall be located entirely behind the property line and shall not project over public rights-of-way or other adjoining lands. However, ground-pole signs may be permitted between the property line and the building setback lines.

2. No ground-pole sign shall be larger than thirty-six (36) square feet in sign area on a single sign face, nor larger than fifty (50) square feet of sign area for both faces combined, nor in excess of ten (10) feet in any dimension of the sign face.

3. A premises may erect and maintain one (1) projecting sign or one (1) ground-pole sign, but not both. However, no individual business or
other enterprise within a shopping center may erect or maintain a groundpole sign.

4. No more than one (1) sign shall be mounted to a supporting structure on any ground-pole sign, except for a directional sign permitted in §306.

5. Notwithstanding any other provisions of this Chapter, for any property located on a corner lot or having public entrance to two (2) or more public ways, one (1) ground-pole sign may be erected for and toward each public way.

(Ord. 8/9/1986)

§1634. Roof Signs. In addition to the general provisions of this Part, the following regulations shall apply to all roof signs:

1. When viewed from a distance of fifty (50) feet directly in front of the sign surface, and a point five (5) feet above ground level, a roof sign shall exhibit a background which contains nothing other than a portion of the building which supports the sign.

2. No more than one (1) roof sign may be erected or maintained on a single premises.

(Ord. 8/9/1986)

§1635. Directional Signs. In addition to the general provisions of this Part, the following regulations shall apply to all directional signs:

1. Signs may be erected along major roadways to direct vehicles or pedestrians to premises in locations far removed from or not easily seen from major roadways. Such signs shall be reviewed by the Sign Review Board prior to the issuance of a sign permit by the Zoning or Enforcement Officer.

2. Directional signs shall be ground-pole signs with a maximum area of ten (10) square feet on a single-face or twenty (20) square feet on a double-faced sign, with the exception that bus shelter signs may be thirty-six (36) square feet.

3. The content of directional signs shall be limited to the name of the establishment and direction and distance information.

4. Directional signs shall not be located more than five hundred (500) feet from an entrance or other roadway leading to the advertiser and shall be located either on the same side of the major highway and in advance of such entrance, or along the side of the highway closest to those travelers who are to see the advertisement.

5. No more than two (2) individual signs shall be erected within the permitted area, and those shall all be attached to a single ground support structure. When more than two (2) directional signs are requested at a single location, all information shall be combined in one (1) sign which shall not exceed an area of twenty-five (25) feet for a double-faced sign.

6. The Sign Review Board shall review any applications for directional signs prior to the issuance of a sign permit by the Sign Inspector/ Zoning or Enforcement Officer.
7. The longest dimensions of a dimensional sign shall not exceed two (2) times its shortest dimension and shall exhibit a light background with contrasting dark border.

(Ord. 8/9/1986)

§1636. Professional Occupation Signs. Denoting only the name, office hours, symbol, and/or profession of an occupant, not exceeding two (2) signs per building, the total area for both signs shall not exceed fifty (50) square feet.

(Ord. 8/9/1986)

§1637. Agricultural - Rural Residential District.

1. All signs are prohibited in Agricultural-Rural Residential Districts except those signs enumerated in §1602 and §1635.

2. Illuminated signs are prohibited in Agricultural-Rural Residential Districts, except for street address signs, signs indicating doctors of medicine, signs indicating churches or other places of worship, and signs necessary for public safety.

3. Regardless of anything else in this Part, no sign which exceeds thirty-six (36) square feet of area on a single-faced, or fifty (50) square feet of area on a double-faced sign may be erected or maintained in a Agricultural-Rural Residential District.

(Ord. 8/9/1986)

§1638. Signs in R-1 and R-2 Districts.

1. All signs are prohibited in R-1 and R-2 Districts except those enumerated as follows:

   A. Signs permitted in Agricultural-Rural Residential Districts, and

   B. Wall signs denoting the name of an apartment building, fraternity or sorority house, boarding or rooming house, tourist home, non-profit club, community or municipal center, funeral home, or any other similar enterprises as are now allowed or may hereafter be allowed in these zones.

