

## **Chapter 110**

# **LIGONIER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 8-14-2018 by Ordinance No. 03-2018. Amendments noted where applicable.]

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ARTICLE I  
**General Provisions**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-1. Short Title**

This Chapter shall be known, and may be cited as the "Ligonier Township Subdivision and Land Development Ordinance."

**§ 110-2. Purposes of the Chapter**

This Ordinance is adopted:

- A. To promote the public health, safety, and general welfare of the community by advancing the goals of the Joint Comprehensive plan and other Township policies;
- B. To assure that the arrangement of each subdivision or land development furthers the safe, harmonious and orderly development of Ligonier Township;
- C. To guarantee that streets in and bordering each subdivision or land development are coordinated with the municipal circulation system and are of such widths, grades, locations and construction as to accommodate anticipated traffic and facilitate emergency service access;

- D. To insure that public or private sewage disposal and public or private water supply systems are efficiently designed and have adequate capacity for future demands, and that on-lot sewage disposal and water supply systems are safely separated from each other;
- E. To encourage the design of developments to fit naturally into their environment and to encourage the use of renewable energy; and
- F. To establish a precise, simple, uniform and objective procedure for review and disposition of subdivisions and land development plan proposals, and to ease the process of conveyance of title to property.

**§ 110-3. Application and Scope of Regulations**

- A. No lot in a subdivision may be sold or leased, no permit to erect or move any building upon land in a subdivision or land development plan may be issued, and no building, permanent or temporary, may be erected in a subdivision or land development plan unless and until a subdivision or land development plan has been approved in accordance with the requirements of this Chapter and recorded in the office of the Westmoreland County Recorder of Deeds, and until the improvements required by this restated Chapter, if part of the approved plan, have either been constructed or guaranteed by a form of surety acceptable to the Township.
- B. In their interpretation and application, the provisions of this Chapter are held to be the minimum requirements adopted for the protection of the public health, safety, and general welfare.
- C. This Chapter shall not apply to any lot or lots, subdivision or land development plan created and lawfully recorded prior to enactment of this Ordinance. However, the development of individual lots shall be in accordance with the provisions of this Chapter. Any lot, subdivision or development plan illegally recorded or not legally recorded prior to enactment shall not be given legal status by enactment of this Ordinance amendment.
- D. Any redivision or combining of lots or adjustment of lot lines within a plan previously approved and/or recorded, or any rearrangement of structures, parking areas, access points, graded land surfaces or other elements within a development plan, shall be subject to the provisions of this Chapter.
- E. Where existing regulations of another level of government, or restrictive covenants, restrictions placed by deed or other private agreements duly recorded with Westmoreland County are more restrictive than this restated Chapter, such regulations shall apply.

**§ 110-4. Duties of the Board of Supervisors and Planning Commission Relative to this Chapter**

- A. The Board of Supervisors reserves to itself final approval authority on all subdivision and land development plans. The Board shall not act until it has received recommendations from the Planning Commission to review and to comment upon each such subdivision and land development plan submitted for approval.
- B. The Board shall call and hold a public hearing on each amendment proposed for this ordinance after soliciting both the Township and County Planning Department for recommendations, and before voting to adopt or reject the amendment.
- C. The Board shall also appoint a Codes Enforcement Officer to enforce the Chapter according to its administrative requirements.
- D. The Planning Commission shall first receive all subdivision and land development plans, shall review them and make timely recommendations to the Board of Supervisors regarding adoption or rejection, or adoption with certain specific revisions in accordance with the requirements of this Chapter. The Planning Commission shall also recommend to the Board specific action on adoption of amendments to the Chapter proposed by either body or by a landowner.
- E. Appeals from decisions of the Board of Supervisors shall be to the Westmoreland County Court of Common Pleas.

**§ 110-5. Types of Subdivisions and Land Developments Governed by this Chapter**

- A. Minor Subdivision: Shall be considered the division of any complete lot, complete parcel or tract of land or part thereof into not more than four (4) lots, parcels or tracts for the imminent or future conveyance, transfer, improvement, sale or lease of said lots, parcels or tracts when all of such lots, parcels or tracts thus created abut a public road in existence prior to consideration of the proposed subdivision. In addition, such subdivision shall include no extension of public sewer and water lines, streets or other public improvements and shall not, by intent on the part of the owner/applicant or his successors, subsequently be part of a later division of the original lot, parcel or tract creating a total of more than four (4) lots, parcels or tracts except under provisions for a major subdivision.
- B. Major Subdivision: Shall be considered the division of any lot, parcel or tract of land or part thereof into two (2) or more lots, parcels or tracts for the imminent or future conveyance, transfer, improvement, sale or lease of such lots, parcels or tracts of land, when any or all of the lots, parcels or tracts so created do not abut a public road in existence prior to consideration of the proposed subdivision, and/or require extension of public improvements; or when five (5) or more lots, parcels or tracts so created or further subdivided as in the case of townhouses or multi-family lots all abut a public road in existence prior to consideration of the proposed subdivision and do not require extension of public sewer or water service, or streets or other public improvements.

- C. Mobile Home Park: Shall be considered a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two (2) or more mobile home lots for lease, each such lot for the placement thereon of one (1) mobile home.
- D. Minor Land Development Plan: Shall be considered a small scaled development, change of use or addition to an existing commercial building, but which does not involve utility line extensions or the construction of new streets or access driveways.
- E. RV Parks and Campgrounds: Shall be considered a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two (2) or more RV pads for lease, each pad for the placement of one (1) recreational vehicle or camper.
- F. Land Development Plan: Shall be considered the arrangement of buildings and structures (or a single nonresidential building), paved and planted surfaces, utility systems and access ways that together constitute the development of a lot, tract or parcel of land, or contiguous lots, tracts or parcels of land. The development of a lot for a single family detached dwelling shall not be considered a land development.

**§ 110-6. Severability.**

- A. If any section, clause, paragraph, regulation or provision of this Chapter is found invalid by a court of law, such judgment shall not affect, impair, invalidate or nullify the remaining sections, clauses, paragraphs, regulations or provisions, but only the clause, paragraph, regulation or provision found invalid by the court.
- B. All ordinance or parts of ordinances or regulations in conflict with this Ordinance or inconsistent with its provisions, are hereby repealed to the extent necessary to give this Ordinance full force and effect. However, where another ordinance, law or restrictive covenant imposes a higher standard in a particular regulation, that standard shall supersede this Ordinance in the particular instance.
- C. The provisions of this Ordinance, so far as they are common to those regulations in force immediately prior to the enactment of this Ordinance amendment, are intended as a continuation of such prior regulations and not as new enactments. Such parts of the prior regulations that are omitted from this Ordinance shall be deemed repealed.
- D. The adoption of this Ordinance does not make legitimate development activity in the Township illegal under provisions of the prior regulations, nor does it annul any litigation currently being pursued or that may be pursued in the future against such illegal activity.
- E. The approval of any subdivision or land development plan shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee of the practicality or safety of the arrangement of lots and improvements or

other elements within the development covered by the approval and shall create no liability upon the Township, its officials or employees.

**§ 110-7. Unlawful Recording and Sale of Lots.**

- A. No plan of a subdivision or land development proposed for Ligonier Township shall be recorded in any public office unless or until that plan shall bear the certified recommendation for approval of the Planning Commission and the final approval of the Board of Supervisors.
- B. It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision or land development unless and until said plan, plat or replat shall have been first recorded in the office of the Westmoreland County Recorder of Deeds.

ARTICLE II

**Definitions**

**[Adopted 8-14-2018 by Ord. No. 03-2018]**

**§ 110-8. General Rules.**

For purposes of these regulations, certain terms or words used herein are defined as follows:

- A. The particular shall control the general;
- B. The word "person" or "owner/applicant" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
- C. The present tense includes the future tense;
- D. The singular number includes the plural and the plural number includes the singular;
- E. The word "shall" is mandatory; the word "may" is permissive;
- F. Words generally found in legal terminology and not otherwise defined in Section § 110-9 shall have the same meaning in this Chapter as in the most current version of Webster's Unabridged Dictionary.

**§ 110-9. Specific Terms.**

- A. ACCESS LANE (DRIVE): A driveway, turnout or other means of providing for the movement of vehicles to or from the public roadway.
- B. ACCESS POINTS: The locations along the perimeter of a lot or property abutting a street, including but not limited to local or collector streets, that provide the authorized vehicular and pedestrian entry or exit from the lot or property.
- C. ACCESSORY STRUCTURE: A subordinate structure detached from but located on the same lot as a principal building, including retaining walls, fences, and storage sheds. The use of an accessory structure must be accessory to the use of the principal building.
- D. ALIGNMENT, HORIZONTAL: The combination of bearings and distances, radii and arcs in the plan which describe the passage of a right-of-way across the land.
- E. ALIGNMENT, VERTICAL: The combination of grades, distances, and vertical curves in profile which describe the passage of a right-of-way over the topography.
- F. ALLEY/LANE: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- G. AMENDMENT: Any addition, deletion or revision of this Chapter text or graphic officially adopted by the Board of Supervisors after public hearings.
- H. APPLICANT: A landowner or owner/applicant, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
- I. APPLICATION, FINAL: A formal request by an owner/applicant containing information required by these regulations to be used as a basis by the Township in granting final approval of a subdivision or land development plan.
- J. APPLICATION, PRELIMINARY: A formal request by an owner/applicant containing information required by these regulations to be used as a basis by the Township in granting preliminary approval of a subdivision or land development plan.
- K. APPROVAL, FINAL: Acknowledgment by the Board of Supervisors that all plan reviews required prior to acceptance of a subdivision, land development or planned residential development proposal have been successfully completed, and that building permits may be issued.
- L. APPROVAL, PRELIMINARY: An acknowledgment by the Township that the preliminary plan application conforms to all the requirements of these regulations and that the owner/applicant may proceed to preparation of the final application as outlined in the Pennsylvania Municipalities Planning Code.
- M. ARC: A curved line that is centered from a point and has a definite length
- N. terminating each end in a tangent or another arc.

- O. **ARTERIALS:** Streets which provide intra-county or inter-municipality traffic of
- P. substantial volumes where average trip lengths are five miles or greater. Generally these highways should accommodate operating speeds greater than 35 MPH
- Q. **BACKFILLING:** The process of replacing earth fill in an excavation.
- R. **BASE COURSE:** The road building materials precisely laid down on the prepared subgrade of a roadway to support the pavement of the road.
- S. **BEARING:** The direction that a line points relative to a referenced North.
- T. **BENCH:** A flat or slightly sloped graded surface designed to divert storm drainage and/or stabilize a graded slope.
- U. **BENCHMARK:** An elevation reference point.
- V. **BERM:** The graded strip along each side of a street pavement when curbs are not present, designed to direct stormwater from the pavement to a gutter, and to provide a stable location for disabled or parked vehicles off the pavement.
- W. **BINDER COURSE:** In asphaltic concrete paving, an intermediate course between the base course and the surface material consisting of intermediate sized aggregate bound by bituminous material.
- X. **BOARD OF SUPERVISORS:** The duly elected governing body of Ligonier Township, with certain powers relative to this Chapter.
- Y. **BUFFER:** A visual screen intended to separate existing developed lots or plans from adjacent development.
- Z. **BUILDING:** A man-made structure attached to or into the ground enclosing or covering a volume of space, and intended to shelter or contain people, animals, businesses and activities associated with any of them.
- AA. **BUILDING PERMIT (Zoning/Building):** A document attesting that a proposal for construction, repair, alteration, or addition to a structure has been reviewed and approved in accordance with the requirements of this Chapter, and the current building code.
- BB. **CARTWAY:** The portion of a street, drive, alley, or rear service lane that is designed and intended for the use of vehicular traffic.
- CC. **CENTERLINE:** A line running parallel to and equidistant from the right-of-way lines on each side of a street.

- DD. CLEAR SIGHT TRIANGLE: A triangular area of unobstructed vision at the intersection of two (2) or more streets, roads or driveways that could block an approaching drivers' view of potentially conflicting vehicles.
- EE. COLLECTOR STREET: A street or road that in addition to serving the properties abutting it also receives traffic from intersecting minor streets for distribution to major collector or arterial roadways.
- FF. COMMON OPEN SPACE: The area within a plan that is held jointly by all the property owners in the plan for their enjoyment and is specifically described in the plan.
- GG. COMMUNITY FACILITY: An improvement, whether public or for the benefit of the residents of a development only, constructed by the owner/applicant to conform with the requirements of these regulations and guaranteed as required by the Board of Supervisors as a condition for final plan approval.
- HH. COMMUNITY SEWAGE DISPOSAL OR WATER SUPPLY SYSTEM: A utility system constructed by an owner/applicant to serve his plan in conformance with these regulations and the requirements of the Commonwealth Department of Environment Protection, such system to be operated by the owner/applicant until or unless taken over by a public authority.
- II. CONTOUR: An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.
- JJ. CORNER LOT: A lot that abuts two (2) or more streets that intersect at one or more corners of the lot, with the minimum front yard setback applying along each street relative to construction on the lot.
- KK. COUNTY PLANNING DEPARTMENT: The Planning Department of Westmoreland County, Pennsylvania.

- LL. COUNTY CONSERVATION DISTRICT: A public agency charged with protecting the soils and water resources of Westmoreland County from erosion and pollution.
- MM. CROSS-SECTION: A cut through a road or utility at right angles to its length revealing materials and dimensions of components of construction.
- NN. CROSSWALK: A pedestrian right-of-way extending through a block between streets on opposite sides of the block or connecting across a block or blocks.
- OO. CUL-DE-SAC: A street with connection to other streets at only one (1) end and having a permanent vehicular turnaround at the closed end.
- PP. CURB: Concrete, bituminous concrete, or other improved boundary material usually marking the edge of a roadway, parking lot, or other paved area.
- QQ. DEDICATION: The designation of property, formerly privately owned, for public purpose, such designation stipulated in writing, recorded by the private owner and accepted by the public body.
- RR. OWNER/APPLICANT: 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.
- SS. DEVELOPMENT, MAJOR LAND: See Article IV, section § 110-21.
- TT. DEVELOPMENT, MINOR LAND: See Article IV, section § 110-21.
- UU. DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, open space and public facilities. The phrase “provisions of the development plan” when used in the Pennsylvania Municipalities Planning Code, as amended, shall mean the written and graphic materials referred to in this definition.
- VV. DOUBLE FRONTAGE LOT: A lot that abuts two (2) streets that do not intersect adjacent to the lot.
- WW. DRAINAGE COURSE: A natural or artificial depression that conveys surface water runoff to a larger watercourse, lake, or bay.

- XX. DRIVEWAY: A privately owned and maintained roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
- YY. DRIVEWAY PERMIT: Authorization to access a public roadway or street from a lot or property.
- ZZ.EARTH MOVING ACTIVITIES: The rearrangement of the earth's natural surface, creating cuts into the surface and fills upon the surface, in accordance with the requirements of this Chapter and other applicable ordinances.
- AAA. EASEMENT: A grant of one or more of the property rights (e.g. access) by the owner to, or for the use by, the public, a corporation, or another person or entity.
- BBB. ENGINEER: An individual registered as a Professional Engineer by the Commonwealth of Pennsylvania.
- CCC. ENGINEERING STUDY A study completed using current standards and accepted practices.
- DDD. EROSION: The process of breaking down and carrying away of exposed ground surfaces by action of wind, water and temperature change.
- EEE. ESCROW FUND OR ACCOUNT: An interest bearing note, established by an owner/applicant at a financial institution, of an amount required to guarantee completion of improvements to be constructed in his plan and payable to the Township if the owner/applicant fails to complete the improvements within the time stipulated in the plan approval.
- FFF. EXCAVATION: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
- GGG. FILL: Soil, rock, gravel or other material that is placed at a specified location to bring the ground surface up to a desired elevation.
- HHH. FIRE SAFETY PLAN: A plan for the safe movement of vehicles and persons to designated areas in the event of a fire or similar emergency within a recreational vehicle campground.
- III. FLOODPLAIN: Land that lies within the one hundred (100) year flood boundary as shown on the flood hazard mapping prepared by the Federal Emergency Management Agency.
- JJJ.FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating,

harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

KKK. FRONTAGE: The distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.

LLL. GRADE: The vertical alignment of a land surface, as it exists or as modified by cut and/or fill activities.

MMM. GRADING: Rearrangement of the earth's surface by stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

NNN. GROUNDWATER BASIN(S): A groundwater reservoir, residing in one or more geologic units and separated from neighboring reservoirs by geologic or hydrologic boundaries.

OOO. HIGHWAY OCCUPANCY PERMIT (Township Driveway Permit): Authorization issued by PaDOT or Ligonier Township allowing a property owner specific access to Commonwealth or Township maintained roadways.

PPP. TOWNSHIP DRIVEWAY PERMIT: Authorization issued by PaDOT or Ligonier Township allowing a property owner specific access to Commonwealth or Township maintained roadways.

QQQ. 70. HOMEOWNERS' ASSOCIATION: An organization formed to manage the open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization is mandatory for all owners of property in the development.

RRR. 71. IMPROVEMENTS: "Physical changes to the land, including but not limited to, buildings, streets, curbs, gutters, street lights and signs, water mains, hydrant s, sanitary sewer mains, including laterals, to the street right - of - way lines, storm drainage lines, storm water management structures, walkways, recreational facilities, open space improvements, shade trees, buffer or screen plantings, and all other additions to the tract which are required by ordinance or are deemed necessary to result in a complete Subdivision or Land Development in the fullest sense of the term."

SSS. LABOR AND MATERIAL BOND: A guarantee, backed by the developer's collateral held in escrow, that the developer's financial obligations in connection with a development approved by the Township will be covered without harm to the Township.

TTT. LAND DEVELOPMENT: Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two (2) 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
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of developing streets, common areas, leaseholds, condominiums, building groups or other features; or

UUU. **LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase whether or not such option or contract is subject to any condition or a lessee if he is authorized under the lease to exercise the rights of the landowner.

VVV. **LOT:** An area of contiguous land surface that abuts the street, whose ownership and legal description are of record in the office of the Westmoreland County Recorder of Deeds, and that is to be separately owned, used, developed, or built upon. A lot implies one of a number of similarly sized properties in a plan, but may include any property, tract or parcel of land regardless of size or configuration for the purposes of this Chapter.

WWW. **LOT, FLAG:** A lot not meeting minimum width requirements at the right-of-way and where access to a public road is by a narrow strip of land usually accommodating a driveway.

XXX. **LOT WIDTH:** The distance across a lot measured along the front building line between the side lot lines.

YYY. **MAINTENANCE BOND:** A guarantee, backed by the developer's collateral held in escrow, that improvements, upon completion to the Township's satisfaction, will be maintained for a stipulated time period at no Township expense against inferior construction.

ZZZ. **LOCAL ACCESS:** A vehicular street or road serving primarily as an access to the properties abutting it but not intended to carry traffic collected from other streets.

AAAA. **MODULE:** A proposal to provide sewage disposal for a property, a development plan, an individual on-lot septic system, or a subdivision when such proposal involves a public or community sewer system.

BBBB. **SURVEY MONUMENT:** A permanent precise indication, established by a Registered Land Surveyor, of points at changes of direction in the boundary of a subdivision or land development plan, or at points of change of direction in street rights-of-way within or on the boundary of the plan.

CCCC. MONUMENTATION, CONTROL: The placement of permanent markers constructed of concrete or metal at key locations in the ground, including tract corners, right-of-way centerline, offsets, and lot boundary lines.

DDDD. MUNICIPAL SEWAGE ENFORCEMENT OFFICER: An individual appointed by the Township and certified by the Commonwealth who is charged with enforcing the regulations of the Department of Environmental Protection within the Township relative to individual on-lot and community sewage disposal systems.

EEEE. OFF-STREET PARKING SPACE: An identified area abutting an access lane or driveway and of such dimensions, as specified by Township Ordinance, to accommodate one (1) vehicle that does not create a safety hazard.

FFFF. ON-SITE SEWAGE DISPOSAL OR WATER SUPPLY: An independent utility system designed to accommodate only the property on which it is located.

GGGG. OWNER OF RECORD: The individual or corporation whose name appears on the records of the Westmoreland County Recorder of Deeds as the current owner of a property.

HHHH. PARKING AREA: The portion of a lot or parcel set aside for motor vehicle storage in a multi-family, public, semi-public, commercial or industrial development.

IIII. PAVEMENT: The portion within a right-of-way designed for vehicular travel and improved to specifications and material established by the Township to carry such traffic in all weather.

JJJJ. PERFORMANCE GUARANTEE: Any security that may be accepted by Ligonier Township as a guarantee that improvements required as part of an application for development are satisfactorily completed.

KKKK. PERMANENT OPEN SPACE: Any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers.

LLLL. SURVEY PIN: A permanent indicator, established by a Registered Land Surveyor, of points at the corners of lots in a subdivision plan or at points of changes of direction along lot lines.

MMMM. PLAN, FINAL (Also Final Plat or Final Land Development Plan): The documentation presented by an owner/applicant to the Township for consideration under the terms of these regulations after approval has been granted to a preliminary plan proposal that included the land area covered by the final plan proposal.

NNNN. PLAN, PRELIMINARY: The documentation presented by an owner/applicant to the Township in support of a subdivision or land development plan for preliminary consideration under the terms of these regulations.

OOOO. POTABLE WATER: Water meeting the Commonwealth Department of Environmental Protection's criteria for human consumption.

PPPP. PROFESSIONAL CONSULTANTS: Persons who provide expert or professional advice, including but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

QQQQ. PROPERTY LINE: The boundary line surrounding a property, lot or parcel, or any portion of such line described by bearings and distances.

RRRR. PROPERTY TRACT: An area of land, all portions of which are in the same ownership and the boundary of which closes on itself.

SSSS. PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

TTTT. PUBLIC IMPROVEMENTS: Roads, utilities and community facilities used by the public and provided by an owner/applicant in the course of the development of his plan to comply with the requirements of these regulations.

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

VVVV. PUBLIC SANITARY SEWER: A system operated by a public authority or authorities appointed by the Township or group of municipalities served by the system, with power to issue revenue bonds, construct such systems, and operate them, as well as extensions built by others but dedicated to the authority to operate.

WWWW. PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

XXXX. PUBLIC WATER SUPPLIER: A person, corporation or public or private entity that owns or operates a public water system and is regulated by the Public Utilities Commission.

YYYY. PUBLIC WATER SYSTEM: A system which provides water to the public for human consumption which has at least two (2) service connections or regularly serves two (2) users whether residential or nonresidential daily at least sixty (60) days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term also includes wells or pretreatment storage facilities not under control of the operator which are used in connection with the system, and may include a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

**ZZZZ. RECORDING:** The act of registering with the Westmoreland County Recorder of Deeds a subdivision or land development plan which has received final approval by the Township.

**AAAAA. RECORDING DOCUMENTS:** The final approved land development plan or subdivision plat and any restrictive covenants that are recorded by the owner/applicant after which he may commence development but only in compliance with such recorded plan.

**BBBBB. REDIVISION (Lot Consolidation):** The rearranging of property lines or the combining of several properties into one or more new properties.

**CCCCC. RESTRICTIVE COVENANT:** A recorded private agreement legally binding successor owners of a property to certain conditions regarding use of the property stipulated by the original owner, such stipulations being more restrictive than these of other Township or Commonwealth regulations, and enforceable for a set number of years after recording.

**DDDDD. RETAINING WALL:** A wall at least four feet (4') high on its exposed side designed by a Registered Professional Engineer to contain the thrust of an earth embankment behind it.

**EEEEE. RIGHT-OF-WAY:** A strip of land which has been dedicated for public or private use and provides access to private property abutting it, connecting with other rights-of-way to form a vehicular and pedestrian circulation network in the Township; also an easement across private property.

**FFFFF. SETBACK LINE:** An imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the front, side and rear yard depths for each zoning district. Certain building projections and uses of the lot may extend over the line according to the applicable provisions of the current Zoning Ordinance.

**GGGGG. SIGHT DISTANCE:** The minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms or vegetation, to safely negotiate an intersection of streets, as determined by AASHTO.

**HHHHH. SITE:** Any plot or parcel of land or a part thereof or combination of contiguous lots or parcels of land.

**IIIII. SITE PLAN (Land Development Plan):** The proposed layout of a lot showing all elements of the site development as well as utility and drainage lines and existing buildings and structures to remain as depicted.

- JJJJ. **SKETCH PLAN:** A plan showing general layout of uses, access, and other development features on a site, for the purpose of informal review that carries no vested rights or obligations of any party.
- KKKKK. **SLOPE, STEEP:** The deviation of a surface from the horizontal expressed in degrees or percent, in this case in excess of twenty-five percent (25%).
- LLLLL. **SLOPE, TOE OR TOP:** The toe is the transitional area between the lower edge of a graded sloped surface and the adjacent horizontal ground; the top is the upper edge of the slope.
- MMMMM. **SOIL PERCOLATION TEST:** A procedure for measuring the ability of soil to absorb moisture as a basis for design in connection with on-lot sewage disposal, conducted by the Township Sewage Enforcement Officer.
- NNNNN. **STREET:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- OOOOO. **STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- PPPPP. **SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by 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 (10) acres, not involving any new street or easement of access or any residential dwelling shall be exempted.
- QQQQQ. **SUBDIVISION, MAJOR:** See Section § 110-11
- RRRRR. **SUBDIVISION, MINOR:** See Section § 110-10
- SSSSS. **SUBSTANTIALLY COMPLETED:** Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.
- TTTTT. **SURVEYOR, PROFESSIONAL LAND:** A person who is licensed by the Commonwealth as a Registered Land Surveyor.

- UUUUU. TITLE BLOCK: A box on a drawing containing specific information relative to a development required for review of the proposal.
- VVVVV. TOPOGRAPHIC MAP: A map delineating by contours the surface elevations of a land area.
- WWWWW. TOWNSHIP ENGINEER: A Professional Engineer registered in Pennsylvania and retained by the Board of Supervisors to represent the Township in the review of development plans and proposed improvements and in the inspection of said improvements during construction and upon completion.
- XXXXX. TOWNSHIP PLANNING COMMISSION: The duly appointed Planning Commission of Ligonier Township.
- YYYYY. TRANSPORTATION IMPACT STUDY: A study to determine the impact of a development that defines mitigation measures.
- ZZZZZ.* UTILITY: A service normally required for the successful functioning of a development, whether provided by a community or a public system or by a private company. Utilities include, but are not limited to sanitary sewage and stormwater collection and disposal, water and gas supply, electric and telephone service and T.V. cable.
- AAAAA. WATER DEVELOPMENT IMPACT STUDY: A technical report which identifies sources and quantities of groundwater available for use by consumers in a residential or nonresidential development.

ARTICLE III  
**Processing of Subdivision Plats**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-10. Minor Subdivision Review.**

- A. Any applicant seeking approval of a minor subdivision, as defined, may disregard the preliminary plan (plat) review and submit a final plan (plat) application.
- B. This procedure shall also apply to any adjustment of property lines that does not create additional lots, or any combination of existing lots or parts to eliminate existing lots.
- C. The plat for recording shall be a scaled drawing clearly showing the required information, prepared in ink on mylar material, in a digital format required by the Township and on an eighteen by twenty-four inch (18" x 24") transparency, or such sizes as required by the Westmoreland County Recorder of Deeds, and containing the following information as well as the material required in Section § 110-13:
  - 1. A vicinity map showing the relationship of the plan to nearby major roads and landmarks;
  - 2. The perimeter boundary lines of the entire property within which the subdivision is proposed to occur and subdivision lines proposed within the property, each line or arc described by bearings to the nearest second and distance, accurate to the nearest hundredth of a foot;
  - 3. Abutting street rights-of-way and street pavements, with widths and names of roads indicated, and location of sewer, water and/or gas lines or any other public utility, if any, some or all of these are present;
  - 4. Building setback line of each lot, and location of any easements crossing or abutting the property, indicating purpose of the easement;
  - 5. Area of each lot or parcel to be created and area of property remaining after subdivision;
  - 6. Names of owners of abutting properties and of those directly across an intervening street;
  - 7. Location of monuments and markers, existing and proposed, delineating the corners of the plan and each lot;
  - 8. Certification of the Sewage Enforcement Officer attesting that the lots to be created are of adequate size for on-lot sewage disposal if they are not to be connected to a public system; and indicating the type of disposal systems required;
  - 9. State highway occupancy notice, if access is to a Commonwealth owned and maintained highway;
  - 10. Title block in the lower right corner of the drawing, indicating the name and address of the owner, date of original submission and later revisions, with the name of any previous subdivision given final approval, the name and address of Registered Land Surveyor preparing the plan with his Pennsylvania seal affixed, scale of the plan, north arrow, certificates of title clause, Engineer's

certification, specific variances and/or modifications, if any, granted to the plan, Township Planning Commission review, Board of Supervisors approval, County Planning Department review and proof of recording (see Appendix A attached to this Ordinance).

- D. The owner/applicant shall submit to the Township Secretary for review by the Planning Commission at least twenty-eight (28) days prior to a regular meeting four (4) hard copies of the proposed subdivision plat and one (1) electronic copy.
- E. The Commission shall review the plan and provide copies to the Board of Supervisors and to the Sewage Enforcement Officer. The Commission shall note deficiencies it discovers in the plan in its minutes and inform the owner/applicant of them, requesting correction or additional information.
- F. The Township Planning Commission shall communicate the results of its review and recommendations of the plan to the Board of Supervisors and the Board shall render its decision within ninety (90) days of the Planning Commission meeting at which the plan was first reviewed as an agenda item. The Board's decision shall be based on the plan to be recorded.
- G. Failure of the Board of Supervisors to render a decision within ninety (90) days of the date of the Planning Commission meeting at which the plan was first reviewed and to communicate the decision to the owner/applicant within fifteen (15) days thereafter shall be deemed an approval of the application as presented unless the owner/applicant agrees in writing to a mutually agreeable extension.
- H. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision and land development, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five (5) year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
- I. In the case of a lot consolidation or minor (1/4 acre, 10,890 square feet or less) reciprocal transfer of equal land areas between two (2) property owners,

administrative review and approval by the Chairman of the Township Planning Commission and Township Engineer shall replace the two (2) step Planning Commission recommendation and Board of Supervisors approval process, as follows:

1. The consolidation or reciprocal transfer shall not create lots or parcels in violation of any current Township ordinance nor create situations detrimental to health, safety or welfare of the general public;
2. Lots proposed for consolidation or reciprocal transfer may be legally nonconforming at the time of review but in no case shall a lot be made nonconforming by the action proposed;
3. Said administrative review and approval by the Chairman of the Township Planning Commission and Township Engineer shall be followed by the signing of the plat by the Chairman of the Board of Supervisors and attested by the Township Secretary prior to recording at the Westmoreland County Recorder's Office;
4. Administrative denial of a consolidation or reciprocal transfer plan may be referred to the Board of Supervisors on appeal, whose decision shall be binding.
5. All property owners of record shall sign the final plat where lot consolidation or reciprocal transfer of land areas is proposed.

**§ 110-11. Major Subdivision Review.**

- A. Any owner/applicant seeking approval of a major subdivision plan is urged to present his concept plan at a regular meeting of the Ligonier Township Planning Commission. The owner/applicant shall request from the Township Secretary, at least twenty-five (25) days prior to the meeting, a pre-application review and discussion.
- B. The material presented should include a scaled plan of the property to be developed including lot layout, adjacent public roads (location and widths), streams, easements (location and widths), natural and man-made features presently on the property, utility lines to serve the development and proposed use of the property or parts of the property as the result of the development activities proposed.
- C. The purpose of the meeting is to acquaint the Planning Commission with the proposed development, to indicate to the owner/applicant the constraints upon development contained in this and other municipal ordinances upon the proposed development, to discuss the impact of the proposal upon the Township and to suggest to the owner/applicant the procedures he should follow to gain approval. Such review and comment shall not be related to any time limit, and shall not be binding on any subsequent action of the Township.
- D. The owner/applicant shall be apprised of the required method of payment for costs associated with consultant review fees, technical reports, inspections and related services. The owner/applicant shall be responsible for all such costs.

**§ 110-12. Preliminary Plan Application.**

- A. Owners/applicants seeking approval of a major subdivision shall submit four (4) hard copies and 1 (one) electronic copy of all application materials to the Township Secretary including an 18 inches x 24 inches mylar not less than twenty-eight (28) days prior to the regular Planning Commission meeting at which the plan is to be presented.
- B. The Planning Commission shall review the submitted documents at its next regularly scheduled meeting following a determination by the Chairman of the Township Planning Commission that it is a completed application, in the presence of the owner/applicant or his representative. The Commission may table the submission if the owner/applicant or his representative are not present and/or certain aspects of the plan as submitted are deficient. The completed submission shall be reviewed as to its conformance with the requirements of this Chapter and with other applicable Township regulations. If the Commission is satisfied that all requirements have been met, it shall submit its recommendations to the Board of Supervisors.
- C. Professional consulting services deemed appropriate by the Township for review of the plan shall be paid by the owner/applicant. In addition to the administrative fee, applicants shall deposit with Ligonier Township funds, in the form of an escrow account or cash deposit in an amount required to cover the costs of consultants to review and comment on the application submitted. Such escrow accounts or deposits shall be as identified in the schedule of fees, adopted by the Board of Supervisors.
- D. If the Commission is not satisfied that all requirements have been met, it will indicate the specific deficiencies to the owner/applicant in writing. The owner/applicant shall then make appropriate revisions and additions to the plan documents before again submitting them for a preliminary approval. The application may be forwarded with deficiencies noted. The Commission may call and hold a public hearing on the development proposal, properly noticed, provided such hearing is commenced within forty-five (45) days of receipt of a completed application.
- E. The Board of Supervisors shall render a decision as to approval, disapproval or approval with conditions not later than ninety (90) days following the date of the meeting at which the preliminary application was initially reviewed by the Planning Commission, and not subsequently rejected due to incompleteness. The decision shall be based on the recommendations of the Planning Commission, field visits to the property proposed to be divided or developed, and the comments of the County Planning Department. The official decision shall be transmitted in writing to the owner/applicant at his address of record not later than fifteen (15) days after the decision is reached indicating specifically, when the approval is denied, the reasons for denial, citing the appropriate Chapter section and the steps needed to gain compliance.
- F. Failure to Render a Decision: Failure of the Board of Supervisors to render a decision and/or communicate it to the owner/applicant within the time and in the manner

specified in this Section shall be deemed an approval of the application as presented unless the owner/applicant has agreed in writing to an extension of time or change in the manner of presentation of communication of the decision.

- G. Amendment of Ordinances Affecting Applications: From the time an application for approval of a subdivision or land development is duly filed and while such application is pending approval or disapproval, no change or amendment of this Chapter or other regulations affecting development in the Township shall influence the decision on such application adversely to the owner/applicant and the owner/applicant shall be entitled to a decision in accordance with the provisions of this Chapter and others affecting development in the Township as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to any intervening changes in this or other Ordinances. When an application has been approved or approved subject to conditions acceptable to the owner/applicant, no subsequent change or amendment to this or other Ordinances affecting development in the Township shall be applied to influence adversely the right of the owner/applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such preliminary approval (See Section 508 of Act 247, as amended).
- H. Interpretation of Approval: Approval of a preliminary application shall not be construed to constitute final approval but only an authorization to proceed with preparation of the Final Plan Application for presentation to the Planning Commission within one (1) year.

### **§ 110-13. Preliminary Subdivision Plat Submission Requirements.**

- A. Existing conditions map at a scale of one inch equals one hundred feet (1" = 100') or larger (i.e. 1" = 50', 1" = 40', etc.) showing:
1. Contours at five foot (5') intervals throughout the property (may be interpolated from U.S.G.S. data);
  2. Boundary of the property indicating bearings and distances of each line enclosing the property;
  3. Area of the property;
  4. Boundaries, where they adjoin the property under consideration, of abutting properties or lot plans, indicating names of abutting owners of lot plans within one hundred feet (100') of subject property;
  5. Existing streets or roads abutting the property or within fifty feet (50') of the parcel boundary line, indicating name, type of surfacing, right-of-way width and paving width;
  6. Existing easements, if any, indicating width, bearings, distances, use and lessee within or adjacent to the property;
  7. Existing electric, telephone, sanitary sewer, water and/or gas lines, or other public utility, if any, in abutting streets or within fifty feet (50') of the boundary of the property, indicating line (pipe) size, manholes, hydrants and similar appurtenances;

8. Existing streams or watercourses on the property or within fifty feet (50') of the parcel boundary, together with culverts, inlets and/or storm drain lines, if any;
  9. Boundaries of the one hundred (100) year floodplain from Federal Emergency Management Agency maps, if applicable;
  10. Vegetative cover in approximate location and/or other natural features;
  11. Existing buildings, structures or other significant man-made features such as driveways or walls within the property or within fifty feet (50') of it;
  12. North arrow, graphic scale, date that map was prepared, name and address of Registered Land Surveyor who prepared the map (including his Pennsylvania Seal), name of the subdivision or land development, and names and addresses of owners of record of the property together with the developer's name and address if not the owner;
  13. Vicinity map at a scale of one inch equals two thousand feet (1" = 2,000') showing the position of the plan relative to major roads and landmarks in the vicinity.
  14. Westmoreland County Soils Classification Map.
  15. The zoning districts, uses, setback distances proposed and required must be placed on the preliminary submittal.
- B. Subdivision plan at the same scale as the Existing Conditions Map and combined with it as one (1) drawing if preferable, showing:
1. Proposed lot plan, indicating minimum and typical lot sizes, minimum and typical lot widths at front building line, setback line from street rights-of-way, proposed use of each lot, and identification number in each lot running consecutively through the plan;
  2. Proposed street plan indicating rights-of-way widths, pavement widths, approximate grades and street names;
  3. Proposed plan for surface storm drainage management including location of culverts, inlets, detention basins, outfalls and natural drainage ways;
  4. A plan or description for sanitary sewers and/or water supply systems, whether proposed as public or private, including points of connection to existing systems;
  5. Location and size of the area to be set aside for recreation, community use, common open space or permanent open space, if any; and
  6. Proposed location of easements through or into the plan, indicating width and use.
- C. Soil percolation tests conducted under the direction of the Township Sewage Enforcement Officer, with the location of the test holes shown on the Subdivision Plan and the test hole data shown separately, in the event the plan will not be connected to a public sewer system.
- D. Water Availability and Impact Study including well-head protection measures, where applicable.
1. Where water to service the plan is intended to be secured by way of a public water system or an extension of water lines from a company regulated by the Pennsylvania Public Utilities Commission or a Public Authority, the owner/applicant or applicant shall furnish a letter from such company or authority,

in a form acceptable to the Township evidencing the availability of water to service the plan, any applicable conditions thereto.