2. Illuminated signs are permitted in R-1 and R-2 Districts, except for street signs, signs indicating doctors of medicine, signs indicating churches or other places of worship, and signs necessary for public safety.

3. Sign area restrictions in R-1 and R-2 Districts are the same as in Agricultural and Rural Residential Districts.

(Ord. 8/9/1986)

§1639. Signs in the Commercial and Industrial Districts.

1. The following signs are permitted within the Commercial and Industrial Districts:

   A. Projecting signs in accordance with §1631.

   B. Wall signs in accordance with §1632.

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3"donating" in original

4"not" in original
C. Ground-pole signs in accordance with §1633.
D. Roof signs in accordance with §1634.

2. Directional signs, as provided by §1635, shall be allowed within the Commercial and Industrial Districts by special exception.

§1640. Authority for Variances. Variances to this sign ordinance shall be granted by the Zoning Hearing Board in accordance with the provisions of §1903.

§1641. Appeals. The Zoning Hearing Board shall have the power to hear and rule on appeals from the decision of the Zoning Officer. Such appeals must be filed with the Zoning Hearing Board within thirty (30) days of the Zoning Officer's decision.

§1642. Zoning/Enforcement Officer.
Duties of the Zoning/Enforcement Officer:

A. The Zoning/Enforcement Officer shall examine all applications for permits for erection of signs, issue licenses for new signs and for continued use of signs which conform with the requirements of this Chapter, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs and make required reports.

B. If the Zoning/Enforcement Officer shall find that any sign has been constructed or erected or is being maintained in violation of the provisions of this Chapter, he shall promptly notify the owner or lessor thereof, in writing. If the owner or lessor fails to remove or alter the sign so as to comply with the provisions of this Chapter within thirty (30) days, the Zoning/Enforcement Officer shall cause such sign to be removed or altered in such way as to conform with the provisions of this Chapter. The costs of such removal or alteration shall be borne by the owner or lessor of such sign, and shall be a lien upon the premises.

C. The Zoning/Enforcement Officer shall cause any sign which is an immediate peril to person or property to be removed immediately. The cost of such removal shall be borne by the owner or lessor of such sign, and if removed by South Annville Township, shall be a lien upon the premises.

§1643. Licenses and Stickers for Permanent Signs.

1. General Provisions for All Permanent Signs.

A. All permanent signs except those enumerated in §1621 must be licensed.

B. Application for a license for a permanent sign shall be made on a form provided by the Zoning/Enforcement Officer.

C. Licenses for permanent signs are valid for as long as they are in compliance with this Part. If any sign is in violation of this Part. (material seems to be missing.)

2. Permits to Build New Permanent Signs, or to Alter or Move Existing Permanent Signs.
A. No permanent sign shall hereafter be erected, structurally altered, or moved until the person proposing to erect, alter, or move such sign shall have obtained a permit therefor from the Zoning/Enforcement Officer. Such permit shall be issued only when the Zoning/Enforcement Officer is satisfied that such sign will, in every respect, comply with all of the applicable provisions of this ordinance. Such permit shall be valid for one hundred and thirty (130) days. The fee for granting such a permit shall be set by South Annville Township.

B. Any person desiring such a permit shall file application therefor upon a form which shall contain or have attached thereto the following information:

1. name, address, and telephone number of applicant;
2. a map, drawn to scale, showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the location of the sign in relation to nearby buildings and thoroughfares;
3. a plan, drawn to scale, showing design of sign, materials used, and method of construction and means of attachment to the building or the ground;
4. name of person, firm, corporation or association erecting, altering, or moving said sign;
5. written consent of the owner of the land on which the sign is to be erected, altered or relocated;
6. any electrical or building permit required and issued for said sign under municipal ordinances; and
7. any other information the Zoning/Enforcement Officer shall require in order to show full compliance with this and all other applicable laws of South Annville Township.