2. In all other cases where the plan will not be served by an existing public water system regulated by the Pennsylvania Public Utilities Commission or organized as a Public Authority, the owner/applicant shall be required to conduct a Water Development Impact Study as hereinafter set forth. In the event that the Water Development Impact Study conducted for a subdivision or new land development that will not be served by a public water supply indicates that a reasonable likelihood exists that the proposed development will not provide for a reliable, safe and adequate water supply to support the intended uses within the capacity of available resources, such factors shall constitute grounds for disapproval of the subdivision or land development plan.
  - a) Exception from water development impact study: No water development impact study shall be required for the division of any complete lot, complete parcel or tract of land or part thereof into not more than four (4) lots, parcels or tracts for the imminent or future conveyance, transfer, improvement, sale or lease and where there is no intent on the part of the owner/applicant or his successors that a subsequent division of the original lot, parcel or tract of land would create a total of more than four (4) lots, parcels or tracts until compliance with the requirements for water development impact study have been met.
  - b) Provided further, there shall be excepted from the water development impact study any subdivision or land development where the reasonably anticipated water usage is less than three thousand five hundred (3,500) gallons per day.
3. Conduct and Scope of Study: The water development impact study shall be prepared and sealed by by a Registered Professional Geologist qualified to conduct groundwater investigations in the Commonwealth of Pennsylvania. The purpose of this study will be to determine whether there is an adequate supply of groundwater for the proposed use and to estimate the impact of the anticipated additional water withdrawal on existing nearby wells, springs, aquifers and streams.
4. Study Requirements: The water development impact study shall be prepared at the developer's expense and shall bear the seal of and be signed by the person(s) preparing the study. Calculations of the projected water needs shall utilize the criteria set forth in the following references as the same may be amended from time to time:
  - a) "Public Water Supply Manual," Bureau of Community Environmental Control New Bureau of Water Supply and Community Health, Publication No. 15 by the Pennsylvania Department of Environmental Protection, Harrisburg, Pennsylvania, Document No. 383-0300-001, Guide for Determination of Required Fire Flow by the Insurance Services Office, ISO.
  - b) American Waterworks Association, Denver, Colorado.
5. A study shall include the following information:

- a) A geological map of the groundwater basin(s) containing the development shall be compiled at a minimum scale of 1:24,000.
- b) The location of all identified faults, lineaments and fractures within the area of the geologic map. In addition, a fracture trace analysis shall be conducted for the development and the area within one thousand feet (1,000') of the development site.
- c) The location of all existing and proposed wells within the groundwater basin(s) containing the development having a design capacity to withdraw seventy-two thousand (72,000) gallons per day or more.
- d) The location of all existing and proposed on lot septic systems and sewer lines within five hundred feet (500') of the development site.
- e) The location of all streams, perennial and intermittent, within fifty feet (50') of the proposed development site.
- f) The location of all existing and proposed mines of any type within one thousand feet (1,000') of the proposed development site.
- g) The location of all existing and proposed oil or natural gas production or storage wells within one thousand feet (1,000') of the proposed development site.
- h) The location of all existing and proposed gas storage pools underlying the development or within one thousand feet (1,000') of the development site.
- i) The location of all existing water wells within one thousand feet (1,000') of the lot boundary lines of the proposed development site.
- j) A discussion of the hydrologic setting of the development and its relationship to the groundwater basin(s) in which it resides.
- k) A hydrologic budget shall be calculated for the groundwater basin(s) containing the development and the results extrapolated back to the area of interest using long-term records for both streamflow and groundwater levels and long-term precipitation data. Such data shall be used to determine both extreme and average water budgets for the basin(s) that include the development. With justification, gaged water basins of superior similarity to the development may be used. Groundwater level records collected by the USGS for wells in the Pennsylvania Observation Well Network are recommended for analysis of the groundwater response. Records for well BT-311 (USGS site number 410501079524401) in Westmoreland County, and well AG-700 (USGS site number 403734080063001) in Allegheny County are suggested. The water budget analysis should include a summary of the expected hydrologic response of the basin(s) to extremes in precipitation and an analysis (problems, reliability, long-term trends) of the data used to prepare the budgets. Utilizing the budget which has been developed, the study shall focus on the relationship of the development to the basin including whether it is in a recharge, intermediate or discharge part of the system and whether there is ample recharge area for the needs of the community.

- l) An analysis of the relationship of the subdivision or land development to the overall hydrologic setting of the groundwater basin(s) and the expected hydrologic response of the development to the variations noted in the hydrologic budget analysis of the basin(s).
- m) The study shall include a minimum of one (1) test well for each four (4) lots or at least one (1) test well for each reasonably anticipated withdrawal of five thousand (5,000) gallons per day per land development or part thereof, whichever is less, and for each well constructed shall include:
  - a. An accurate geologic log shall be kept which describes the materials penetrated during well construction. Such descriptions shall include the type, thickness, color, moisture content, and depth encountered of the soil and rock encountered during construction. In addition, the log will note the depth, nature and water yield of each water bearing zone encountered during construction. Yield of the well shall be measured periodically during construction by volumetric or other quantitative method. The well depth at the time of the measurements, the yield and other relevant information shall be recorded on the log.
  - b. An aquifer pumping test of not less than forty-eight (48) hours duration or such time as is necessary to obtain sufficient data to characterize the hydrogeological system shall be conducted at a rate of not less than one hundred and fifty percent (150%) of the average peak demand of all wells planned for the development. A minimum well yield of five (5) gallons per minute per single family lot or equivalent dwelling unit as defined by the Pennsylvania Department of Environmental Protection, 25 Pa. Code § 71.1 shall be used. Such aquifer pumping test shall include a pumping well and at least one (1) observation well, both completed to monitor the same hydrologic unit. Pre and post pumping water level data will be collected from the pumping well and all observation wells for periods of time adequate to correct the data collected during pumping and to analyze the recovery of the wells following pumping. Poorly designed or improperly conducted aquifer pumping tests yield results that are, at best, inconclusive. For this reason, the owner/applicant is strongly urged to submit to the Township an aquifer pumper test design for approval prior to conducting the test. A complete log of the pumping test shall be maintained and submitted as part of the report.
    - i. An analysis of a water sample, collected from the well at the end of the aquifer pumping test and submitted to a Department of Environmental Protection certified laboratory to determine its compliance with Environmental Protection Agency Safe Drinking Water

parameters, shall be provided to the Township for each well and a copy of such test results shall be submitted with the study.

- c. To determine the impact of the development on existing wells, a sample of the existing wells, necessary to characterize the hydrogeology of the development shall be monitored for changes in water level. Water level monitoring in these wells shall be sufficient to construct a hydrograph for each well showing a continuous record of water levels before, during and after the aquifer pumping test.
        - d. The discharge of the pumping well shall be periodically and accurately measured during the aquifer pumping test. The results of the measurements and the time they were taken shall be recorded on the pumping test log.
        - e. A copy of the Pennsylvania Department of Environmental Protection Water Well Completion Report Form, or such successor form for each well constructed as part of this study, shall be included in the report.
6. The study shall analyze and interpret all relevant data regarding the anticipated impact of the proposed development on the groundwater supply and existing wells within one thousand feet (1,000') of the proposed development. The credentials of the person(s) preparing the report shall be included and conclusions shall be drawn from the analysis with respect to:
  - a) The availability of sufficient water for the proposed development and existing wells.
  - b) The probable effects of long term pumping of the wells proposed for construction in the development on: the groundwater levels of the development; the groundwater levels of the property adjacent to the development; and on the water budget of the groundwater basin(s) in which the development is proposed, including the probable effects during drought conditions.
  - c) Whether the groundwater recharge in the groundwater basin(s) serving the subject property after development, during drought conditions (where the twelve [12] months precipitation deficit is forty percent [40%] of average annual precipitation) will exceed the anticipated water usage and whether the proposed development will lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property below acceptable levels. Comprehensive analysis may include development of probability curves to provide a substantial statistical basis for determining how frequently a drought is likely to occur.
7. The location, nature and potential influence of possible sources of groundwater contamination within the development or up grade of the development. Such sources would include, but not be limited to, occupied or abandoned industrial sites, above and below ground fuel storage tanks, agricultural chemical storage handling

and application areas, waste handling and disposal facilities, active or abandoned mining operations, active or abandoned oil or gas wells.

8. The impact of projected consumptive use on the groundwater system shall be included in the analysis of the water budget for the development. Such analysis shall include, but not be limited to, the consequences on the water budget of diversions of water due to public sanitary sewerage, stormwater management and such other alterations to the hydrologic system that may result from construction of the development itself or from existing or proposed construction upgradient of the development.

#### **§ 110-14. Final Plat Submission Application.**

- A. Having received preliminary plan approval, an owner/applicant shall, within one (1) year of receiving such approval, submit at a minimum eight (8) copies of all documentation required for final plan approval to the Township Secretary. Failure to present the plan for final approval within one (1) year shall render the preliminary approval void.
- B. The application and all required material including an 18 inches x 24 inches mylar if a revision to the approved preliminary plan has been made shall be submitted at least twenty-eight (28) days prior to the date of Planning Commission meeting and may be for all or a part (phase) of the plan given preliminary approval but the portion submitted shall be consistent in key design elements as identified on the approved preliminary plan, including the location of primary and back-up on-lot septic systems where applicable. A key map shall be provided on the Final Plan showing the location and boundaries of the submitted part (phase) of the overall plan.
- C. The Planning Commission shall review the submitted documents at its next regularly scheduled meeting following a determination by the Chairman of the Township Planning Commission that it is a completed application, in the presence of the owner/applicant or his representative. The Commission may table the submission if the owner/applicant or his representative are not present and certain aspects of the plan as submitted are deficient. The completed submission shall be reviewed as to its conformance with the requirements of this Chapter and with other applicable Township regulations. If the Commission is satisfied that all requirements have been met, it shall submit its recommendations to the Board of Supervisors.
- D. If the Commission is not satisfied that all requirements have been met or that the final plan application deviates substantially from the preliminary approved application, it will indicate the specific discrepancies and/or deficiencies to the owner/applicant in writing. The owner/applicant shall then make appropriate corrections to the documents before again submitting them for final approval. The Commission may recommend that the Board retain professional review assistance as provided for in this Article.

- E. The Planning Commission shall send its recommendations in writing to the Board of Supervisors indicating approval, disapproval or approval with conditions.
- F. The Board of Supervisors shall review the recommendations of the Township Planning Commission and the comments of the County Planning Department. The Board may call and hold a public hearing on the final plan application, properly noticed. The Board shall make its final decision, either approval, approval with conditions, or rejection of the final plan application, not later than ninety (90) days after the meeting of the Planning Commission at which the final plan application was first presented and not subsequently rejected by the Commission. The official decision shall be transmitted in writing to the owner/applicant at the address of record not later than fifteen (15) days after the date of the decision, indicating specifically, if the application is denied, the reasons for denial, citing the appropriate ordinance section and the steps needed to gain approval (See Section 508 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- G. Failure of the Board of Supervisors to render a decision and/or to communicate it to the owner/applicant within the time and in the manner required above shall be deemed an approval of the application as presented to the Board unless the owner/applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have the same effect (See Section 508 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- H. The provisions of Section § 110-16 shall also apply to final plan applications.

**§ 110-15. Recording.**

- A. The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Section § 110-16 shall render the final plan application ready for recording.
- B. Upon the approval a final plat, a representative of the Township shall within ninety (90) days of such final approval, or ninety days (90) after the date of delivery of an approved plat signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of the Recorder of Deeds of Westmoreland County. Whenever such plat approval is required by the Township, the Recorder of Deeds of Westmoreland County shall not accept any plat for recording, unless such plat officially notes the approval of the Board of Supervisors and review by the Westmoreland County Planning Department.
- C. A copy (paper) of the recorded plat shall be retained by Ligonier Township for future reference.

**§ 110-16. Final Subdivision Plat Submission Requirements.**

A. Final Plan Map – General Information

1. The map scale shall be either one inch equals fifty feet (1" = 50') or one inch equals one hundred feet (1" = 100');
2. The map shall be prepared in ink on mylar material and four (4) copies submitted; in addition a digital version in a format specified by the Township shall be submitted as well as a 8.5" x 11" transparency;
3. If final plan approval is sought for only a part of the area for which preliminary plan approval has been granted, a key map shall be provided showing the relationship of the area for which final approval is requested to the area granted preliminary approval;
4. A title block in the lower right hand corner of the plan sheet containing:
  - a) Title approved by the Planning Commission under which the subdivision or development plan is to be recorded;
  - b) Date of submission of the plan;
  - c) Graphic scale;
  - d) Name and address of landowner and/or applicant, if different; and
  - e) Name and address of Registered Land Surveyor or Professional Engineer who prepared the plan with his Pennsylvania seal affixed.
5. Certificates and acknowledgements, as may be required
  - a) Individual or corporate adoption, notarized;
  - b) Individual or corporate acknowledgement, notarized;
  - c) Guarantee of title and mortgagee's consent to recording, if applicable, notarized;
  - d) Engineers and surveyors certificates, sealed;
  - e) Review by County Planning Department;
  - f) Recommendation by Township Planning Commission;
  - g) Approval of Board of Supervisors;
  - h) Release of Ligonier Township from obligations to construct improvements;
  - i) Approval of any modification, if granted;
  - j) Approval of conditional use status, where applicable;
  - k) Proof of recording; and
  - l) State Highway Occupancy notice, if access is to a State Highway

B. Final Plan Map – Information on Plan:

1. Perimeter boundary line of area for which final plan approval is sought, indicating bearings and distances of each line;
2. Street right-of-way lines, indicating bearings to the nearest second and distances of lines, radii and lengths of curves and right-of-way width to the nearest hundredth of a foot;
3. Subdivision or lot lines indicating bearings and distances of lines and radii and length of curves to the same accuracy as for streets;
4. All setback lines, as required in this Chapter;
5. Easement rights-of-way lines, indicating bearings and distances, widths and use of easement;
6. Names of all streets;

7. Lot or parcel numbers in each lot conforming to approved preliminary plan;
8. Location of all monuments to be set by owner/applicant in accordance with Article V;
9. Location of any lands within the property to be dedicated for public use, public recreation or open space, such land to be designated for a specific use on the plan and dimensioned as for other lots;
10. Area of each parcel of land to be sold to the nearest one-hundredth (.01) of a square foot;
11. Names of owners of unplatted adjacent property and names of adjacent lot or development plans, in appropriate locations;
12. North arrow

C. Supplemental Information:

1. Sewage disposal: Treatment on individual lots: Approximate location of soil test sites approved by the Sewage Enforcement Officer within the plan, and approximate location of absorption fields on each lot, as required by current Department of Environmental Protection regulations;
2. Water Supply:
  - a) Supply from on-lot well: Approximate location of well on each lot and volume of water capable of being produced, expressed in gallons per minute;
  - b) Attachment to existing system: Location of proposed lines indicating size and material, hydrants, valve boxes, point of connection to existing system and any storage or pumping facilities in the plan.
  - c) Proposed planting of the slopes and means of directing stormwater around the top and toe of the slope shall be indicated.
3. Profiles and typical cross-sections of public improvements shall be shown at the same horizontal scale as the Final Plan Map, but the vertical scale should be exaggerated for clarity. Existing and proposed grades along the centerlines and existing and proposed grades indexed at ten foot (10') vertical intervals shall be shown:
  - a) Profiles along centerline of each section of street to be constructed showing existing ground elevation, proposed grades, vertical curves connecting changes in grade and connection to existing roads;
  - b) Typical cross-section through proposed streets between rights-of-way lines showing depth and widths of materials to be used to meet Township road construction standards;
  - c) Profiles along the centerline of each section of storm drain line, indicating line size, material and slope, inlets, culverts, points of intersection with other utilities and outfalls; and
  - d) If connection to a public sewage disposal system is proposed, the rules and regulations of the Municipal Authority with jurisdiction shall dictate.

D. Titles and Approvals Required of the Development Before Final Plan Approval can be given:

1. A letter from the Municipal Sewage Enforcement Officer attesting that lots to be sold are sufficient in area to accommodate on-lot sewage disposal and water supply within the requirements of the Commonwealth law, based on soil percolation tests conducted by the Officer;

2. If the plan will be connected to existing public sewage disposal and/or water supply systems, letters from the utilities indicating they will accept sewage and/or provide water to the plan as well as a Certificate of Public Convenience from the Pennsylvania Public Utilities Commission or a copy of an application for such a certificate provided by the water supplier;
3. An accounting by a Registered Professional Engineer or Professional Land Surveyor preparing the submission, of all costs for constructing improvements to be provided by the owner/applicant. Costs shall be broken down into quantities, unit costs and totals;
4. The form of an improvement bond, or other security written to the benefit of the Township, approved by the Township Solicitor and ready for the signatures of the Board of Supervisors, equal in value to one hundred and ten percent (110%) of the estimated cost of installing the improvements and may include ten percent (10%) for each year after the first year that the improvements will be under construction;
5. Any restrictive covenants, deed restrictions, and/or rights of easement in the form in which they will be filed as legal documents; and
6. If the proposed plan includes access to a State Highway, the Final Plan Map shall bear a notice that a highway occupancy permit is required, pursuant to Title 67 CS 441 before access to the adjacent State Highway will be permitted.
7. It shall be the responsibility of the developer or contractor to maintain streets that have not been accepted by the Township. As a condition of final approval, the developer shall either:
  - a) Provide a written contract to the Township to cover winter street maintenance and shall post a bond for one hundred and ten percent (110%) of the cost of one season's winter maintenance of streets in the plan. Plowing shall be done by the applicant's private contractor
  - b) Enter into a Winter Maintenance Agreement with the Township wherein the developer shall pay the Township two thousand five hundred dollar (\$2,500.00) per quarter linear mile (1,320 feet) of road for winter maintenance between November 1 and March 31. There shall be no prorating of funds which might be paid after November 1st, and there shall be neither any refunds to the developer should the roads not require winter maintenance, nor shall the Township ask for supplemental payments from the developer during harsh winter seasons.

E. Resubdivision: Where a plat was previously recorded containing lots specifically proposed for multi-family residential development, and subsequent transfer of individual units is indicated, administrative review and approval by the Township Planning Commission and Township Engineer shall replace the two (2) step Planning Commission recommendation and Board of Supervisors approval process as follows:

1. The resubdivision shall not create lots or parcels in violation of any current applicable Ordinance requirements nor create situations detrimental to health, safety or welfare of the general public.
2. Said administrative review and approval by the Township Planning Commission and Township Engineer shall be followed by the signing of the plat by the Chairman of

the Board of Supervisors and attested by the Township Secretary prior to recording at the Westmoreland County Recorders Office.

3. Administrative denial of a resubdivision plan may be referred to the Board of Supervisors on appeal by the applicant. The Board of Supervisors decision shall be binding and appealable to court.

**§ 110-17. Guarantee That Improvements Will Be Completed.**

- A. In lieu of the completion of the required public improvements and in the alternative, as a condition of Final Plan approval, the Board of Supervisors shall require the owner/applicant to deposit a corporate bond or other surety acceptable to the Board to be held in escrow and equal to the total estimated cost of site development, as determined by the developer's Engineer and approved by the Township Engineer, of all improvements to be constructed, plus ten percent (10%), to serve the approved Final Plan and agreed to by the owner/applicant and Ligonier Township. All required improvements shall be completed within five (5) years of the date of the Final Plan Application approval, unless the Township and the owner/applicant agree jointly to an extension of time. If the improvements are not completed within the agreed time period or approved extension, the Township may have the securities held in escrow, declared forfeit and shall utilize them to complete the improvements not at the time of forfeit complete (See Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- B. The amount of the 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 all of the required improvements estimated as of ninety (90) days following the date scheduled for completion of the improvements by the developer.
- C. The owner/applicant may request the Board of Supervisors to provide him with a signed copy of a resolution indicating approval of the Final Plan contingent upon the owner/applicant obtaining satisfactory financial security. The Final Plan shall not be signed by the Chairman of the Board until after the security bond is executed. The resolution shall be deemed revoked if the owner/applicant fails to secure the financial security within ninety (90) days of the date of the resolution.
- D. The form of the financial security shall be reviewed and approved by the Township Solicitor. Provisions for reevaluating the amount of the security or surety bond on the value of work still to be completed at the end of each year after the commencement of the project may be included.
- E. If the owner/applicant's Engineer and the Township's Engineer cannot agree on the amount of the financial security, or if the Township's Engineer recommends to the Board of Supervisors that the Board refuse the developer's estimate, the Board and the owner/applicant shall agree to retain and share the expenses of a third Registered

Professional Engineer who shall recalculate the improvements costs and provide a final estimate presumed to be fair and reasonable.

- F. Any improvements to be later maintained by a public authority or private utility company shall be installed and bonded in accordance with the authority or Public Utility Commission regulations.

**§ 110-18. Release from Improvement Bond.**

- A. The owner/applicant shall contact the Township Engineer before placing subbase or paving any vehicular street, before backfilling any sanitary or storm sewers, water lines, retaining wall foundations, or any other structures which are part of the improvements covered by the bond and shall not backfill until authorized to do so by the Township Engineer.
- B. When the owner/applicant has completed all the necessary improvements, he shall notify the Secretary of the Board of Supervisors by registered mail of the completion of the improvements and shall send a copy to the Township Engineer (See Section 510 of Act 247, as amended).
- C. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all the improvements.
- D. Having made his inspection, the Township Engineer shall file a detailed report in writing with the Board of Supervisors, not later than thirty (30) days after receipt of the authorization to proceed, with a copy of the report sent by registered mail to the owner/applicant. The report shall be detailed, and indicate approval or rejection of the improvements either in whole or in part. In the event that the Township Engineer shall not approve or shall reject any or all of the improvements, his report shall contain a statement of specific reasons for each such failure to approve or reject. Upon receipt of the Township Engineer's report, the Board of Supervisors shall, within the next fifteen (15) days after its regular monthly meeting next succeeding receipt of the report, notify the owner/applicant in writing by registered mail, of its action relative to the Township Engineer's report.
- E. If the Board or the Township Engineer fails to comply with the time limitation provisions of this Section, all improvements requested by the owner/applicant to be inspected will be deemed to have been approved and the owner/applicant shall be released from all liability pursuant to his performance guaranty bond or other security agreement covering only the improvements he requests be approved.
- F. If any portion of the improvements are not approved or are rejected by the Board of Supervisors, the owner/applicant shall proceed to repair and complete the improvements so designated and upon completion the same procedure of notification as outlined above for inspection and approval shall be initiated.

- G. Nothing in this Section shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or Township Engineer.
- H. If any improvements covered by the developer's bond or other security have not been installed within five (5) years of the date of final approval of the subdivision or development plan by the Board of Supervisors (unless the Board and owner/applicant mutually agree to an extension of specific length), the Board of Supervisors shall have the power to enforce the bond or other security by appropriate legal action and equitable remedies. If proceeds of such bond or other security are insufficient to cover the cost of installing or making repairs or corrections to all the improvements covered by bond or security and found unacceptable or left uninstalled, the Board of Supervisors, at its option, may install such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the improvements. All of the proceeds, whether resulting from any legal or equitable action brought against the owner/applicant, or both, shall be used solely for the installation of improvements covered by such security and for no other Township purpose.
- I. The owner/applicant shall submit to the Township as-built drawings of all stormwater management facilities installed, including the type and location of inlets, piping sizes, location and design of detention facilities and staged discharge units.
- J. Partial Release of Improvement Bond:  
The Board of Supervisors shall establish by resolution a schedule of charges based on the Engineer's normal hourly rates and expenses and amounts to be established as escrow accounts or deposits to cover consultant's review fees and inspections.
1. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements. The Board, on receiving the Engineer's certification approving release of a specific part of the bond, shall authorize the bonding company or lending institution to release the requested amount.

2. Failure of the Board to act within the forty-five (45) day limit shall constitute approval of release of the part of the bond requested by the owner/applicant, unless both parties agree to an extension of time.
3. Until completion and satisfactory inspection by the Engineer of all improvements in the plan, at least ten percent (10%) of the estimated cost of the improvements shall be retained by the Township.

K. Owner/applicant Reimbursement of Township Expenses: The owner/applicant shall reimburse the Township for reasonable and necessary expenses incurred by the Township's Engineer for the inspection of improvements up to final approval, and the preparation of reports thereon.

1. The Board of Supervisors shall establish by resolution a schedule of charges based on the Engineer's normal hourly rates and expenses. The owner/applicant shall be furnished a copy of said resolution upon request.
2. The owner/applicant shall establish an escrow account with the Township, following the granting of final approval, in an amount equal to seven percent (7%) of the total costs of the required public improvements, for the purpose of reimbursing the professional consultants retained by the Township, including legal services and for inspection costs related to the installation of said public improvements. At such time that draw downs from the escrow account result in a balance of five hundred dollars (\$500.00) or less, additional monies shall be deposited.
3. The owner/applicant shall enter into a developer's agreement with the Board of Supervisors as per the provisions of Section § 110-39, which lists the financial, administrative and site preparation responsibilities of the applicant, his contractors and consultants employed by either the applicant or Ligonier Township in order to complete the required public improvements. Said agreement shall include, but not be limited to, site activity schedules, storage of material, maintenance of construction entrances, removal of mud from adjacent roads and streets, on-site burning, blasting, scheduled inspections, procedures for public dedication of completed improvements, and provisions for the winter maintenance of new roads and streets.
4. The Engineer appointed by the Township shall provide a detailed breakdown of his allocation of time to particular aspects of the inspection and shall submit his statement to the Township Secretary.
5. The Township Secretary shall submit copies of inspection reports, at cost, to the owner/applicant, if requested in writing.
6. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
7. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to

- review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
8. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  9. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any Registered Professional Engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
  10. The fee of the appointed Registered Professional Engineer who determines the reasonable and necessary expenses shall be paid by the owner/applicant if the amount due is equal or greater than the original bill. If the amount of payment required is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee, otherwise the fee shall be paid equally by the owner/applicant and the Township.

**§ 110-19. Status of Improvements After Acceptance.**

- A. Approval of construction shall not constitute an acceptance for repairs or maintenance by the Township. All improvements shall remain in private ownership until such time as their dedication shall have been accepted by ordinance or resolution of the Board of Supervisors or until condemned for public use.
- B. Upon the completion of all improvements in a plan and their approval by the Township, the owner/applicant shall post a maintenance bond or other surety in favor of Ligonier Township in an amount not to exceed fifteen percent (15%) of the actual cost of installation of all the accepted improvements to run for a period of not more than eighteen (18) months from the date of acceptance by ordinance of dedication. Such bond or surety shall secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the approved plat.
- C. Upon submittal by the owner/applicant of as-built plans of the recorded plat, the posting of the required maintenance bond, the submittal of copies of any deed restrictions placed on the subject property, modifications granted (if applicable), a legal description of all public improvements installed, specifically road rights-of-way, and a certification by the owner/applicant's Registered Professional Surveyor that all required control monumentation has been installed as shown on the recorded plan, monies remaining in the deposit for inspection costs shall be returned.

ARTICLE IV  
**Land Development Plans**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-20. Application.**

Any proposal to develop land or to prepare land for development, including for unconventional oil and gas drilling, other than the act of subdivision shall be subject to the requirements of this Article with the following exceptions:

- A. Erection of a single or two-family detached dwelling on its own lot or accessory structures thereon;
- B. Improvements to any building that do not increase the area it occupies on the ground or the need for additional parking spaces;
- C. Expansion of a building to cover additional ground area provided the expansion is not more than five hundred (500) square feet and is not closer than one hundred feet (100') to any property line abutting a residential property or fifty feet (50') to any other property line;
- D. Expansion of existing buildings or construction of new buildings for agricultural use (housing of livestock), shelter for farm equipment, storage of silage, etc.) on a family-run farm or agricultural operation.

**§ 110-21. Minor Land Development Site Plan (Excluding Residential Subdivisions)**

- A. On recorded parcels of less than two (2) acres where the proposed development involves less than two thousand (2,000) square feet of new construction and no new public utilities or extension of public roadways or streets are proposed, shall be considered minor land developments.
- B. For the purpose of expediting applications and reducing site design and development costs, an informal pre application conference, where the owner/applicant submits three (3) copies of a minor land development plan in accordance with the following requirements, shall take place during a regularly scheduled Planning Commission meeting.
  - 1. Advisory Meeting: An owner/applicant shall submit minor land development plans at least twenty-eight (28) days prior to the scheduled meeting date before the Township Planning Commission to discuss the proposal. The purpose of this step is to afford the owner/applicant advice and assistance in order to save time and money, suggest professional services if needed, and to answer any questions the owner/applicant may have in regard to filing an application or

- other items required. The time period for formal review shall not begin until a completed application has been submitted.
2. General Information: The owner/applicant shall be prepared to discuss the details of the proposed minor land development including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, existing utilities and street improvements. The following data shall be submitted:
    - a) The boundaries of the property described by bearings and distances;
    - b) The location of adjacent streets indicating street curbs and stormwater inlets, and street width, as well as existing and/or proposed curb cuts entering the property and streets or curb cuts directly across the street from the property;
    - c) The location of existing buildings to remain and proposed buildings, showing distances to property lines, height, and use of each building;
    - d) The location and size of existing to remain and proposed sewer and water lines, or location of proposed on-lot sewage disposal system and well;
    - e) Arrangement of off-street parking on the property, indicating number of spaces and location of access lanes, as well as truck servicing areas;
    - f) Proposed areas of grading on the site, indicating steepness of slopes and means to collect and dispose of stormwater, in accordance with this Chapter;
    - g) Proposed landscaping of the site, indicating also pedestrian walks, retaining walls, fences and other features.
    - h) A location map shall show the relationship of the proposed development to existing community facilities which serve or influence it and shall include the development's name, location, property owners name and telephone number, title, scale, north arrow and date.
    - i) The location of the proposed development shall be shown on the U.S. Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
    - j) Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive or improper fill material, or land improperly drained.
  3. Master Plan: If the developer's land development plan shows that he intends to develop in several phases, a master plan showing the entire proposed development including all proposed phases shall be submitted with the plan.
  4. Where the proposed minor land development application also involves action on a subdivision the Planning Commission shall make recommendations to the Board of Supervisors in compliance with this Section prior to recommendation of approval of the minor land development application.

5. All required Federal, State and Township permits and approvals shall be acquired by the owner/applicant prior to the issuance of any zoning/building permits.
6. This procedure for minor land development review shall be in lieu of the requirements of Section § 110-22.
7. The owner/applicant shall be apprised of the required method of payment for costs associated with consultant review fees, technical reports, inspections and related services. Owner/applicant shall be responsible for all such costs.

#### **§ 110-22. Plan Submission and Review**

- A. The owner/applicant is urged to request the Planning Commission to informally review a proposed land development plan relative to the requirements of this Section at a regular Planning Commission meeting. The owner/applicant shall provide a sketch plan showing in preliminary form, the information required for the formal submission. Any statements made by the Commission members during this pre application meeting shall not be deemed to be indicative of approval or disapproval of the plan as it will be later presented. The owner/applicant shall inform the Township Secretary at least ten (10) days prior to the meeting, or as otherwise specified, of his intent to present a sketch plan.
- B. For a formal application, the owner/applicant shall provide at least five (5) copies and one electronic file of the following drawings and data to the Planning Commission, informing the Township Secretary at least twenty-eight (28) days prior to a regular meeting date. The owner/applicant or his authorized representative shall be in attendance to present the application. The following information shall be included in a formal application:
  1. Name, address and telephone number of property owner, and owner/applicant if different from owner; name, address, and seal of the Registered Land Surveyor who has prepared the property survey and seal of the Registered Land Surveyor or Professional Engineer who prepared the plan; scale of the drawing, north arrow, date of drawing and location map relating the site to nearby major roads and landmarks;
  2. Boundaries of property, described by bearings and distances;
  3. Contours at a vertical interval of two feet (2') for all areas of the site;
  4. Existing physical features on or adjacent to the site including, but not limited to, access or utility easements, watercourses, drainage swales, culverts, storm drains, buildings, sewer and water lines, manholes and fire hydrants, street rights-of-way lines, edges of pavement and pavement widths, location of vehicular entrances across the street from the site, all public utilities proposed, steep slopes, wooded and flood prone areas of the site, any other significant man-made or natural features, and use of abutting properties surrounding the site;
  5. Proposed improvements to be installed on the site or connecting to off-site services, including, but not limited to, buildings with number of floors, dwelling units indicating number of bedrooms in each and/or rentable commercial floor area,

- points of access from adjacent road or roads, internal vehicular driveways, parking areas with each parking space shown, walkways, if any, grading and drainage revisions needed to accommodate the project, preliminary landscaping plan, and connection of development to off-site utility lines or means to provide sewer and/or water service on the property;
6. Proposed total development of the property in terms of gross floor areas, in preliminary form showing phasing of development if the plan presented is for only a part of the total land holding.
  7. Facilities to control erosion and collect sediment during construction in accordance with Section § 110-38 of this Chapter;
  8. A Traffic Impact Study (TIS, if required by the Township, shall be prepared by a Professional Engineer demonstrating the traffic impact of the proposed development and an impact mitigation plan. The TIS shall be prepared in accordance with the current guidelines established by the PADOT and accepted engineering practices. The scope of the study shall be determined by Ligonier Township.
  9. A Highway Occupancy Permit Application from PaDOT if the site is to have access to a State Highway; A Township driveway permit approval for the site is to have access to a Township highway.
  10. Letters, or approved modules, verifying capacity and access to public sewer and/or water systems, or certificate of approval from Sewage Enforcement Officer if the development is to be served by on-lot sewage disposal;
  11. Typical cross-sections through access drives and parking areas showing slopes and materials to be used and their thicknesses; and through areas of significant grading, showing means of draining the sloped surfaces;
  12. Profiles along centerlines of sanitary and storm sewers or drainage swales, showing connection to off-site system, and profile along centerline of access drives showing elevation of surface before and after installations of improvements;
  13. A notarized letter addressed to the Board of Supervisors indicating whether or not any toxic or hazardous chemical or other substances regulated by the Pennsylvania Department of Environmental Protection (PaDEP) will be used in connection with the operation of the development, and if so how such use will be controlled and waste materials disposed of.
  14. The Township Engineer shall review all data for compliance with the standards of this Article and shall report his findings and recommendations to the Board of Supervisors within thirty (30) days of receiving the material. The owner/applicant shall provide the Engineer with all the above not later than thirty (30) days following the date of the first review of the application by the Planning Commission.
- C. The Planning Commission may recommend approval, disapproval or approval with conditions to the Board of Supervisors after reviewing the submitted drawings and data. The Board shall vote to approve or disapprove the plan and may modify or accept any or all of any recommended conditions, which shall be noted on the final approved plans. The Board shall make its decision not more than ninety (90) days after the regular meeting date of the Planning Commission at which the application was first formally

reviewed. If the owner/applicant chooses not to accept all the conditions attached to the approval he shall so inform the Township Secretary and the application shall be considered as denied, otherwise a final plan of proposed improvements, including additions or corrections to address conditions imposed by the Planning Commission shall be submitted

- D. If the owner/applicant withdraws his plan after having submitted it and prior to any action from the Planning Commission, the review period shall cease and shall start from day one when the plan is resubmitted. If the Planning Commission requests additional information from the owner/applicant that is not provided with the application, the time period shall be held in abeyance until the information is provided and then will commence at the beginning of the ninety (90) day review period.
- E. Approval of a plan shall constitute an agreement between the owner/applicant and the Township that the site will be developed in accordance with the plan. Any subsequent deviations in the plan shall require review and action by the Planning Commission. The owner/applicant shall apply for a building permit within six months (180 days) after receiving final plan approval.

#### **§ 110-23. Improvement or Performance Bond**

As a condition of final approval, and consistent with the provisions of Article 3, the Board of Supervisors may require an improvement or performance bond to be purchased by the owner/applicant, or an escrow account to be opened, to the benefit of Ligonier Township, to cover on-site improvements. Such bond or escrow account shall not exceed one hundred and ten percent (110%) of the value of the improvements to be guaranteed. Such improvements may include, but need not be limited to, construction and paving of driveways, parking areas and walkways, storm drainage collection, retention and disposal system, and landscaping materials. The Township Engineer shall review cost estimates prepared by the Registered Professional Engineer or a Professional Surveyor of the owner/applicant shall determine the costs of the improvements to be covered, and shall inform the Board and owner/applicant. If the owner/applicant's Engineer and the Township's Engineer cannot agree on the amount of the financial security, or if the Township's Engineer recommends to the Board of Supervisors that the Board refuse the developer's estimate, the Board and the owner/applicant shall agree to retain and share the expenses of a third Registered Professional Engineer who shall recalculate the improvements costs and provide a final estimate presumed to be fair and reasonable. The bond or escrow account shall be released as provided for in Article 3, Section § 110-18.

#### **§ 110-24. Design Standards, Landscaping**

- A. Where a proposed commercial, industrial or institutional land development will abut residentially developed property, landscaping shall be installed in a minimum ten foot (10') wide planting strip along the perimeter of the abutting property, consisting of a

50%-50% mix of deciduous and evergreen trees, a minimum of three inches (3") dbh on ten foot (10') centers. All plant materials, once in place, shall be maintained by the commercial, industrial or institutional property owner and replaced if necessary.

- B. Landscape Plan. A landscape plan and associated planting details shall be submitted with all zoning, subdivision and/or land development applications. The landscape plan must contain and show the following information:
1. All proposed/existing structures and paved areas.
  2. All required bufferyards and the proposed vegetation within the bufferyard.
  3. All proposed vegetation and planting beds.
  4. Any existing trees or vegetation which are to be preserved.
  5. Any existing trees or vegetation which will be removed.
  6. A planting schedule that communicates the common name, scientific name, quantity, and condition of all proposed vegetated material.
  7. Table(s) that demonstrates compliance with the bufferyard and/or landscaping provisions of this chapter.
  8. Appropriate landscape details, notes, specifications, and methods of protecting existing vegetation.
  9. The landscape plan shall accurately identify the location and scale of the proposed species at 75% maturity.
- C. Bufferyards. Applicants shall demonstrate through the submission of a landscape plan that sufficient buffering is provided as required to minimize impact to adjacent uses.
1. No structure or uses shall be permitted in the bufferyard, other than stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the bufferyard. Structures or uses not permitted within the required bufferyard include, but are not limited to, buildings, accessory structures, parking spaces and lighting devices.
  2. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
  3. When the width of a required buffer area is in conflict with the minimum building setback requirements of the Zoning Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
  4. Minimum bufferyard standards. At a minimum, bufferyards shall include:
    - a) One (1) deciduous tree and three (3) evergreen trees for every 100 feet of property line where buffering is required.
    - b) Five (5) shrubs shall be provided for every 100 feet of property line where buffing is required.
    - c) A minimum of seventy-five (75%) percent of the plant material shall be grouped in planting beds as opposed to isolate mulch rings.
    - d) The required plant material shall be distributed over the entire length and width of the buffer area.

- e) Buffer plant material shall be arranged asymmetrically and may be grouped to form plant clusters. Informal groupings that reflect the natural character of the region are encouraged.
  - f) Plants shall be spaced to provide optimum growing conditions.
  - g) Buffer yards are required to be a minimum of twenty (20) feet in width.
5. The Township encourages flexibility in design and will entertain alternative bufferyards where the applicant demonstrates the buffering is equal to or better than the requirements of this chapter and meets the intent of this section. The use of decorative walls, decorative fences and landscape berms are allowable in an effort to meet the requirements of this section. The applicant shall demonstrate that the proposed buffering exceeds the minimum requirements by submitting an exhibit(s) that compares the proposed buffering to the requirements listed in this section.
  6. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
  7. It shall be the responsibility of the owner/applicant to assure the continued growth and maintenance of all required materials within the bufferyard. Replacement of vegetative material shall be no later than the subsequent planting season.

D. Landscaping. All land development applications shall include provisions for landscaping in accordance with the following landscape requirements:

1. Landscaping shall be used in all open areas not covered by buildings, required parking areas, sidewalks or other impervious surfaces. Landscaping shall provide a mixture of vegetated material that is compatible with the land development and the surrounding land uses.
2. Within the site area, landscaping shall be generally required for the following areas: the building perimeter; parking lots; dumpsters; loading area; and stormwater detention facilities.
3. Artificial plants are prohibited as a substitute for required landscaping improvements included in this chapter.
4. Sight distance shall not be adversely affected by the location and size of landscaped plantings. Consideration shall be given to future growth potential of all planted materials in reviewing sight distance issues.
5. Deciduous trees shall be required at the following rates:
  - a) One (1) per dwelling unit in single-family residential developments.
  - b) One (1) per 5,000 square feet of the total site area in all other residential developments.
  - c) One (1) per 4,000 square feet of the total site area in non-residential developments.
  - d) Street trees, BMP tree plantings and trees within parking lot islands shall be counted towards the deciduous tree requirement. Required vegetation within bufferyards shall not fulfill this requirement.
6. Shrubs shall be required at the following rates:
  - a) One (1) per 1,000 square feet of the total site area in all land development projects except for single-family developments.

- b) BMP shrub plantings shall be counted towards the shrub requirement. Required vegetation within bufferyards shall not fulfill the shrub requirement.
- E. Street Trees. Deciduous street trees may be provided in all land development projects which include new streets.
- 1. Street trees shall be located outside of the Right-of-Way.
  - 2. The spacing of trees shall be a minimum of fifty (50) feet on center.
  - 3. Street trees shall have a canopy of thirty (30) to fifty (50) feet spread at maturity.
- F. Landscaping of Parking Areas.
- 1. Interior landscaping shall be required for new parking areas. Where a preexisting parking area is expanded to increase the size to 4,000 or more square feet of area or ten (10) or more parking spaces, interior landscaping shall be provided for the new parking areas.
  - 2. Interior landscaping islands shall be a minimum of ten (10) feet wide and equal to the length of the abutting parking stall(s).
  - 3. One internal landscape island shall be provided for every ten (10) consecutive parking spaces arranged in a perpendicular or angled layout.
  - 4. Each interior landscaping island shall, at a minimum contain at least one (1) deciduous tree.
  - 5. Applicants are encouraged to include BMP and stormwater facilities within landscape islands.
  - 6. All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface. Wedge curbing and curb cuts that accommodate drainage into BMP islands are acceptable.
- G. Screening.
- 1. All service structures shall be fully screened.
  - 2. Location of Screening. A continuous planting, hedge, fence, or wall shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required.
  - 3. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.
  - 4. When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.
  - 5. Whenever service structures are screened by plant material, such material may count toward the fulfillment of required number of shrubs.
- H. Plant Sizes and Requirements.
- 1. Deciduous Trees. All trees required to be planted shall be a minimum of two (2) inches in diameter at 4.5 feet above the ground. Dwarfed species shall not be considered deciduous trees.
  - 2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) foot in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.