C. After permission to erect, alter, or move a permanent sign has been obtained and said sign has been constructed, painted and placed as specified in the permit application, the owner of the sign shall notify the Zoning/Enforcement Officer who shall inspect the sign. If the sign is as specified in the permit application and does not violate any provision of this or other applicable ordinances, a license shall be issued to the owner, valid for a period of time not less than one (1) year.

3. Licenses for Existing Permanent Signs. All owners of permanent signs in existence at the time of passage of this Part shall make application for a sign license within ninety (90) days of the passage of this Part. After application to license an existing permanent sign has been received, the Zoning/Enforcement Officer shall inspect the sign. If the sign is safe and in good repair and does not violate the provisions of this Part for such existing signs, a license shall be issued to the licensee, valid for the current year; subject, however, to the following provisions:
A. Conforming Signs - All permanent signs which are in existence at the time of passage of this ordinance, and which conform to the provisions of this Part, shall be eligible for a sign license.

B. Nonconforming Signs - All permanent signs which are in existence at the time of passage of this ordinance, but which do not conform to one or more applicable provisions of this ordinance, shall be eligible for a sign license, excepting those signs denoted with an asterisk (*) in §1622. Eligible nonconforming signs may be relicensed for two (2) three (3) year periods, or a total of nine (9) years. At the end of that time, the nonconforming sign must be removed; with the exception that any existing nonconforming Billboards that are in existence at the enactment of this ordinance may be relicensed every two (2) years until such time as there is a further resolution by South Annville Township prohibiting said relicensing. However, said nonconforming Billboard relicensing must comply with the rest of the provisions of this §1643.

(Ord. 8/9/1986)

§1644. Licenses for Temporary Signs.

1. All temporary signs as they are defined in this Part 16, are peg itted providing size, content, and location of the temporary sign remain within the overall restrictions of this ordinance, and said temporary signs are not erected or maintained for more than thirty (30) days.

2. No licenses are needed for temporary signs providing that they comply with all other provisions of this §1644.

3. Nonconforming temporary signs shall not be permitted, and the Zoning/Enforcement Officer pay cause any such nonconforming temporary sign to be removed without notice.

(Ord. 8/9/1986)

§1645. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars ($300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 8/9/1986)
$1701. Administration and Enforcement. An administrative official designated by the Township Supervisors shall administer and enforce this Chapter. He may be provided with the assistance of such other person as the Township Supervisors may direct.

If the administrative official shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions. (Ord. 7/8/1978, §17.01)

$1702. Building Permits Required. No building or other structure shall be erected, constructed, moved, added to, altered, nor the use therein changed without a permit therefor issued by the administrative official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, Special Exception, or variance as provided by this Chapter. (Ord. 7/8/1978, §17.02)

$1703. Application for Zoning Permit.

1. Application for Zoning Permit. The application for a zoning permit shall be submitted in such form as the Zoning Administrator may prescribe by the owner or lessee of any building, structure or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the applicant shall demonstrate that the application has authorization from the owner or lessee to make such application. The full name and address of the applicant and the landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and addresses of the officers of the corporation shall be included on the application. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the property.

2. Description of the Work. The application shall contain a description of the proposed work and/or use and occupancy of the building, structure and/or land and any other information required by the Zoning Administrator to determine compliance with this Chapter and other applicable Township and County ordinances, statutes and regulations. The application shall be accompanied by plans in a form acceptable to the Zoning Administrator, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, parking areas, and other pertinent information. The
application shall be accompanied by all required fees as established by the Board of Supervisors by ordinance or resolution.

3. **Approval or Disapproval of Application.** Upon receipt of the application, the Zoning Administrator shall examine the application and supporting information to determine compliance with this Chapter and other applicable Township and County ordinances, statutes and regulations. The Zoning Administrator shall determine if subdivision and/or land development approval has been obtained, if State sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Administrator with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit under the Township Driveway Ordinance or a PENNDOT Highway Occupancy Permit has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Administrator shall mark the application as either approved or disapproved. The Zoning Administrator shall retain a copy of the application for the Township files. If disapproved, the Zoning Administrator shall forward a statement to the applicant explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board.