3. Shrubs. All shrubs required to be planted shall be a minimum of twenty-four (24) inches in height at planting.
4. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60.1, current edition, as amended.
5. No one species shall comprise more than thirty-three percent (33%) of the entire number of plantings in a particular development.
6. Installed plant material should be locally grown, if possible.
7. Plant material shall be selected from the PA DCNR native plant publications. Selected plant material shall not include any invasive species identified on the PA DCNR Invasive Plant Database.

I. Landscape Modifications.

1. The Township Supervisors may modify or waive the landscaping standards of this chapter where one or more of the following conditions occurs:
  - a) There is existing healthy vegetation that is sufficient to meet the requirements.
  - b) Landscaping would interfere with utilities, easements, sight distance or other vegetation.
  - c) A required bufferyard would create redundant and/or duplicated bufferyards along abutting lot lines.
2. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required bufferyard to screen the buildings, activities and parking areas from adjoining residential properties, the Township Commissioners, upon recommendation by the Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required bufferyard. If such a determination is made and the size of the bufferyard warrants it, the applicant may be required to record a conservation easement of the depth specified by the Township Commission to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.

J. Posting of Financial Security for Landscaping.

1. The landowner and/or developer shall provide the Township with performance security, as required by the Subdivision and Land Development Ordinance, during development of the site to guarantee proper installation of the required landscaping and bufferyard materials required by this chapter and as shown on the Township-approved landscaping plan.
2. security shall be handled consistent with the requirements of the Subdivision and Land Development Ordinance.
3. All required landscape materials are considered a part of the zoning and/or subdivision and land development approval. If any required vegetated material dies and/or is removed at any point after installation and is not replaced during the following planting season, the site will be considered in violation of its zoning and/or subdivision and land development approval

- K. The Planning Commission may recommend and the Board of Supervisors may require the owner/applicant to post a maintenance bond or establish an escrow account to guarantee survival of all plant materials for a period of not more than two (2) years after the initial planting. The Board may also require the owner/applicant to provide a continuous maintenance program for feeding, spraying and pruning of all plant materials on the site. The owner/applicant shall submit an as-built landscaping plan whether a maintenance bond is posted or not.

**§ 110-25. Recording.**

- A. The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Section § 110-16 shall render the land development plan application ready for recording.
- B. Upon the approval of a land development plan, a representative of the Township shall within ninety (90) days of such final approval, or ninety days (90) after the date of delivery of an approved land development plan signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such land development plan in the Office of the Recorder of Deeds of Westmoreland County. The Recorder of Deeds of Westmoreland County shall not accept any land development plan for recording, unless such land development plan officially notes the approval of the Board of Supervisors and review by the Westmoreland County Planning Department.

ARTICLE V  
**Design Standards and Required Improvements**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-26. General Standards**

- A. The owner/applicant shall install, at no expense to the Township, all of the required improvements that he and the Board of Supervisors agree upon, in accordance with the standards outlined in this Article.
- B. The Board of Supervisors upon recommendation of the Planning Commission, may at the Board's discretion, modify the improvements required of the owner/applicant where unusual conditions are present, where normal application of the requirements would jeopardize the public safety or the safety of any occupants of the plan or subdivision or abutting properties, or where the design standards impose a clear hardship on the owner/applicant through no fault created by him.
- C. When directed by the Township the Township Engineer shall inspect the installation of required improvements for which financial security has been posted in all approved subdivisions or land development plans while they are being installed and upon completion, in accordance with Section § 110-18 of this Chapter.
- D. The design standards contained in this Article are minimum standards. When restrictive covenants or deed restrictions imposed by an owner/applicant on the subdivision or land development plan are more restrictive, they shall govern, however the Township shall not be responsible for the enforcement of private covenants.
- E. Land susceptible to flooding or exceptionally high water table, or underlaid by unstable subsurface conditions, steep or unstable slopes, or impacted by the presence of high voltage electric or high pressure gas or oil transmission lines shall not be approved for subdivision or land development unless the plan proposes safeguards adequate, in the opinion of a Registered Professional Engineer, to protect the general public and adjacent property owners specifically.
- F. The subdivision of a tract of land shall not leave remaining any portions that are landlocked or parts that are not designated as lots, streets, lands dedicated for public use or land to be retained by the owner of the tract with reasonable access for later subdivision.
- G. All required information shall be submitted in a form and at the scale specified in this Article.

**§ 110-27. Monuments and Pins.**

- A. Concrete monuments shall be set permanently on at least one side of the street on right-of-way lines, at all points of tangent and points of curvature along interior streets to be recorded.
- B. Monuments and markers shall be set in the field exactly by a Registered Land Surveyor in accordance with the bearings and distances shown on the recording drawing.
- C. Monuments shall be made of pre-cast concrete thirty inches (30") long by six inches (6") in cross-section and shall be set flush with the ground level. Ferrous material shall be imbedded in each monument and scored or marked to indicate the exact point of crossing of the intersecting lines.
- D. Any monuments or pins that are removed shall be replaced at the owner/applicant's expense until such time as the Township accepts the monumentation and the owner/applicant's interest in the subject property ceases.
- E. The placing of all monuments shall be a line item included in the financial surety posted for required site improvements.

#### **§ 110-28. General Street Design Standards**

- A. General Standards:
  - 1. Circulation within a subdivision or land development plan shall logically relate to and be an extension of the Township road system, or, if extending beyond the Township boundary, to the road network in the adjacent municipality.
  - 2. The layout of streets shall relate as closely as possible to existing topography in order to minimize earth moving, produce usable lots or development areas, create reasonable grades, and preserve the amenities and natural cover of the site.
  - 3. The Township may impose higher standards where it is clear that a dangerous situation may be created by the location, grade or intersection of streets or by topographical conditions.
  - 4. Minor streets shall be designed to discourage use by traffic with no origin or destination within the subdivision plan or land development or extensions thereof.
  - 5. Streets shall be extended to the boundaries of a subdivision or land development plan if connection can be made to an existing or recorded street in an adjacent subdivision or plan or if topography or shape of the adjacent undeveloped property suggests a logical extension exists to that property.
  - 6. The Planning Commission may require an owner/applicant whose land abuts a major highway to orient his plan away from the highway with no lots having access directly to it and to limit his points of access into the subdivision plan or land development to a minimum number with adequate sight distances.
  - 7. Alleys shall be prohibited and all streets, roadways, and rights-of-way shall be designed and constructed based on the functional classification of such streets and roadways.

8. The owner/applicant may construct streets and install other improvements at the same time that buildings in the subdivision plan or land development are being built, but no building within the plan shall be occupied until the street is acceptable to the Township across the front of the lot containing the building to be occupied and extending to completed portions of the road system.

B. Street Intersections:

1. Streets shall be laid out to intersect as at right angles. If it is not possible to obtain ninety degrees, the intersections shall be and not less than sixty degrees (60°) or more than one hundred twenty degrees (120°).
2. Where two (2) streets intersect a third street from opposite sides, the distance between the centerlines of the two (2) streets shall be not less than one hundred and twenty-five feet (125'), or else they shall intersect the third street directly opposite. See also Section § 110-34.
3. Unobstructed sight distances shall be maintained at intersections.
4. Where street grades at intersections exceed five percent (5%), a leveling area shall be provided so that within a distance of sixty feet (60') from the intersection of street centerlines, a grade of not more than three percent (3%) shall be created. See also Section § 110-34.
5. Intersections involving the crossing of more than two (2) streets shall not be permitted.
6. Intersecting pavements shall be designed with a radius of not less than twenty-five feet (25') at intersecting minor streets, twenty-five feet (25') at intersecting minor and major streets and thirty-five feet (35') at intersecting major streets.

C. Cul-de-Sacs and Temporary Dead-End Streets:

1. Streets to be permanently closed at one end (cul-de-sacs) shall not be greater than sixteenhundred linear feet (1,600') to the center of the turnaround nor less than two hundred fifty feet (250') in length measured between the center of the turnaround at the closed end and the centerline of the intersected street at the other end. The turnaround shall have a right-of-way diameter of at least one hundred feet (100') and a paved diameter of at least eighty feet (80') on the paved cart way. The paved portion shall be at least twenty-four feet (24') in width and the center of the cul-de-sac need not be paved if it is planted and maintained. If the full width of the cul-de-sac is paved, a paved diameter of eighty feet (80') shall be provided. See also Section § 110-34.
2. Where the sixteen hundred (1,600) linear feet maximum cul-de-sac street length is exceeded by modification, a paved area sufficient in size to allow for the turning and maneuvering of school busses, emergency vehicles, and maintenance equipment shall be provided within a dedicated right-of-way and placed in a location beyond two-thirds (2/3) of the street length as modified, from the centerline of the intersection of the open end of the street, to the terminus of the street right-of-way line. An appropriately enlarged cul-de-sac bulb may comply with this requirement.
3. Where a subdivision or land development consisting of twenty (20) lots or more is proposed with only one (1) point of public access to an abutting public right-of-

way, a paved area sufficient in size to allow for the turning and maneuvering of school busses, emergency vehicles, and maintenance equipment shall be provided within a dedicated right-of-way. An appropriately enlarged cul-de-sac bulb may comply with this requirement.

4. All cul-de-sac streets shall be provided with a snow storage easement extending fifteen (15) feet from the paved portion of the cul-de-sac bulb. Said easement shall be a minimum of four hundred and fifty (450) square feet and the area shall be graded to direct runoff to the paved portion of the roadway for discharge into the storm sewer system. The easement may extend over two (2) lots.
5. If a subdivision or land development plan is developed over several stages and streets are to be extended as development proceeds, temporary dead-end streets produced in one stage to be extended in a later stage shall be provided with an all-weather turnaround whose use and maintenance is guaranteed to the public by the owner/applicant. A developer's agreement to guarantee completion of future phases will be required.

D. Private Driveways: Driveways entering public streets shall be graded to prevent stormwater flowing from the driveway onto the paved portion of the public street. The street's gutter line shall be maintained across the private driveway, or stormwater may pass under, provided the gutter alignment is not compromised and the pipe under the private driveway is of sufficient size to carry the stormwater flow from the one hundred (100) year storm without creating ponding on the upstream end.

E. Street Construction Standards: Streets shall be designed, graded, surfaced and improved to the widths and dimensions identified in the Township's Standard Construction Details attached as Appendix B, and profiles and cross-sections submitted by the owner'/applicant's consultants and approved by the Board of Supervisors.

F. Street Names and Signposts: Streets that are extensions of existing streets or are substantially in alignment with them shall bear the name of the existing street.

1. Street names shall be subject to the approval of the Board of Supervisors and shall not duplicate names already in use within the same postal zip code zone.
2. The applicant shall obtain approval from Westmoreland County emergency services for all street names
3. Approved street name signs shall be placed at all street intersections within the plan or at the intersection of existing streets and streets entering the plan.
4. Signs and supports may be provided by the Township at the developer's expense and installed by the owner/applicant, although the Township and owner/applicant may mutually agree on an alternative sign type.

## **§ 110-29. Easements.**

A. Public Utilities:

1. Where possible utilities shall be placed within the street rights-of-way but where that is not possible they shall be placed, except to accommodate unusual sanitary

sewer or storm drainage conditions, within easements centered on side or rear lot lines.

2. Easements across private property shall be not less than twenty feet (20') in width and shall be aligned from lot to lot across a subdivision or land development plan, or within a single tract. They shall be clearly identified on the final plan as to their intended purpose. See also Section § 110-36.
3. A minimum distance shall be maintained between any point of a residential building and the nearest petroleum products or natural gas transmission line in accordance with the Pennsylvania Public Utility Commission regulations, but in no case less than twenty feet (20').

**B. Drainage:**

1. Where a subdivision or land development plan is traversed by a watercourse or storm drainage line, a drainage easement or right-of-way shall be provided and recorded on the plan.
2. The easement shall be of sufficient width to accommodate the watercourse or line as well as areas adjacent to the watercourse subject to frequent high water conditions or utilized as detention ponds, etc. and to allow access for work crews to maintain the drainageway, or 50 feet from the top of the bank of the watercourse

**§ 110-30. Lot Layout.**

- A. Every lot in a subdivision shall abut a recorded street and have a minimum of fifty feet (50') of frontage at the right-of-way line.
- B. Side lines of lots shall be at right angles or radial to street lines as nearly as possible.
- C. Double frontage or reverse frontage lots shall be discouraged except where lots abut along their rear property line a collector or arterial roadway, in which case the rear building setback line of the lots shall be a minimum of fifty feet (50') from the collector or arterial roadway right-of-way line.
- D. Minimum lot dimensions and areas shall not be less than those specified in this Section as follows:
  1. Minimum lot area - with public water - 1 acre (43,560 square feet) exclusive of rights-of-way.
  2. Minimum lot area - with public sanitary sewerage - .5 acres (21,780 square feet) exclusive of rights-of-way.
  3. Minimum lot area - with both public water and public sanitary sewerage -.25 acres (10,890 square feet) exclusive of rights-of-way.
  4. Minimum lot area - with no public utilities - 1.5 acres (65,340 square feet) exclusive of rights-of-way.
  5. No principal or accessory structure on a corner lot shall be placed within the clear sight triangle, as defined.

- E. Lot lines within a subdivision shall be arranged to minimize the amount of drainage passing from one (1) lot directly onto a neighboring lot. The owner/applicant to provide drainage easements land grade swales along lot lines to control drainage across lots.
- F. Existing natural features, existing topography and significant trees shall be retained wherever possible and disturbance of ground cover shall be minimized to reduce erosion and maintain drainage patterns.
- G. Within a subdivision or land development plan where public sewage collection and water supply systems are not available, lot boundary location and minimum lot size, as well as the location and size of on-lot sewage disposal systems, shall be determined by the Municipal Sewage Enforcement Officer under the regulations of the Pennsylvania Sewage Facilities Act, as amended. The Officer's determinations shall not permit smaller lots than stipulated in this Article but may require larger lots or a rearrangement of lots where unusual soil conditions dictate.
- H. No land shall remain in a subdivision that is not platted for sale, development, or for permanent open space. Areas to be developed for uses other than dwellings shall be indicated on the plan as to their specific use. Approved nonresidential areas shall be designated "dedicated" or "reserved" on the final plan.
- I. A plan may contain no more than two (2) "flag" lots, where the following standards are met:
  - 1. The access area shall be not less than fifty feet (50') wide and its area included in the calculation of minimum lot size (square footage).
  - 2. The lot shall be developed with its extended portion for access abutting the public right-of-way.
- J. Rear Lot: One (1) second lot may be created from the rear portion of an existing recorded lot of record, provided the following standards are met:
  - 1. The rear lot is connected to a public right-of-way by an access strip of land at least twenty feet (20') wide in the same ownership as the rear lot.
  - 2. The front lot will retain not less than the minimum required setbacks after the access strip is removed.
  - 3. The rear lot will contain only one (1) single family detached dwelling and normal accessory uses.
  - 4. The rear lot is not more than one and a half (1.5) acres in area, and neither the front or rear lot contains less than the minimum specified lot area.
  - 5. The access strip is not used in calculating lot area, and will not be extended or used as access for any other lots either existing or future; and
  - 6. The dwelling on the rear lot is set back from the rear lot line of the front lot by at least fifty feet (50').

**§ 110-31. Sanitary Sewage Disposal and Water Supply**

A. Sewage Disposal:

1. Every structure in any subdivision, land development plan, RV campground or mobile home park connected to a water supply shall also be connected to a sanitary sewage disposal system. Such system shall be either an individual on-lot system approved by the Township Sewage Enforcement Officer, or a system approved by the Commonwealth Department of Environmental Protection.
2. Where a public sanitary sewerage system exists adjacent to or within one thousand feet (1000') of a major subdivision, land development plan, RV campground or mobile home park boundary, the owner/applicant shall connect all the lots or buildings with a water supply to the public sanitary sewerage system, constructing the necessary collector and lateral lines.
3. On-lot septic disposal systems approved by the Sewage Enforcement Officer shall be installed in compliance with the PaDEP "Standards for Sewage Disposal Facilities" and shall not be backfilled until inspected by the Sewage Enforcement Officer after he or she authorizes the covering of the system.
4. No storm sewers, footer drains or downspouts shall be connected to any sanitary sewage disposal system.
5. When an owner/applicant installs sewer lines to connect with those of a sewer authority with jurisdiction, he shall do so in accordance with the authority's rules and regulations.
6. All public sanitary sewerage lines and facilities owned, operated, and maintained by the Ligonier Township Municipal Authority or Ligonier Township, whether existing or proposed, shall be identified on a plat prior to recording. Ownership, diameter, material and direction of flow shall be noted.

B. Water Supply System:

1. Every lot, dwelling unit, and each commercial business and public or semi-public building shall be provided with a potable water supply as hereinafter set forth, of sufficient quality, quantity and pressure to meet the minimum standards of the Department of Environment Protection. If such standards are not applicable, the water supply shall be of sufficient quality, quantity and pressure to meet the requirements of the intended and actual use.
2. Existing Public Water Supply System:
  - a) Where a public water system exists adjacent to or within one thousand feet (1,000') of a subdivision, land development plan, RV campground or mobile home park boundary, the owner/applicant shall connect every lot or principal building in the plan to the water supply, providing the necessary piping system, laterals and hydrants.
  - b) Water lines shall be installed in accordance with the regulations of the Public Utility Commission or authority with jurisdiction that will assume maintenance of the lines.
  - c) Where a public water supply system will serve the plan, hydrants shall be placed so that no principal building on a lot is more than six hundred feet (600') distant from a hydrant. Hydrants shall be placed within street rights-of-way, preferably at street intersections. The plan for distribution of

hydrants in the plan, and the quantity and pressure of water available at each hydrant, shall be reviewed and approved by the Fire Chief of the fire company providing coverage for the plan and the authority providing the water.

3. Private Water Supply or Proposed Public Water System: Where the water to meet the requirements of this Section is to be supplied by private wells or a proposed public water system, the owner/applicant or developer shall comply with this Section, as amended, as well as the applicable requirements of the Pennsylvania Public Utility Commission and/or Pennsylvania Department of Environmental Protection.

### **§ 110-32. Grading.**

- A. A grading permit will be required for any and all earth disturbance over 5000 square feet or earthmoving activities resulting in alterations to the surface exceeding three feet (3') in elevation or disturbance of a surface area greater than one acre (forty-three thousand five hundred and sixty (43,560) square feet) or processing slopes greater than 3 degrees.
- B. Every applicant for a grading permit shall file a written application therefore with the Township in a form prescribed by the Township. Such application shall:
  1. Describe the land on which the proposed work is to be done by lot, tract or street address or a similar description which will readily identify and definitely locate the proposed work.
  2. Be accompanied by plans and specifications prepared, signed and sealed by a Professional Engineer, Surveyor or Architect, giving a reasonable description of the site and proposed soil erosion controls, if any. The Township Engineer may waive the preparation or approval and signature by the Registered Professional Engineer, Professional Land Surveyor or Registered Architect only when it is self-evident that the proposed work is simple, is clearly shown on the plans submitted, and creates no potential nuisance to adjacent property or hazard and does not include the construction of a fill upon which a structure may be erected. All plans shall be prepared in accordance with the requirements of the Pennsylvania Department of Environmental Protection. In addition, if required, a copy of the duly prepared Soil Erosion and Sedimentation Control Plan shall be submitted to, and deemed adequate by, the Westmoreland County Conservation District, as required.
  3. State the estimated dates for the starting and completion of grading work.
  4. State the purpose for which the grading application is filed and the intended use of the site.
  5. Include written approval of a Best Management Practices (BMP) operations and maintenance plan from Ligonier Township, where applicable.
- C. Excavation:
  1. Maximum slope steepness of a cut should be two (2) horizontal to one (1) vertical. A Registered Professional Engineer or Certified Geologist may recognize the types of soil

on the site to be graded from the soil survey or other source of information. Maximum slopes can then be determined by said professional upon concurrence of the Township Engineer.

2. Cut slopes which are steeper than those specified in this Section may be allowed under a grading permit, provided that one or both of the following are satisfied:
  - a) The material in which the excavation is made is sufficiently stable to sustain a slope steeper than the slope specified herein for recognized soil conditions on the site. A written statement, signed and sealed by a Registered Professional Engineer or Certified Geologist, stating that the steeper slope will have sufficient stability and that risk of creating a hazard will be slight, must be submitted to the Township.
  - b) A retaining wall other than that required for a single family dwelling, or other approved support, designed by a Registered Professional Engineer and approved by the Township Engineer, is provided to support the face of excavation.