4. **Issuance and Posting of Permits.** Upon approval of the application by the Zoning Administrator, the Zoning Administrator shall issue a zoning permit and a placard which placard shall be visibly posted on the site of operations during the entire time of construction.

    (Ord. 7/8/1978, §17.03; as amended by Ord. 10-10-01, 10/10/2001, §22)

§1704. **Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses.**

1. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Zoning Compliance has been issued by the administrative official stating that the proposed use of the building or land conforms to this Chapter.

2. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the administrative official. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Chapter. Upon enactment or amendment of this Chapter, owners or occupants of nonconforming uses or structures shall apply for Certificates of Zoning Compliance.

3. No permits for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.

4. A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary Certificate may include such conditions and safeguards as will protect the safety of the occupants and public.

5. The administrative official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person.
6. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Chapter and punishable under §2005 of this Chapter. (Ord. 7/8/1978, §17.04)

§1705. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of this Chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Chapter. If such uses are of such a nature and are so located that, at the time of petition of Special Exception they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or

B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Zoning Hearing Board may, subject to all regulations for the issuance of Special Exceptions elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months. (Ord. 7/8/1978, §17.05)

§1706. Expiration of Building Permit.

1. If the work described in any building permit has not begun within ninety (90) days from the issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice that future work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. (Ord. 7/8/1978, §17.06)

§1707. Construction and Use to be Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approval plans and applications. No changes of any kind shall be made to the application, permit or any of the plans submitted with the application without the written approval of the Zoning Officer. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Chapter and punishable as provided by §2005 hereof. (Ord. 7/8/1978, §17.07)
§1801. Establishment And Membership.

1. There shall be a Zoning Hearing Board which shall consist of three members who shall be appointed by the Board of Supervisors.

2. Membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received a fifteen (15) day advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. The Board of Supervisors may appoint by resolution at least one but no more than three (3) residents of the municipality to serve as alternate members of the Board. The terms of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1802, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to §1803 unless designated as a voting alternate member pursuant to §1802 of this Chapter.

§1802. Organization.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §2204. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)
§1803. Expenditures For Services.

1. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

2. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to §1802. In no case shall the compensation paid to members of the Board or any alternate members exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)

§1804. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act of July 3, 1968, as amended and reenacted, as well as the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. All persons who wish to be considered parties to a hearing shall enter their appearance on forms provided by the Zoning Hearing Board.

C. Every person who requests a hearing before the Zoning Hearing Board shall submit a fully completed application to the Zoning Officer or the Zoning Hearing Board on the form prescribed by the Zoning Hearing Board. The Zoning Officer shall reject all incomplete applications. The date of an Applicant's request shall be the date when a fully completed Application accompanied by the appropriate fee is submitted to and received by the Zoning Officer.

D. All requests for a continuance of a scheduled hearing shall be submitted in writing with the reasons therefor and shall contain a statement that the Applicant agrees to an extension of time period, within which the Zoning Hearing Board is required to hold a hearing or to render a written decision. No more than two (2) continuances shall be permitted unless the party requesting the continuance pays the fee prescribed by the Board of Supervisors pursuant to resolution.

E. The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The
cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the costs.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)

§1805. Effect of Zoning Hearing Board's Decision. The following time requirements and conditions shall apply to approvals granted by the Zoning Hearing Board:

A. Permit Period.

(1) The applicant or appellant shall secure all necessary zoning and building permits within two (2) years after the approval date of the variance, special exception, or other action of approval by the Zoning Hearing Board.

(2) The Zoning Hearing Board may grant an extension of the two (2) year permit period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.