D. Fills:

1. No fill shall be placed over trees, stumps, trash, or other material which could create a hazard.
2. All fills should be compacted to provide stability of fill material and to prevent undesirable settlement or slippage. Structural fills shall be compacted to a ninety-five percent (95%) modified proctor and be certified by a Professional Soils Engineer.
3. Coal, boney, red dog, expansive slag, cinders, wood, trash, organic material or refuse shall not be placed or used for fill material unless blended with suitable soils capable of maintaining soil stability.
4. The top or bottom edge of fill slopes should generally be set back three feet (3') from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

E. Retaining Walls:

1. If a retaining wall is constructed to satisfy a requirement of this Article, a building permit, as provided for by other municipal regulations, shall be required where a grading permit is required. The grading permit shall apply to the retaining wall and area adjacent, and the requirements for inspection, as stated herein, shall be applicable.
2. The retaining wall shall be constructed in accordance with sound engineering practice. The plans submitted for approval of retaining walls four feet (4') or higher shall bear the seal of a Registered Professional Engineer.
3. The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this Article and the appropriate municipal specifications.
4. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be a minimum of three feet (3') back from the adjoining property boundary line. The requirement of this subsection may be set aside when the proposed retaining wall is a joint venture between adjacent property owners and appropriate

documents so stating are filed with the application for the building and/or grading permit.

**§ 110-33. Street Standards.**

- A. General requirements: All streets shall comply with the standards specified herein and in accordance with the Ligonier Township road ordinances and regulations. All new and widened portions of existing rights-of-way intended for public use shall be dedicated to the Township. An offer of dedication shall be placed on the recorded plan, subject to final acceptance based on compliance with the following requirements:
1. The proposed street pattern shall be related to existing streets and to such County and Commonwealth road plans as have been duly adopted.
  2. Streets shall be arranged in a manner to meet with the approval of the Township Board of Supervisors, considered in relation to both existing and planned streets, and located so as to allow proper development of surrounding properties. Secondary and through streets shall be connected with such existing streets and highways to form continuations thereof. Residential streets shall be laid out to discourage their use as secondary or through highways.
  3. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade, alignment and drainage.
  4. Streets shall be graded to the minimum conditions shown on the cross-sections. Provisions made for slopes beyond the recorded right-of-way shall be in conformance with Township grading standards.
  5. Access shall be given to all lots and portions of the tract in the subdivision or land development plan and to adjacent recorded undeveloped or through the unsubdivided property. Streets providing such access shall be improved to the limits of the subdivision or land development, except as otherwise specified [See Subsection § 110-34(3) (c)]. Remnants, reserve strips, and landlocked areas shall not be created.
  6. New streets shall be laid out to continue existing streets at the existing right-of-way and cart way width or the minimum standards of this Chapter, whichever is greatest.
  7. Dead-end streets are prohibited, unless designed as a cul-de-sac or designed as a stub street with a temporary turnaround for access exclusively to neighboring tracts, with no more than two (2) lots being provided access thereto.
  8. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets in the Township or zip code area serving the Township. All street names shall be approved by the Township Board of Supervisors, assigned by the Planning Commission, and coordinated with the developer and Westmoreland County 911 service.
  9. The dedication of half streets at the edges of a new subdivision or land development plan is prohibited. If circumstances render this impracticable, adequate provisions for concurrent dedication of the remaining half of the street must be furnished by the applicant or developer. When there exists a half street in

an adjoining subdivision, the remaining half shall be provided by the proposed development where, in the opinion of the Township Board of Supervisors, the need is valid.

B. Street Classifications: The street classifications listed herein are to be used for all planned subdivisions or land developments. Existing streets and roads can be classified as arterials, collectors or local access. New streets shall be classified according to their function as follows:

1. Arterial street: A major street serving as a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery for interconnectivity between large areas.
2. Collector street: A street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a major subdivision or land development and the streets for circulation within such a subdivision or land development.
3. Local Access: A street predominantly serving as an access street to a particular lot or serving another minor function as sub classified below:
  - a) Residential streets: Residential streets shall be those streets which are used to provide access to properties, connect with other residential streets and/or streets of a higher classification.
  - b) Marginal access streets: Marginal access streets which may function as a collector street are streets which are parallel and adjacent to an arterial street and which provide access to abutting properties and separation from through traffic. They serve to reduce the number of access points which intersect the larger road, thereby increasing the efficiency and safety of traffic flow along the major road while providing access to abutting development.
    - i. The Township Board of Supervisors reserves the right to require marginal access streets along any street where local vehicular access to individual lots would create congestion and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distances, heavy traffic volumes and/or high speed traffic flows.
    - ii. The location of a marginal access street shall be essentially parallel and adjacent to the street along whose margin it is located.
    - iii. The right-of-way for this type of street shall abut and be measured from the final right-of-way of the parallel street.
    - iv. When forming a necessary leg of another classification of street, a street shall be governed by the regulations of the higher street classification.
    - v. A landscaped barrier island, at least twenty feet (20') wide, shall physically separate the cart ways of the marginal access street and the parallel street.
    - vi. Sidewalks, when required, shall be located on the outermost portion of the marginal access street right-of-way, abutting the building lots.
    - vii. Marginal access streets shall be constructed to the standards of minor streets, except as noted in this Section.

4. Where the classification of a new street is in question, the classification shall be determined on the basis of traffic load, average daily traffic (ADT) of three thousand (3,000) or more shall classify a street or road as arterial, ADT from six hundred to three thousand (600-2999) shall classify a street as collector, and ADT of less than eight hundred (800) shall classify a street as local access.

C. Other Streets: Other streets are sub classifications of minor streets. Because of their uniqueness and abundance, they are specified in greater detail in this Subsection.

1. The Township shall have no maintenance obligation for nonpublic streets. The maintenance of such nonpublic streets shall be the full and sole responsibility of the owner, association or the legally binding organization of landowners with access rights, subject to the criteria below:

- a) An association or other legally binding organization of landowners with access rights on the nonpublic street shall be formed and administered for the purpose of maintenance of the nonpublic street.
- b) Documents governing such association shall be filed with the Township Board of Supervisors.
- c) All properties depending on a nonpublic street for access shall be guaranteed an irrevocable right to that access under the terms of a right-of-way, access easement or other legal covenant. Such access right shall be clearly noted on the subdivision and/or land development plans which create a nonpublic street, shall be included in deeds for all properties with access rights and shall be recorded in the office of the Recorder of Deeds of Westmoreland County.
- d) Provision shall be made for the nonpublic streets for emergency vehicles only as approved and deemed necessary by Township officials.

2. Stub streets:

- a) Shall be provided in appropriate locations for vehicular access to abutting undeveloped lands when requested by the Township Board of Supervisors upon the recommendation of the Planning Commission and Township Engineer.
- b) Shall not be provided with a vehicular turnaround.
- c) Shall be constructed to the property line in accordance with the standards of this Chapter applicable to the classification of street it will be upon extension.
- d) Shall serve no more than two (2) lots when used as a dead-end street. The developer shall pave access to the two (2) lots from a higher road classification according to the standards set forth in this Chapter.
- e) Any new lots created by extending a stub street shall front on a minimum fifty foot (50') right-of-way. The developer shall pave an area equal to the distance of one (1) minimum lot width in the applicable zoning district, and make arrangements to extend the pavement to additional lots, should a stub street be extended to a higher road classification, as described in this Article.

3. Alleys:

- a) Alleys are not permitted in residential developments, except for instances where they are logical extension of existing alleys.
  - b) Alleys, where permitted, are bound by the standards set forth in this Subsection.
  - c) Alleys shall be provided in areas where commercial and/or industrial development has been approved, except that the Township Board of Supervisors may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
  - d) The width of alley paving shall not be less than sixteen feet (16').
  - e) Alley intersections and sharp changes in alignment shall be avoided but, if necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
  - f) Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Township Board of Supervisors.
  - g) The right-of-way shall be twenty-five feet (25').
  - h) Alleys do not require curbs, sidewalks and shoulders unless required by the Americans with Disabilities Act.
4. Street Design and Construction Criteria:
- a) Please see the Township Road Ordinance.
  - b) Final recorded right-of-way: Final right-of-way widths are either existing, proposed or expanded from existing rights-of-way, depending on the ultimate classification of a street as determined by the Township Board of Supervisors. The following shall apply to final rights-of-way:
    - i. No fences, walls or other obstruction shall be constructed within a street right-of-way, except retaining walls where necessitated by road widening and constructed by the governmental agency having jurisdiction over the road.
    - ii. The front building setback shall be the distance set forth in this Article, measured from the planned (final) street right-of-way line location.
    - iii. Additional rights-of-way and/or paving widths may be required by the Township where it is necessary for public safety and convenience to install traffic control facilities or turning lanes and where old roads do not provide the proper width and additional dedication is necessary.
    - iv. The area between the existing right-of-way line and the final right-of-way line shall be dedicated to the authority having jurisdiction over any public streets which abut or pass through any subdivision or land development proposed within the Township.
    - v. Final rights-of-way widths shall be as defined in Subsection § 110-34 unless otherwise noted in this Article.
5. Curbs and sidewalks: Sidewalks and curbs shall be installed along all proposed public and nonpublic streets, except when this requirement is waived at the discretion of the

Township Board of Supervisors with input from the Township Engineer, upon recommendation of the Township Planning Commission.

- a) The Township Board of Supervisors may waive the sidewalk requirement under one or more of the following situations:
  - i. In a proposed residential development, where no destination exists or is anticipated to exist which can be reached by pedestrians including but not limited to a shopping center, bus stop, employment site, or a school).
  - ii. Where the sidewalk(s) would not be an extension of an existing network which provides neighborhood or village circulation.
  - iii. Where an alternative pedestrian circulation concept can be shown to be more desirable, especially when using open space areas, provided that appropriate walks are provided between the open space walkways and the pedestrian origins and destinations.
  - iv. Where the rural character, density of the area and/or small size of the proposal preclude the purposeful use of sidewalks.
- a) Regardless of the size of land development or subdivision proposal, sidewalks and curbs shall be required whenever they fill a gap in an existing network.
- b) Sidewalks shall be not less than five feet (5') in width, although the Township Board of Supervisors may require additional width where higher volumes of pedestrian traffic are anticipated.
- c) Sidewalks shall not extend beyond the right-of-way line of public streets or the equivalent right-of-way line of private streets unless located in legal easements guaranteeing adequate pedestrian access.
- d) Sidewalks shall be provided in appropriate locations to provide safe and efficient pedestrian access between parking areas and nonresidential buildings.
- e) Additional sidewalks shall be required where deemed necessary by the Township Board of Supervisors to provide access to schools, churches, parks, community facilities and commercial centers and to provide necessary pedestrian circulation within land development and/or subdivisions where otherwise required sidewalks would not be sufficient for public safety and convenience.
- f) Sidewalks shall be designed to facilitate access and use by persons with disabilities, in accordance with requirements noted in the Americans with Disabilities Act.
- g) Driveway crossing shall be designed in compliance with this Article.
- h) Sidewalks shall be laterally pitched at a slope of not less than 1/4 inch per foot to provide for adequate surface drainage towards the street abutting high side lots and away from streets on low side.
- i) At corners and pedestrian street crossing points, sidewalks shall be extended to the curbline with an adequate apron area for anticipated pedestrian traffic.
- j) Sidewalks shall not exceed a grade of twelve percent (12%). Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. A non-slip surface texture shall be used. All

sidewalks must comply with the Americans with Disabilities Act and all other state and federal legislation.

- k) The grades and paving of sidewalks shall be continuous across driveways, except in nonresidential and multi-family residential developments and in certain other cases where heavy traffic volume dictates special treatment.
  - l) The thickness and type of construction of all sidewalks and curbs shall be in accordance with the following:
    - i. In general, where PA DOT specifications govern, these standards shall be used.
    - ii. Sidewalks shall be constructed in accordance with the Township Road Ordinance.
    - iii. Curbs shall be constructed in accordance with the Township Road Ordinance,
  - m) If, for any reason, an interim waiver of these requirements is made, a sufficient guarantee shall be posted for the eventual installation of these improvements, subject to approval by the Township Board of Supervisors, upon the recommendation of the Township Engineer and Solicitor.
6. Pavement and right-of-way radii at intersections:
- a) Road intersections shall be rounded with tangential arcs at the pavement edge (curbline) and rights-of-way lines as listed below. Where two (2) roads of different right-of-way width intersect, the radii of curvature for the higher classification road shall apply. The pavement edge (or curbline) radius and right-of-way radius shall be concentric.
  - b) For arterial streets, the right-of-way width at intersections should be as specified by the Pennsylvania Department of Transportation.
  - c) For collector and minor streets, the right-of-way width at intersections should extend ten feet (10') beyond the pavement edge or as approved by the Township Engineer.
  - d) Pavement radii at intersections shall be as defined in Section § 110-34, unless otherwise noted in this Chapter.
7. Street grades: All streets shall be graded as shown on the street profile submitted and approved as a part of the plan approval process for subdivision and/or land development. Street grades shall comply with Section § 110-34 and the following:
- a) The minimum grade for all streets shall be one percent (1%).
  - b) Maximum grades for all streets shall be as defined in Section § 110-34 herein unless otherwise noted in this Chapter.
  - c) Street grades shall be measured along the centerline.
  - d) Curve/grade combinations shall follow accepted engineering guidelines for safety and efficiency and in all cases provide for the minimum sight distance. For example, minimum-radius horizontal curves shall not be permitted in combination with maximum grades.
  - e) At all approaches to intersections, street grades shall not exceed five percent (5%) for a minimum distance of thirty-five feet (35').
  - f) The grade of the outer perimeter of cul-de-sac turnarounds shall not exceed five percent (5%) measured at any curb gutter from center of the cul-de-sac along the curbline.

- g) Arterial and collector streets, where necessary, shall be superelevated, not to exceed six percent (6%), in compliance with accepted engineering standards.
8. Horizontal curves and tangents:
- a) Horizontal curves shall be used at all changes of direction. Long radius curves shall be used rather than a series of curves connected by short tangents. Minimum radius curves at the end of long tangents shall not be approved. Minimum radii are given in Section § 110-34 herein.
  - b) Curve/tangent relationships shall follow accepted engineering guidelines for safety and efficiency.
  - c) Approaches to intersections shall follow a straight horizontal course for a minimum of fifty feet (50') for minor streets. All other streets shall follow a straight course in accordance with accepted engineering standards but shall in no case be less than one hundred feet (100').
  - d) Any applicant who encroaches within the legal right-of-way of a Commonwealth highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation prior to final approval. In addition, the Township may require the applicant to obtain an occupancy permit for a highway encroachment which is consistent with the internal access and street plan.
9. Vertical curves: Vertical curves shall be used at changes in grade of more than one percent (1%), in compliance with the following requirements:
- a) Minimum curve lengths shall be as defined in Section § 110-34 above unless otherwise noted in this Chapter.
  - b) The high-point or low-point curve length, grades and stations on a vertical curve shall be clearly identified on profiles submitted.
10. Intersections and sight triangles: All street intersections under the jurisdiction of this Chapter shall be subject to the requirements of this Subsection.
- a) No more than two (2) streets shall intersect at the same point.
  - b) Corrective changes to existing intersections: When existing streets intersect at odd angles or have more than four (4) approaches, the applicant shall make corrective changes to bring the intersection into compliance with this Article, as required by the Township Board of Supervisors, which shall first seek the recommendation of the Planning Commission and other technical advisors or agencies, as appropriate. For Commonwealth highways, corrective changes shall comply with the requirements of the appropriate agency and AASHTO
  - c) Angle of intersections: All intersection approaches shall be designed at right angles whenever practicable. There shall be no intersections with an angle of less than seventy-five degrees (75°), and there shall be no intersections of less than sixty degrees (60°) for all other streets, measured at the centerline of the intersection.
  - d) Intersection spacing: Street intersections shall be spaced the minimum distances apart as specified for the street classifications listed in Section § 110-34 herein, whether on the same or opposite sides of the street. The minimum distance between intersections shall be measured along the higher-

classification intersecting street and shall be measured between the centerlines of intersecting streets.

- e) Sight triangles:
  - i. Proper sight lines required by Section § 110-34 herein shall be maintained at all intersections of streets. Clear sight triangles shall be maintained along all approaches to all intersections and shall be measured along street centerlines from their point of intersection. Where streets of differing classifications intersect, the dimension for the higher classification street shall be used. The sight triangles should comply with AASHTO guidelines
  - ii. Within the area of clear sight triangles, obstructions to visibility shall not be permitted within the following ranges of height:
    - a. From ground level and a plane ten feet (10') above curb level.
    - b. Groundcover plants within the clear sight triangle area shall not exceed two feet (2') in height.
    - c. Grading within the clear sight triangle shall not obstruct the line of sight.
  - iii. Modifications may be made by the Township Board of Supervisors to allow the location of the following items at the time of new street construction in the clear sight triangle as long as the sight triangle is maintained:
    - a. Private signposts, provided that the post does not exceed one (1) foot in diameter and that the sign itself is above the minimum height limit.
    - b. Shade trees, provided that, as the tree matures, the lower branches will be kept pruned to the minimum height limit above grade and the trunk will not inhibit sight distance.
    - c. Existing shade trees, provided that lower branches are kept pruned to the minimum height limit and that the size, number and arrangement of trees does not impede adequate visibility. The Township Board of Supervisors may require the removal of one (1) or more trees if necessary to provide adequate visibility.

11. Sight distance:
  - a) Proper sight distance shall be provided with respect to both horizontal and vertical alignments, measured in accordance with AASHTO guidelines
  - b) Sight distances (minimal) shall be as defined in Section § 110-34 herein.
  - c) Since sight distance is determined by both horizontal and vertical curvature, sight distance standards will, in all cases, usurp standards for either of these curvatures in instances where a conflict in standards might arise.
12. Design speed: Section § 110-34 herein shall be used as a guideline in street design. Final design criteria shall be as regulated by the remainder of this Chapter and as approved by the Township Board of Supervisors.
13. Maintenance of Access Easements or Rights-of-Way:
  - a) In those cases where access to a commercial subdivision is by means of an easement or right-of-way which does not comply with the design standards for public streets as prescribed in this Article, the Township Board of Supervisors shall make the final determination on the continuing maintenance responsibilities of such access easement or right-of-way as a part of the development application review.
  - b) In the event that the Township Board of Supervisors determines that the health, safety or welfare of the inhabitants of such development or of the citizens of the Township would be prejudiced by the failure to maintain such easement or right-of-way of access by the owner thereof, the Township Board of Supervisors may require as a condition precedent to the approval of such subdivision or land development the preparation and execution of a maintenance agreement providing for the maintenance of such easement or right-of-way of access, signed and acknowledged by all of the owners of property within such development and/or all of the owners of property having the legal right to utilize such easement or right-of-way of access, whereby such easement or right-of-way of access shall be maintained, and said agreement shall be recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania.
  - c) In determining whether such maintenance agreement shall be required in order to promote the health, safety or welfare of the inhabitants of such development or of the citizens of the Township, the Township Board of Supervisors may make findings, following a public hearing, held at the discretion of the Board of Supervisors, regarding the following:
    - i. That the easement or right-of-way of access shall be of sufficient width and topography so as to provide access to all lots and/or tracts of land in the subdivision or development and to adjacent unsubdivided property.
    - ii. That the continued maintenance of such easement or right-of-way of access to the development or subdivision is necessary to accommodate the travel of ambulances, emergency medical service vehicles, fire vehicles, police vehicles and other emergency vehicles to or from the development or subdivision.
    - iii. That the configuration of such easement or right-of-way of access shall be such so as to properly accommodate its use for both

pedestrian traffic and vehicular traffic without placing pedestrians or vehicular traffic in danger.