(3) Should the applicant or appellant fail to obtain all necessary zoning permits within the time limitations of this Section, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the appeal or application, and all provisions, variances, special exceptions and Zoning Permits granted shall be deemed automatically rescinded by the Zoning Hearing Board.

B. Construction Period.

(1) The applicant or appellant shall complete the building, alteration, or use within two (2) years after a Zoning Permit has been issued.

(2) The Zoning Hearing Board may grant an extension of the two (2) year construction period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.

(3) Should the applicant or appellant fail to complete such construction, alteration, or use within the time limitations of this Section, the Zoning Hearing Board may rescind or revoke the granted variance, special exception, or Zoning Permit. The Zoning Officer shall provide the applicant or appellant with a written notice at least ten (10) days prior to such decision of the Zoning Hearing Board. The decision to rescind or revoke such approvals shall be based on one or more of the following findings of the Zoning Hearing Board:

(a) That there is no good cause for the failure to complete such construction, alteration, or use within the required time.

(b) That conditions have so changed since the approval of the Zoning Permit that revocation of the action is justified.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, §23)
§1901. Appeals from the Zoning Officer.

1. The Zoning Hearing Board shall hear and decide the following appeals:

   A. Appeals in which it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

   B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

   C. Appeals from the Zoning Officer's determination of a preliminary opinion pursuant to Article IX, Section 916.2 of the Pennsylvania Municipalities Planning Code;

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1902. Substantive Challenges to the Validity of the Zoning Ordinance.

The Zoning Hearing Board shall hear substantive challenges to the validity of the Zoning Ordinance, except those brought before the Board of Supervisors.

A. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Zoning Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the applicant and shall also consider:

   (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

   (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Zoning Ordinance or map;

   (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

   (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

   (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Board fails to act on the applicant's request within this time limit, a denial of the request is deemed to have occurred on the
forty-sixth (46th) day after the close of the last hearing.

C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the applicant requests or consents to an extension of time.

D. Public notice of the hearing shall be provided as specified in §1804(1) of this Chapter.

E. Challenges to the validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges, shall be raised by an appeal taken within thirty (30) days after the effective day of the Ordinance.

§1903. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance upon a finding that the applicable provisions of the Pennsylvania Municipalities Planning Code regarding the granting of variances have been met by the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Chapter.

2. All applicants for a variance shall submit the following:
   A. Statement describing the proposed use.
   B. A location map showing the entire tract and its relation to the surrounding area drawn at a scale of one thousand (1,000) feet to the inch.

§1904. Special Exceptions.

1. General. Special exceptions are deemed to be uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Part, in addition to all other requirements of this Chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Chapter. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and insure compliance with the MPC and this Chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

2. Plan Required. The applicant shall submit a site plan, the number of copies of which shall be established by the Board, at a sufficient scale and at a sufficient level of detail to demonstrate compliance with all applicable requirements drawn to a scale of not more than one hundred (100) feet to the inch and which shall include all of the following:
   A. The location of all existing floodplains, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts, and other significant natural features on the tract and within two hundred (200) feet of the tract.
   B. The location of all streets, adjoining tracts, and buildings
within two hundred (200) feet of the tract.

C. The location of all proposed land uses including residential uses by types.

D. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of each type of dwelling unit.

E. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.

F. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.

G. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.

H. The location and dimensions of sidewalks and all other common areas.

I. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

J. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.

K. Site contours at two (2) foot intervals.

L. All proposed site grading and drainage provisions and proposals. Zoning districts and applicable area, bulk, and yard requirements. Certification by the person who prepared the site plan.

M. Zoning districts and applicable area, bulk, and yard requirements.

N. Certification by the person who prepared the site plan.

O. Certification of ownership and acknowledgment of plans signed by owner and developer.

2. General Standards. In order for the Zoning Hearing Board to grant a special exception, the applicant shall demonstrate all of the following. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the Section which gives the applicant the right to seek the special exception.

B. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. The applicant shall have similar responsibilities with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.

C. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this Chapter and any other governing law.
D. The applicant shall establish by credible evidence that the proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.

E. The applicant shall establish by credible evidence that adequate public facilities are available and existing to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).

F. For development within the Floodplain Districts, the applicant shall establish by credible evidence that the application complied with those requirements listed in Chapter 8 of the Code of Ordinances and the necessity of the development to be located in the floodplain.

G. The applicant shall establish by credible evidence that the proposed use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

H. For all lands located in the Agricultural District or adjacent to the Agricultural District, the applicant shall establish by credible evidence that the proposed use of the site or development shall not be inconsistent with or frustrate the legislative intent of the Agricultural District.

I. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

J. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the special exception application is adequately safeguarded.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1905. Appeals Regarding the Floodplain Zone. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone. (Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1906. Appeals Regarding Development Rights and Density. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance. (Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1907. Appeals Regarding Sedimentation and Erosion Control and Storm Water Management. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Pennsylvania Municipalities Planning Code. (Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1908. Appeals from a Notice of Violation Issued under Part 17 of this Chapter. (Ord. 7/8/1978, Art. 19; as added by Ord. 10-10-01, 10/10/2001, §24)

§1909. Parties Appellant Before Zoning Hearing Board.
1. Appeals and proceedings to challenge any provision under this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, by any officer or agency of the Township, or any person aggrieved. Requests for a variance and for a special exception under this Chapter may be filed with the Zoning Hearing Board by any landowner. An appeal or request shall state:

A. The name and address of the applicant.
B. The name and address of the owner of the real estate to be affected by the proposed special exception, or variance.
C. A brief description and location of the real estate to be affected by such proposed change.
D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereon.
E. A statement of the section of this Ordinance under which the variance, or special exception is requested, may be allowed, and reasons why it should be granted.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1910. Time Limitations. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

§1911. Stay Of Proceedings. Upon the filing of any proceeding referred to in this Part and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Hearing Board determines there are facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed, otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board, by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, §24)

1. The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Township Supervisors.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or application of appeal.

(Ord. 7/8/1978, Art. 22)


1. The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed provided, however, that no such action may be taken until after a public hearing in relation thereto by the Township Supervisors, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Township at least once in each of two (2) successive weeks.

2. If the amendment is initiated by any party other than the municipal planning agency or county planning agency, the governing body shall submit each amendment to the municipal planning agency and/or county planning agency at least thirty (30) days prior to the hearing on such proposed amendment to provide these agencies with an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(Ord. 7/8/1978, Art. 23)

$2003. Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

(Ord. 7/8/1978, Art. 24)

$2004. Complaints Regarding Violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis
thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter. (Ord. 7/8/1978, Art. 25)

§2005. Violations. The construction, alteration, maintenance or use of any structure, building, sign, land, or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Chapter; or the use of property for a use different from that set forth in any zoning or certificate of zoning compliance which has been granted for the property without applying for and being granted a permit and certificate of zoning compliance for such new or different use; or the excavation, grading of or earthmoving activities on any property in preparation for the erection of a structure or change in use of a property without first obtaining a permit; or the failure to comply with any other provision of this Chapter; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance or conditional use is granted by such court are hereby declared to be violations of this Chapter. The owner or tenant of any land or structure or parts thereof and any architect, builder, contractor, agent or other person who commits, assists in or maintains a violation shall also be considered to have violated this Chapter and shall be subject to penalties and remedies for such violation. (Ord. 7/8/1978, Art. 26; as amended by Ord. 91102, 9/11/2002, §8)

§2006. Enforcement Notice. If it appears to the Zoning Administrator that a violation of this Chapter shall exist, the Zoning Administrator shall send an enforcement notice to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within thirty (30) days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this Chapter. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

§2007. Enforcement Action. If the enforcement notice is not complied with promptly, the Zoning Administrator shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this Chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning
Administrator or Township Solicitor to institute a civil enforcement proceeding before a district justice. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