- iv. That it is impossible to finance the sale of property within such subdivision or land development without the existence of a maintenance agreement binding all owners of property within such subdivision and others having the legal right to use such easement or right-of-way of access to participate in the maintenance of such access easement or right-of-way.
- v. In those cases where a residential or commercial subdivision or land development has previously been approved by the Township Board of Supervisors and is in existence, where access to such residential or commercial subdivision is by means of an easement or right-of-way which does not comply with the design standards for nonpublic streets and/or public streets as prescribed in this Article and in the event that the Township Board of Supervisors determines that the health, safety or welfare of the inhabitants of such development or of the citizens of the Township would be prejudiced by the failure to maintain such easement or right-of-way of access by the owner or owners thereof, the Township Board of Supervisors may require the preparation and execution of a maintenance agreement providing for the maintenance of such easement or right-of-way of access, signed and acknowledged by all of the owner of property within such development and/or all of the owners of property having the legal right to utilize such easement or right-of-way of access, whereby such easement or right-of-way of access shall be maintained, and said agreement shall be recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania.
- vi. That the Township Board of Supervisors shall determine, with particularity, the details and specifications of the activities required to maintain said easement or right-of-way of access as aforesaid, and in the event that those persons responsible for said maintenance under such agreement shall fail, neglect or refuse to provide the same, the Township Board of Supervisors shall, in writing delivered to each of said persons, require that such maintenance shall be performed within such time as shall be required by the Township Board of Supervisors in said notice, and in the event that such maintenance is not so performed within said time, the Township Board of Supervisors shall have the responsibility of performing such maintenance and collecting the cost thereof from those persons responsible therefor under the aforementioned agreement by a civil action at law or by the filing of a municipal claim against the properties owned by such persons in such proportions as shall be set forth in the aforementioned maintenance agreement.

14. Other street standards:

- a) Islands, median strips and channelization may be required in any area where traffic volumes warrant their use for safety and efficiency and may be

permitted in any area at the discretion of the Township Board of Supervisors. Such devices on Commonwealth roads must meet or exceed the requirements of the Pennsylvania Department of Transportation. The Township Board of Supervisors may require additional rights-of-way widths when such devices are used.

- b) Walls, slopes and guide rails:
  - i. Where the grade of the street is above or below the grade of the adjacent land, the applicant may be required to construct walls or slopes.
  - ii. Where the grade of the street is steeper than a slope of four to one (4:1) above the grade of the adjacent land, the applicant may be required to install guide rails or posts in a manner consistent with Pennsylvania Department of Transportation standards.
- c) Embankments: Subject to appropriate slope stability and the conditions of grading specifications, embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of one and one-half feet (1 1/2') horizontally to one foot (1') vertically in a cut section and two feet (2') horizontally to one foot (1') vertically in a fill section, or as recommended by the Township Engineer.
- d) Driveways: The requirements for private driveways shall be the standards of the Pennsylvania Department of Transportation regarding access to and occupancy of highways by driveways and local roads (67 Pa. C.S.A. §441, as amended). Driveway access to Commonwealth highways shall be subject to the permit process of that department. Driveway access to Township roads shall be subject to the Township permit process. All driveways shall be subject to the standards, requirements and processing of this Subsection.
  - i. Location:
    - a. Driveways shall be located so as to provide adequate sight distance at intersection with streets.
    - b. Driveways shall be located in a manner which will not cause interference to the traveling public, will not be a hazard to the free movement of normal highway traffic or cause areas of traffic congestion on the highway.
    - c. Driveways shall be located, designed and constructed in such a manner so as not to interfere with or be inconsistent with the design, maintenance and drainage of the highway.
    - d. Alternatives to be considered for larger subdivisions shall be as follows, subject to the approval of the Township Board of Supervisors upon the recommendation of the Planning Commission. Alternatives shall be to provide reverse frontage interior roads to be built according to standards for subdivision roads and to provide marginal access roads.
  - ii. Design arrangement: For subdivisions, the lots in which are to be used for residential dwellings, and which contain three (3) lots or fewer including any residual land owned by the developer and where

driveways are to be private and not dedicated to the Township, the following shall apply:

- a. No further subdivision of the land area of any of the lots including the residual land shall be permitted.
  - b. Such restriction shall be indicated on the subdivision plat, which shall state that this restriction is binding upon the owners, purchasers, subsequent purchasers and their heirs, administrators, successors and assigns.
  - c. The proposed private driveway shall be installed with a dust-free and mud-free surface.
  - d. The private driveway shall have a minimum width of fifty feet (50') of dedicated road right-of-way.
  - e. The beginning point of said private driveway shall be at the intersection with a public road or street.
  - f. The proposed private driveway shall not be extended in the future to service any other lots.
  - g. The lots in the approved subdivision shall not be subdivided in the future unless the private driveway meets the requirements of this Section.
  - h. A private driveway agreement shall be executed by the developer, and the same shall be recorded in the office of the Recorder of Deeds in and for Westmoreland County, Pennsylvania. Said private road agreement shall provide for the allocation of maintenance costs between the respective owners of the lots serviced by the private driveway. The private driveway agreement shall be in a form as approved by the Township Solicitor.
  - i. The proposed private driveway shall not be adopted as a Township-maintained public road unless said private driveway is installed in conformity to the then-existing Township regulations for public streets. The plan submitted for subdivision shall have specifically noted thereon a statement indicating that said private driveway will not be maintained or owned by the Township of Ligonier.
  - j. A driveway permit shall be required.
- iii. Distance from street intersections: Driveways shall be located as far from street intersections as is reasonably possible, but not less than the following distances:
    - a. Individual residential lots: fifty feet (50')
    - b. Multi-family residential and nonresidential lots: one hundred feet (100')
  - iv. Number of driveways (nonresidential):
    - a. Properties with frontage of ninety-nine feet (99') or less shall be limited to one (1) curb cut.

- b. Not more than two (2) curb cuts per street frontage may be permitted for any single property, tract or lot for each street frontage.
    - c. More than two (2) curb cuts per street frontage may be permitted when such points of access are a characteristic of the interior circulation plan and if anticipated traffic volumes warrant more than two (2) which is supported by a traffic study prepared by a qualified Professional Engineer.
  - v. Choice of streets: When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless this requirement is waived by the Township Board of Supervisors for reasons of sight distance, incompatibility of traffic, grading or drainage.
  - vi. Driveway Requirements: Shall be consistent with applicable PennDOT and Township standards.
- e) Stopping areas, residential: All driveways shall be provided with a stopping area within which the grade shall not exceed six percent (6%). The stopping area shall be measured as follows:
- i. The minimum length of the stopping area with the maximum six percent (6%) grade shall be a minimum of ten feet (10’).
  - ii. Stopping areas shall be measured from the edge of the existing cartway line for arterial and collector streets and from the edge of pavement, curblin e or edge of sidewalk facing the right-of-way of minor streets.
- f) Stopping areas, nonresidential: All driveways shall be provided with a stopping area within which the grade shall not exceed six percent (6%). The stopping area shall be measured as follows:
- i. The minimum length of the stopping area with the maximum six percent (6%) grade shall be a minimum of twenty feet (20’).
  - ii. Stopping areas shall be measured from the edge of the existing cartway line for arterial and collector streets and from the edge of the pavement, curblin e or edge of sidewalk facing the right-of-way of minor streets.
- g) Clear sight triangle: Clear sight triangles shall be provided where driveways intersect streets, in compliance with the standards of Section § 110-34 herein. The dimensional standards shall be determined by the classification of the street which the driveway intersects.
- h) No nonresidential driveway location, classification or design shall be considered finally approved until permits have been granted by the Commonwealth and/or Township and preliminary plan approval has been granted by the Township Board of Supervisors for the subdivision and/or land development which the driveway(s) will serve.
- i) No building permit shall be issued nor shall any occupancy permit be issued for any improvement or improvements in any district in the Township until the application for a driveway permit as per the provisions of the Township ordinance, shall have been made, in writing, and a permit approved by the

Township staff or review agency which may have jurisdiction over the road or street.

**§ 110-35. Parking Areas, Internal Driveways, and Off-Street Loading.**

Off-street parking and loading areas and related internal driveways shall be designed and constructed as follows:

- A. Number of off-street parking spaces required: A subdivision or land development must provide adequate off-street parking based on standards established by Township design standards for parking.
  
- B. Dimensional Requirements:
  - 1. Each parking space shall be at least nine feet (9') in widths and contain at least one hundred and eighty (180) square feet of area exclusive of access lanes.
  - 2. The minimum dimension, including access lanes, across a double-loaded parking aisle with parking spaces at right angles to the access lane shall be at least sixty-two feet (62'), and for a single-loaded aisle at least forty-two feet (42'). The minimum width of an access lane shall be twenty-two feet (22').
  - 3. Where parking spaces form a forty-five degree (45°) angle with the access lane, the dimension across a double-loaded aisle shall be at least fifty-four feet (54') and across a single-loaded aisle at least thirty-two feet (32'). The dimension shall include the full depth of the parking spaces.
  - 4. A parking aisle includes the parking spaces and the access lane providing access to the spaces. A double-loaded aisle has parking on both sides of the lane.
  - 5. The Township fire and ems services will be given the opportunity to review and comment on all plans.
  
- C. Design Standards:
  - 1. Parking to serve any nonresidential use shall be located so that no required space is more than five hundred feet (500') from the building or use such space is designed to serve.
  - 2. Parking to serve multi-family residential development shall be located so that no required space is more than two hundred feet (200') from the entrance to the building the space is designed to serve. A planted strip not less than five feet (5') in width shall separate the edge of the parking areas from an adjacent structure generating the need for such parking.
  - 3. Where a structure contains a mix of uses, to the maximum extent feasible, the parking for the various uses shall be shared.
  - 4. Whenever a structure is enlarged or changed, additional parking required to serve such enlargement or change shall be provided prior to occupancy.
  - 5. All parking areas serving any commercial or industrial operation or any residential activity where more than four (4) dwelling units utilize the same area, shall be surfaced with a maintained all-weather material. Such parking areas shall be sloped not more than six percent (6%) towards an approved stormwater drainage system.

6. Exterior parking lot lighting shall be located and aimed so that the light source and its translucent or transparent cover is not visible from adjacent streets or nearby residential properties. Sharp cut-off luminaires are recommended. The pool of light (area of illumination) at ground level shall be kept completely within the property on which the light standard is located. The illumination level shall be the minimum to provide safety and security.
7. On paved parking surfaces, spaces shall be marked off in white or yellow traffic paint with lines at least five inches (5") wide.

D. Commercial parking:

1. Off-street parking for commercial uses shall be sufficient to provide parking for the employees of all proposed uses as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage.
2. Except where specifically permitted, off-street parking lots shall be prohibited in front yards and shall be located at the rear of buildings on the interior of lots, and shall be accessed by means of shared driveways, preferably from side streets. Such lots shall, to the maximum extent feasible, be interconnected with commercial parking lots on adjacent properties. Private cross-access easements for adjacent parcels with interconnected parking lots shall be recorded with the approved land development plan, with language acceptable to the Township Solicitor.

E. Parking lot landscaping, buffering, and screening:

1. All new required parking lots, and all existing parking lots that must expand by twenty (20) or more parking spaces based on an expansion of the use generating the need for such parking, after the effective date of this Ordinance shall comply with the parking lot landscaping standards set forth in this section.
2. Where a required parking area is located within twenty-five feet (25') of an adjacent property containing a developed residential lot, the edge of the lot shall be screened with landscaping, an evergreen hedge, earth mounding, a fence, or any combination of design features.

F. Required loading and service areas:

1. Loading docks, solid waste containers, recycling facilities, and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
2. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also minimize spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, fences, and landscaping, shall be a minimum of five feet (5') tall, and shall be visually impervious. Recesses in the building or depressed access ramps may be used.
3. Loading and unloading areas shall be of sufficient size to accommodate the numbers and types of vehicles that use this area, given the characteristics of the proposed development.

G. General requirements for off-street loading:

1. Each loading space shall be at least ten feet (10') by forty feet (40') in area with a clear height of fourteen feet six inches (14'6") exclusive of access and maneuvering space.
2. All loading spaces shall be in the side or rear yards of a commercial or industrial property, and access to such spaces should not be located closer than one hundred feet (100') of any street intersection.
3. Streets adjacent to a loading area shall not be used for maneuvering. Maneuvering space shall be provided adjacent to the loading area so that vehicles may change directions and exist as well as enter the loading area moving in a forward direction.
4. When a group of buildings on the same property are proposed, one building may be designated to receive and dispatch goods.
5. Loading areas and adjacent maneuvering space shall be surfaced with a maintained all-weather material placed over at least six inches (6") of well-compacted base course and shall be sloped to assure positive drainage to a storm inlet or drainageway.
6. Space allocated for off-street loading, including access to such space, shall not be utilized to meet required off-street parking requirements.
7. No motor vehicle repair or service shall be permitted in a loading area.
8. When the use of a property is expanded or changed, the additional loading required to serve such expansion or change shall be provided.

#### **§ 110-36. Easements.**

- A. Easements with a minimum width of twenty feet (20') shall be provided as necessary for all utilities.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. Natural watercourses shall be maintained as permanent easements.
- D. Stormwater outlets shall have permanent easements from headwall to the centerline of the existing watercourse.
- E. Subsequent to completion of construction, all utility easements shall be identified on the as-built drawing and recorded if revised from the original recorded plat.

#### **§ 110-37. Storm Drainage.**

- A. Any land development or subdivision which when completed will contain less than five thousand (5,000) square feet of impervious surface per lot, tract or parcel, (area covered by buildings and paved surfaces), or a grading operation that disturbs less than forty-three thousand five hundred and sixty (43,560) square feet of site area shall be exempt

from the regulations of this Section, except that subsequent development of the site after the exemption has been exhausted shall be subject to these requirements.

- B. No final subdivision or land development plan shall be approved, no permit authorizing construction issued, or any earth-moving or land disturbance activity initiated until a final stormwater management plan for the site is approved as provided for in this Article. The Township Engineer shall determine if a development project is exempt.
- C. Concentrated stormwater drainage shall not be permitted to flow across the surface of streets that are within or adjacent to the plan. Nor shall concentrated stormwater drainage flow across neighboring property without the benefit of a recorded easement or an accepted drainageway.
- D. The design of underground storm drainage systems, including the type and size of inlets and pipe selected, shall be approved by the Township Engineer as part of the final plan approval process.
- E. The general criteria for the design of stormwater control measures and Best Management Practices shall be consistent with the provisions of the Township Stormwater Ordinance as amended.
- F. In residential developments where a series of lots occur on sloped land and lot to lot stormwater drainage is anticipated, drainage easements for overland flow shall be identified. Detention sumps for roof drains on individual lots shall be required if not provided for otherwise.

**§ 110-38. Erosion and Sediment Control.**

- A. No earth movement or removal of trees or ground cover in any subdivision or land development plan where a minimum of five thousand (5,000) square feet of impervious surface is proposed, except a minor subdivision or an earth disturbance of less than forty-three thousand, five hundred and sixty (43,560) square feet, shall commence until an erosion and sedimentation control plan has been reviewed and approved by the Township Engineer and Westmoreland County Conservation District, as required.
- B. The plan shall be prepared by a engineer with experience in this aspect of land development.
- C. If the site proposed for development exceeds minimum Department of Environmental Protection area requirements or involves any activity requiring a Department of Environmental Protection permit. Said permit shall be secured prior to the start of construction.

- D. Evidence that, when required, a plan has been approved by the Westmoreland Conservation District, or that an earth disturbance permit has been issued, shall be provided before any earth disturbance may take place.
- E. The approved erosion and sedimentation control plan shall be kept on the construction site available for inspection by public officials until the work covered by it has been completed.
- F. The Board of Supervisors may require surety in favor of the Township to be posted by the owner/applicant to cover the full cost of installing any facilities relating to erosion and sedimentation control.

**§ 110-39. Provision for a Developers Agreement.**

An executed agreement/contractual commitment shall be required in writing signed by the applicant and approved by the Township Solicitor. Such agreement/contractual commitment may include, but not be limited to, requirements that the applicant or owner/applicant is bound not to cause any physical change in the land or to any structure which requires prior approval or the issuance of a permit, or both, from any governmental body or agency until such permits or approvals are actually obtained. Such agreement shall also specify among other things, that the subdivision or land development shall be completed and maintained in the manner approved in the final plan within the time schedule agreed upon and the hours within which construction takes place, the maintenance of existing and proposed roads and facilities and authorizing the Township to obtain an immediate ex parte injunction, the withdrawal of permits and such other remedies as the Township deems appropriate against the applicant, its agents and contractors in the Court of Common Pleas of Westmoreland County, if work is commenced without such permits or approvals or violations of other terms in the agreement occur. Such agreement shall also specify what additional information, as deemed appropriate by the Board of Supervisors must be provided by the owner/applicant, and shall specify what remedies for failure of the owner/applicant to comply, are applicable.

ARTICLE XI  
**Manufactured Home Parks**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-40. General Requirements.**

- A. It shall be unlawful for any person to construct, operate or expand any mobile home park within Ligonier Township unless he secures approval from the Township and all required permits and licenses issued by the Pennsylvania Department of Environmental Protection, and the Ligonier Township Municipal Authority, if applicable, in the name of the owner of the mobile home park.
- B. All application procedures for land development plan approval shall be in accordance with Article 4 of this Chapter, whether for construction of a new park or enlargement or rearrangement of an existing park.
- C. Before any Township building or other required permit can be issued, the owner shall demonstrate that he has in his possession valid operating permits and licenses issued by the Pennsylvania Department of Environmental Protection, or proof in writing that such permits will be issued following Township approval of the land development application.
- D. Permits shall be valid for a period specified by the reviewing agency, contingent upon compliance with this Article and all applicable regulations of the Pennsylvania Department of Environmental Protection.
- E. Mobile home parks in existence upon the effective date of the adoption of this Ordinance shall be required to have a current permit from the Pennsylvania Department of Environmental Protection for the operation of public water and sanitary sewerage systems. However, any additions to the park or expansions of rearrangement or relocation of mobile home pads or lots after adoption of this Ordinance shall be in compliance with this Article.
- F. No duly authorized Township representative shall be denied access to any mobile home park during reasonable hours in order to determine compliance with this Article.
- G. No mobile home lacking its own toilet, bathing, cooking and food storage facilities, all in working condition, shall be permitted in a mobile home park.
- H. No mobile homes shall be placed in a mobile home park until streets which provide access to lots proposed for the placement of mobile homes, and utilities as required, have been installed.

**§ 110-41. Development Standards.**

A. Bulk and Dimensional Requirements:

1. Minimum size of park: Ten (10) contiguous acres;
2. Minimum size of mobile home lot: Eight thousand seven hundred and twelve (8,712) square feet (.20 acres) excluding street right-of-way, recreation areas, laundry or administrative facilities, guest parking areas or public utility sites or easements;
3. Minimum mobile home lot width: Seventy-five feet (75');
4. Minimum setbacks;
  - a) Minimum setback from park property boundary line not adjacent to a public street: Fifty feet (50');
  - b) Minimum setback from right-of-way line of adjacent public road: Fifty feet (50');
  - c) Minimum setback of closest point of mobile home from interior park street right-of-way boundary line: Thirty feet (30').
5. Minimum distances between mobile homes:
  - a) Minimum distance between ends of adjacent mobile homes: Thirty feet (30').
  - b) Minimum distance between parallel sides of adjacent mobile homes: Forty feet (40').
  - c) Minimum distance between the end of one (1) mobile home and the parallel side of an adjacent mobile home: Thirty feet (30').
  - d) Minimum distance between parallel sides of adjacent mobile homes when they overlap by no more than fifteen feet (15') if extended towards one another along a plane at right angles to their parallel sides: Thirty feet (30').
  - e) Sides or ends of adjacent mobile homes shall be considered parallel if they form an angle, when the adjacent sides or ends are extended to intersect, of not less than forty-five degrees (45°), nor more than one hundred thirty-five degrees (135°).

B. Circulation within the Park:

1. All streets for vehicular traffic within the park shall be designed and constructed in accordance with Standard Details in of this Chapter.
2. Streets within the park shall be constructed by the owner/applicant to meet these standards and shall be maintained in perpetuity by him and his successors and assigns, or by an organization formed to maintain such improvements, with no obligation to the Township.
3. The main entrance to a mobile home park from the public road shall be located to maximize sight distances for those entering or leaving the public road right-of-way. Except in rare circumstances and as determined by the Township Supervisors, two (2) points of access into a mobile home park from public road rights-of-way shall be provided.
4. Each mobile home lot in a park shall abut a nonpublic interior access street which shall connect to the public road serving the property. No lot in a park shall have direct access to a public road right-of-way.

5. Parking, if provided in group areas serving several mobile homes, shall be no further distance than one hundred and fifty feet (150') from the farthest mobile home thus served. Otherwise, each mobile home lot shall be provided with two (2) off-street parking spaces with dust-free stabilized surfaces, each nine feet by eighteen feet (9' x 18') in size. No parking shall occur on any park street.