$2008. Penalties. Any person who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred ($500.00) Dollars plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a district justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this Chapter shall be paid over to the Township for the general use of the Township. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

$2009. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy or certificates of use issued under this Chapter; or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors, then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises. (Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, §8)

§2010. Separability Clause. Should any Section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 7/8/1978, Art. 27; as amended by Ord. 91102, 9/11/2002, §8)

§2011. Repeal of Conflicting Ordinances; Effective Date. All ordinances or parts of ordinances in conflict with this Zoning Chapter, or inconsistent with the provisions of this Chapter, are here repealed to the extent necessary to give the Chapter full force and effect. This Chapter shall become effective on July 13, 1978. (Ord. 7/8/1978, Art. 28; as amended by Ord. 91102, 9/11/2002, §8)
APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township Offices.

The enactments included in this Appendix are grouped under the following headings:

A ...... Bond Issues and Loans
B ...... Franchises and Services
C ...... Governmental and Intergovernmental Affairs
D ...... Plan Approval
E ...... Public Property
F ...... Sewers
G ...... Streets and Sidewalks
H ...... Water
I ...... Zoning; Prior Ordinances
## Appendix A

### Bond Issues and Loans

<table>
<thead>
<tr>
<th>Ord./Res.</th>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-18-10-1</td>
<td>11/18/2010</td>
<td>Determining to incur debt in the maximum principal amount of $3,795,679; determining that such debt shall be incurred as lease rental debt to be evidenced by a guaranteed sewer revenue note, in the maximum principal amount of $3,795,679, to be dated as of the date of delivery and to be authorized and issued by South Annville Township, Lebanon County, Authority</td>
</tr>
</tbody>
</table>
## Appendix B

Franchises and Services

<table>
<thead>
<tr>
<th>Ord./Res.</th>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>111203</td>
<td>11/12/2003</td>
<td>Granting to Comcast of Southeast Pennsylvania, Inc, and to the Comcast of the South, Inc., a nonexclusive franchise to erect, install, maintain and operate a cable system in the Township, including permission to erect, install and maintain poles and wires for the purpose of transmission for a 10-year term.</td>
</tr>
</tbody>
</table>
Appendix C

Governmental and Intergovernmental Affairs

<table>
<thead>
<tr>
<th>Ord./Res.</th>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agrmt. 6/2/1975</td>
<td>6/2/1975</td>
<td>Regarding Police services to be provided by South Londonderry Township</td>
</tr>
<tr>
<td>Res. 9/1/1990</td>
<td>9/1/1990</td>
<td>Declaring and accepting an Agricultural Area in the Township pursuant to the Agricultural Security Law, 3 P.S. §§901-915.</td>
</tr>
<tr>
<td>Res. 91-060991</td>
<td>6/9/1991</td>
<td>Recognizing the adoption of the &quot;CABO One and Two Family Dwelling Code&quot; on behalf of certain municipalities by the County of Lebanon and authorizing the appropriate officials of the County to enforce said Code within the Township.</td>
</tr>
<tr>
<td>94-71394</td>
<td>7/13/1994</td>
<td>Implementing an agreement between the Township of South Annville, the County of Lebanon and the Commonwealth of Pennsylvania to provide mutual aid and assistance in drug investigations of the Lebanon County Drug Task Force and establishing procedures for such aid and assistance between one another.</td>
</tr>
<tr>
<td>71394-2</td>
<td>7/13/1994</td>
<td>Implementing an agreement involving the Township of South Annville, the County of Lebanon and the Commonwealth of Pennsylvania to provide mutual aid and assistance in drug investigations of the Lebanon County Drug Task Force and establishing procedures for such aid and assistance between one another.</td>
</tr>
<tr>
<td>6-28-04-2</td>
<td>6/28/2004</td>
<td>Authorizing South Annville Township to enter into an intermunicipal agreement to provide the formation of the Lebanon County Code Appeals Board or the establishment of related administrative requirements, in accordance with the provisions of the Pennsylvania Uniform Construction Code.</td>
</tr>
<tr>
<td>6-11-08</td>
<td>6/11/2008</td>
<td>Providing for South Annville Township to enter into an intermunicipal agreement with other municipalities within the Annville-Cleona School District for the purpose of selecting a representative and alternate for the Executive Committee of the Lebanon County Earned Income Tax Bureau.</td>
</tr>
<tr>
<td>Ord./Res.</td>
<td>Date</td>
<td>Subject</td>
</tr>
<tr>
<td>----------</td>
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</tr>
<tr>
<td>9-10-08</td>
<td>9/10/2008</td>
<td>Authorizing this Township to enter into an intermunicipal agreement with other municipalities within Lebanon County and with the County of Lebanon to provide for the collection of certain taxes.</td>
</tr>
<tr>
<td>11-18-10-2</td>
<td>11/18/2010</td>
<td>Authorizing execution of an intermunicipal agreement among municipalities and school district within Lebanon County and the Lebanon County Earned Income Tax Bureau to settle claims relating to the collection and distribution of earned income taxes.</td>
</tr>
<tr>
<td>5-11-11</td>
<td>5/11/2011</td>
<td>Authorizing execution of an intermunicipal agreement among municipalities and school district within Lebanon County and the Lebanon County Earned Income Tax Bureau to settle claims relating to the collection and distribution of earned income taxes.</td>
</tr>
</tbody>
</table>
Appendix D

Plan Approval

Reserved to accommodate future ordinances)
Appendix E

Public Property

(Reserved to accommodate future ordinances)
Appendix F

Sewers

<table>
<thead>
<tr>
<th>Ord./Res.</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undated</td>
<td>Authorizing Annville Township Authority to enter public streets so as to construct and maintain sanitary sewer lines.</td>
</tr>
<tr>
<td>Res. 3/5/1971</td>
<td>Adopting a plan by Lebanon County Planning Department for water supply and sewage facilities to serve South Annville Township residents.</td>
</tr>
<tr>
<td>Ord. 3/11/1975</td>
<td>Authorizing agents of Lebanon County Planning Department to administer and enforce Sewage Facilities Act, collect fees, make inspections, initiate legal actions within the Township.</td>
</tr>
<tr>
<td>Res. 6/2/1975</td>
<td>Adopting plan for sewage disposed at Smith's Modern A Quality Dairy.</td>
</tr>
</tbody>
</table>
Appendix G

Streets and Sidewalks

Activities concerning streets within the Municipality are listed hereunder the street name as alphabetized, for ease of reference.

<table>
<thead>
<tr>
<th>Street</th>
<th>Activity</th>
<th>Location</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachman St.</td>
<td>Opening</td>
<td>From Rt. 322 to McCurdy Ave.</td>
<td>12/3/1973</td>
</tr>
<tr>
<td></td>
<td>Vacating</td>
<td>From Rt. 322 to McCurdy Ave.</td>
<td>--/--/---</td>
</tr>
<tr>
<td>Beech St.</td>
<td>Opening</td>
<td>From S. Londonderry Township to Cul-de-sac</td>
<td>985</td>
</tr>
<tr>
<td>Behney Dr.</td>
<td>Opening</td>
<td>From Louser Rd. to Erinn Ln.</td>
<td>985</td>
</tr>
<tr>
<td>Chris Ln.</td>
<td>Opening</td>
<td>From Louser Rd. to Cul-de-sac</td>
<td>985</td>
</tr>
<tr>
<td>College Ave.</td>
<td>Opening</td>
<td>From Royal Rd. to School House Ln.</td>
<td>985</td>
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Appendix H

Water

(Reserved to accommodate future ordinances)
Appendix I

Zoning; Prior Ordinances

1. Comprehension Zoning Ordinance (Ord. 2-1975)
   
   A. Amendment re: Group Foster Homes (Ord. 11/3/1975)
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