C. Development of Mobile Home Lots:

1. Mobile homes shall be supported on masonry or concrete foundation piers extending at least three feet (3') below finished grade. Such foundations shall be capable of bearing the mobile home weight without settlement.
2. Mobile homes shall be securely fastened to their foundation by tie-downs at each corner and at the mid-point of each side, each tie-down capable of withstanding a pull of four thousand eight hundred (4,800) pounds. The area below the mobile home extending to the ground shall be enclosed with a continuous metal or vinyl skirting, ventilated to inhibit structural deterioration.
3. Mobile homes shall be placed on their required foundations within thirty (30) days of arrival in the park.
4. No enclosed permanent addition to a mobile home shall be permitted. Concrete slabs on grade covered by canopies or awnings attached to a mobile home to provide an open sided patio are permitted provided such structures are securely fastened to the mobile home and the ground.
5. No mobile home shall be occupied until it has been attached to either the park sewage disposal and water supply systems or available public utilities.
6. No area of a mobile home park to be developed for lots or permanent structures shall be subject to periodic flooding or have slopes in excess of fifteen percent (15%).

D. Other Uses Within the Park: No part of any park shall be used for any other uses except mobile home lots, traffic and pedestrian circulation, guest parking, park office, residence of the manager, central laundry facility, recreation facilities (both outdoor and enclosed), and maintained open space.

E. Sale of Portions of the Mobile Home Park: No portion of an approved mobile home park shall be severed for separate sale unless the portion to be sold abuts a public street, unless requirements for setbacks from property lines in a mobile home park are maintained in the original and severed sections, and unless access and utilities are separated in each property and neither property is dependent upon the other for any services or access. Any subdivision of the original park or subsequent rearrangement of lots to accommodate the provisions of this Article shall be considered as a subdivision of land under this Chapter.

F. Recreation:

1. When a mobile home park has at least eight (8) occupied mobile home lots, a recreation area or areas totaling at least two thousand five hundred (2,500) square feet or at least two hundred (200) square feet in area for each mobile home served, whichever is greater, shall be provided. The unobstructed, useable floor area of a recreation building may be included in determining the total area required.

2. The recreation area or areas shall be centrally located and so placed that all portions are on land that does not slope in excess of five percent (5%) in any direction. No part of an approved mobile home lot shall be considered as a recreation area.
3. Recreation areas shall be provided with appropriate equipment, benches and landscaping and shall be maintained by the management, or by an organization formed to maintain such areas and improvements.

## **§ 110-42. Utilities.**

### **A. Water Supply:**

1. Each mobile home lot and every other structure in the park with water supply connections shall and must be supplied with potable water from a public system when available, or from a central water system provided by the park owner on the park premises and approved by the Department of Environmental Protection.
2. The water supply source shall be capable of producing at least two hundred and fifty (250) gallons per day per mobile home at a pressure of at least twenty (20) pounds per square inch.
3. Individual water riser pipes at each mobile home lot shall be located and protected to insure against freezing, shall be protected from ground water drainage contamination, shall have a shut-off valve located below the frost line, and shall be capable of being capped when not in use.

### **B. Sewage Disposal:**

1. Each mobile home lot in a park and every other structure connected to a water supply shall be served by a public sewage disposal system when available, or by a central sanitary sewage system provided by the park owner on the park premises and approved by the Department of Environmental Protection.
2. Each mobile home lot shall be provided with a vertical three inch (3") inside diameter sewer riser pipe, capable of being plugged when the lot is not in use, or an equivalent approved by the authority with jurisdiction.
3. Each riser pipe shall extend at least one-half inch (1/2") above the ground surface, which surface shall slope away from the riser pipe in all directions, or an equivalent approved by the authority with jurisdiction.
4. Sanitary sewer pipe shall have a smooth inside surface, water-tight joints, a slope of not less than one quarter inch (1/4") per foot, and be made of semi-rigid, corrosion resistant, durable, nonabsorbent material. Pipe shall be placed at least two feet six inches (2' 6") below finished grade and encased in concrete where passing below a vehicular way, or an equivalent approved by the authority with jurisdiction.

### **C. Electrical Distribution:**

1. Each individual mobile home shall be connected to an electrical distribution system, which complies with the current provisions of the Pennsylvania Uniform Construction Code.
2. Pole mounted street lighting with sharp cut-off luminaries shall be installed at all intersections, at the ends of cul-de-sacs, and at entrances to a mobile home park, and

the owner of the park shall provide and install the system and pay for the electricity used to operate it.

D. Solid Waste Disposal and Insect and Rodent Control:

1. Solid waste and refuse generated by each mobile home and any other facility in the park shall be bagged and stored in covered, vermin-proof containers and shall be removed by a contract hauler not less frequently than once per week.
2. No waste shall be disposed of by burying or burning within any mobile home park. Disposal shall be in accordance with Township or PaDEP regulations.
3. Grounds, buildings and structures shall be maintained free of insect and/or rodent harborage or infestation.
4. Mobile home parks shall be kept free of litter and flammable or inflammable material accumulations.

E. Fuel Supply and Storage:

1. All piping from outside fuel storage tanks to mobile homes shall be securely but not permanently fastened in place, shall have secured shut-off-valves, and shall be capable of being capped when the lot is not in use.
2. Natural gas piping systems shall be buried under at least eighteen inches (18") of cover and shall not run under any mobile home.
3. Liquefied petroleum gas systems shall be provided with safety devices to relieve excess pressures and shall have an accessible shut-off valve outside each mobile home served.
4. Gas cylinders of at least twelve (12) but not more than sixty (60) U.S. gallons gross capacity may be installed on a mobile home lot and securely but not permanently mounted.
5. Cylinders or other fuel storage vessels shall not be located inside or beneath any mobile home or other structure in the park, and shall be placed at least five feet (5') from any exit from a mobile home or other structure.

F. Fire Protection When Public Water Supply is Available:

1. The public water supply system in a mobile home park shall be capable of providing the full operation of at least two (2) one and one half inch (1 1/2") hose streams simultaneously for one (1) hour.
2. Fire hydrants shall be provided by the owner/applicant and shall be located within six hundred feet (600') of any mobile home or service building or other structure in the park, or at a distance specified by the municipal authority with jurisdiction. The cost of maintenance and rental of hydrants shall be borne by the park management. Fire hydrants selection and locations shall be approved by the Township volunteer fire company which provides coverage for the park, with input from the Township Engineer.

**§ 110-43. Responsibilities of the Management.**

- A. The person, group, organization or corporation to whom a permit or license for utility facilities in a mobile home park is issued, shall operate the park in compliance with this Chapter and regulations of the Pennsylvania Department of Environmental Protection, and shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management shall supervise and be responsible for the placement of each mobile home on its lot, including all utility connections. No mobile home shall be placed within the park except upon an approved lot.
- C. The management shall maintain a register containing the names of all park occupants, such register being available to the Township Secretary or duly authorized Township representative at any reasonable hour.
- D. No mobile home may be moved, either to another location in the Township or from the Township, without the park owner first obtaining a permit from the Township Tax Collector. Such permit will be issued upon notice of the tax collector to the Township Secretary verifying that payment of all outstanding taxes owed any local taxing jurisdiction by anyone occupying the mobile home to be moved, has been made. The park operator shall be responsible for payment of all outstanding taxes if a mobile home is relocated or moved without a permit having been issued.

**§ 110-44. Violations.**

- A. Whenever the duly authorized Township representative determines by personal inspection that a violation of this Article exists in any mobile home park, he shall immediately, by certified mail, inform the owner and/or operator of the nature of the violation, citing specific sections of these regulations, outlining the required corrective action, the time limit within which abatement or correction shall be made, and the penalty for failure to correct. A copy shall be sent to the Board of Supervisors.
- B. The owner and/or operator may request within thirty (30) days of receipt of said notice, a hearing before the Board of Supervisors. Such hearing shall occur within sixty (60) days of the Board's receipt of such request, at a regular monthly meeting of the Board, and may result in a modification of the time limit or extent of the alleged violation, or dismissal of the required corrective action as outlined in the violation notice, at the discretion of the Board.
- C. The Board shall communicate its decision to the owner and/or operator within ten (10) days of consideration, after which the owner and/or operator shall have a specified time to comply with the requirements of the decision and/or the original notice of violation.
- D. Any person, firm, partnership, corporation or other entity who or which violates any provision of this Article after expiration of the time period in which he has been ordered to correct a violation shall be subject to penalties as enumerated in Article VIII.

E. While action is pending following the issuance of a Notice of Violation, prior to verification by the Township that a violation has been corrected, no building permits shall be issued for any new mobile homes to be located in the mobile home park wherein the violation has been identified.

ARTICLE VII  
**RV Campground Regulations**  
[Adopted 8-17-2018 by Ord. No. 03-2018]

**§ 110-45. Applicability.**

For the purpose of this Chapter, recreation vehicles and recreational vehicle parks shall be defined as follows:

- A. Recreation Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own mode of power or is mounted or drawn by another vehicle. The basic versions are: travel trailer, camping trailer, truck camper and motor home.
- B. Recreational Vehicle Park: A plot of land upon which ten (10) or more recreational vehicle sites are located, established or maintained for occupancy by the general public for recreational vehicles for recreation or vacation purposes. For the purposes of this chapter it is assumed that said vehicles are occupied for no more than 10 days consecutively, and shall not be used as a domicile for any length of time.
- C. The standards set forth under this Article are intended for those recreational vehicle parks where lots within the park are for rental, or lease and are to serve the short term placement of recreational vehicles as outlined.

**§ 110-46. Permits.**

In conjunction with the rules and regulations as herein specified, the recreational vehicle park developer shall submit properly prepared plans and specifications to the Pennsylvania Department of Environmental Protection. Such submission shall be in accordance with Title 25, Rules and Regulations Part I; Department of Environmental Protection - Subpart D Environmental Health and Safety, as amended. Prior to final approval of development plans by the Township, the developer shall forward a copy of any permits or required licenses or evidence of the same to the Township.

**§ 110-47. Land Development Plan Requirements.**

- A. Persons, firms, or corporations proposing to open a recreational vehicle park in Ligonier Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the land development plan of the proposed park, according to review and approval procedures outlined in Article 4, and has received the necessary approval of the plans from the Pennsylvania Department of Environmental Protection as indicated in this Article.

- B. Preapplication Procedure: The recreational vehicle park developer shall meet with the Township Planning Commission, prior to formal application, to discuss his plans and shall prepare suitable concept plans sufficient to give a general understanding of the proposal. The Township Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by this Chapter, if deemed advisable.

**§ 110-48. Design Requirements.**

- A. Lot Area Requirements: The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:
  - 1. Lot Area: Recreational vehicle lots shall be a minimum width of thirty feet (30') and shall not be less than one thousand five hundred (1,500) square feet in total area, excluding rights-of-way. Such size is considered adequate to accommodate parking for one (1) recreation vehicle, one (1) automobile parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.)
  - 2. Setback Requirements: Front setback for recreational vehicle units shall be fifteen feet (15') measured from the right-of-way line of an interior road or street. Structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be setback from adjacent or access streets a minimum of sixty-five feet (65') as measured from the roadway right-of-way line.
  - 3. Additional Setbacks for Recreational Vehicles:
    - a) Side Setback: 5' minimum to closest point of the perimeter of the leased lot area
    - b) Rear Setback: 5' minimum to closest point of the perimeter of the leased lot area

B. Perimeter Requirements:

1. When abutting residentially developed properties, a buffer strip shall be provided, a minimum of thirty feet (30') in width, parallel to the park property line. When abutting nonresidential properties, the buffer strip shall be twenty feet (20') in width, measured from the park property line.
2. When abutting an existing dedicated right-of-way, the setback shall be seventy-five feet (75') as measured from the street or roadway centerline, or twenty-five feet (25') from the existing right-of-way line whichever results in the greater setback distance.

C. Roadway Design Standards: Recreational vehicle park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system, although privately owned and maintained shall be designed and constructed as follows:

D. Local streets shall be constructed of select material surfacing as per current PaDOT Highway Specifications (Form 408), as amended, or approved by the Township Engineer as equivalent. Materials used shall be No. 2 R.C. aggregate, or an equivalent approved by the Township Engineer. The street shall be made from stone, slag, gravel, or bituminous paving material.

1. Construction Requirements:

- a) The aggregate shall be uniformly spread upon the graded areas, without segregation of coarse and fine material, in loose layers a minimum of five inches (5") in depth, and compacted with a 10-ton roller meeting the requirements and specifications of the Commonwealth of Pennsylvania Department of Transportation, Form 408.
  - b) The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the approved plans.
  - c) Satisfactory compaction and stability of the material under the specified compaction equipment, in accordance with Form 408 of the Department of Transportation, shall be determined by the Township Engineer. The Township Engineer will specify in writing to the developer any additional needs for satisfactory compaction.
2. Cul-de-Sac Streets: Shall be provided with a turnaround having an outside roadway diameter of at least eighty feet (80').
  3. Parking Spaces: Car parking spaces, at a minimum size of nine feet by eighteen feet (9' x 18'), shall be provided in sufficient number to meet the needs of the occupants of the property and their guests. Such facilities shall be provided at the rate of at least one and one half (1 1/2) parking spaces for each recreational vehicle lot, and shall be on the recreational vehicle lot or in designated parking areas - no on-street parking shall be permitted for safety reasons.
  4. Recreation (not mandatory): At least five percent (5%) of the total park land area should be reserved for active and passive recreation with appropriate location, dimensions and topographic characteristics which lend themselves to recreational use. Such area shall exclude required buffer areas and setbacks.

5. Ancillary Services: The developer may include certain ancillary services such as a laundromat, camp store, grocery store, office, bathhouse, caretakers' residence, etc., provided that such services shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park.
6. Plans and Compliance:
  - a) No persons shall construct, open or dedicate any road, or drainage facilities in connection therewith, for public use or travel within a recreational vehicle park in Ligonier Township without submitting plans thereof to the Township for review and approval. Such plan shall be prepared in duplicate in accordance with these regulations. Plans for review and approval shall be accompanied by information as prescribed in this Chapter.
  - b) Said plans shall show the profiles, course, and structure of such roads, the capacity of any drainage facilities and the method of drainage of the adjacent or contiguous property. Construction shall be in accordance with street specifications and the land development plan as approved.
  - c) Subsequent to land development plan approval where new streets are to be constructed and dedicated to public use, the streets shall be designed and constructed in compliance with plans prepared as outlined in this Article. Such street shall be inspected by the Township Engineer during construction and be in compliance with the provisions of Article 5.
  - d) No roadway, street or other facility or improvement within a recreational vehicle park will be approved for adoption by Ligonier Township unless it is designed and constructed to serve two (2) or more permanent residences and functions as the primary access.
7. Excavation and Grading:
  - a) Streets shall be excavated and graded as indicated on the approved plans. This shall include excavation of the street to the lines, grades and limits indicated on the drawings or as may be revised by the Township to meet conditions encountered during construction, or excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limits; and shall also include the widening of cuts, grading of slopes outside the right-of-way as called for on approved plans, removal of top soil, excavating of ditches and the compaction of fill. Inspections shall be performed and approval granted by the Township Board of Supervisors as work progresses.
  - b) All drainage structures shown on the approved plans shall be designed and constructed as per the provisions of Article 5 and installed to current Commonwealth standards. Culverts may be corrugated metal pipe, concrete, or reinforced concrete according to Pennsylvania Department of Transportation Form 408 specifications.
8. Fire Protection:
  - a) General - For the safety and welfare of the occupants of the recreational vehicle park, the following fire prevention regulations shall be complied with. All fire safety plans shall be approved by the Volunteer Fire Company Chief which company provides fire protection, according to nationally accepted standards (NFPA).

- b) Fire hydrants shall hereafter be required in any new recreational vehicle park, where the extension of a central distribution system of water lines, whether public or private, are proposed for the recreational vehicle park development.
  - i. Hydrant size and type: All hydrants installed shall be of a standard size and type as specified by the Township, the Volunteer Fire Company Chief and the municipal authority with jurisdiction, where applicable.
  - ii. Spacing: Hydrant spacing shall be adequate to serve all lots within the recreational vehicle park. Hydrants shall be located not more than six hundred (600) linear feet from each other. Where an existing hydrant is less than six hundred feet (600') or as same may be amended as needed by the authority with jurisdiction from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined, taking the existing location of the hydrant into consideration.
  - iii. Location: Hydrants shall be located as required by the municipal authority with jurisdiction.
  - iv. Design: The proposed locations of fire hydrants shall be identified on the submitted plans. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the recreational vehicle park.
- c) In areas where there are no central water line extensions proposed, the following standards for fire prevention shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
  - i. The tank system: Approved underground, static water tanks of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'):
    - a. The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.
    - b. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inches (24") square covered by either a removable type lid or a hinged type lid.
    - c. Each tank shall have an approved outlet above ground, no less than four and one half inches (4 1/2") in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2) two and one half inch (2 1/2") outlets.
  - ii. The Pond System: A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be of sufficient size and depth, as determined by the Volunteer Fire Company Chief and Township Engineer, according to nationally accepted standards (NFPA), to adequately serve all park lots.

- iii. In addition, a cyclone or steel mesh fence with a lockable gate, at a minimum height of six feet (6') with a single strand of barbed wire on top shall enclose the area of the pond.

ARTICLE VIII  
**Public Sites and Open Space**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-49. Public Space.**

- A. In reviewing any plan for residential subdivision or residential land development (as the same as defined herein), the Ligonier Township Planning Commission shall consider the parks, open space and recreational needs of the additional residents and/or employees proposed by the development and shall discuss its findings and the further requirements of this Article with the applicant as it deems necessary to be in the public interest.
- B. In all residential subdivisions or residential land developments, the applicant shall set aside land for parks and recreational purposes based upon the following formula: Amount of Land = [number of dwelling units] x [occupancy factor] x .028.
- C. Occupancy factors shall be determined by the number of residents who may occupy a certain type of dwelling unit. For purposes of administering this chapter, the occupancy factor shall be as follows:
  - D. Single-family detached dwellings: 3.0.
  - E. Single-family attached (includes duplex units, quads, townhouses): 2.0.
  - F. All other residential units (includes apartments, community living arrangements, group homes, institutional residential uses and retirement communities): 1.5.
- G. Alternatively, the applicant may offer a fee-in-lieu, as per § 110-50. If the set-aside requirements, as applied to a particular tract of land, is illogical or impractical in terms of the criteria and standards in § 110-50, the township may decline any such proposed alternative.
- H. Alternatively, the applicant may offer to construct park and recreation facilities if the value of the facilities equals or exceeds the amount of a fee-in-lieu, as per § 110-50. The Township of Ligonier may decline any such proposed alternative.
- I. All lands proposed for dedication shall meet the criteria listed in § 110-50.
- J. Alternatively, the applicant may offer trail easements in accordance with Subsection § 110-50. Credit for land dedication requirements shall be equal to the calculated area of the easement / right-of-way and reduction of fee-in-lieu shall be in proportion to the land required. The Township of Ligonier may decline any such proposed alternative.

**§ 110-50. Fee-in-lieu.**

- A. For all subdivisions and residential land developments: the amount of fee-in-lieu shall be calculated on a per-unit basis as follows and shall be provided for each unit or building lot proposed.
- B. Single-family detached: \$900
- C. All other residential units: \$900 per unit.
- D. Credit for land dedication requirements shall be equal to the calculated area of the easement / right-of-way; reduction of fee-in-lieu shall be in proportion to the land required.
- E. All monies collected in lieu of land shall be kept in a fund, which shall be used only for the acquisition of open space land or capital improvements for parks and recreation purposes within the Township of Ligonier at locations consistent with the Comprehensive Parks, Recreation and Open Space Plan of the Township of Ligonier.

**§ 110-51. Open Space Characteristics and Design Standards.**

In designating areas for parks and recreation areas within the subdivision and land development plan, the following criteria and standards shall be adhered to by the applicant.

- A. Areas shall be consistent with the Ligonier Valley Joint Comprehensive Plan
- B. Suitable for active and passive recreational uses to the extent deemed necessary by the Board of Supervisors of the Township of Ligonier as recommended by the Ligonier Township Planning Commission without interfering with adjacent dwelling units, parking, driveways, and roads. A minimum of twenty-five (25%) percent of the total land area to be dedicated for open space and recreation purposes shall be suitable for active recreational use as specified in this chapter.
- C. Comprised of no more than twenty-five (25%) percent environmentally sensitive lands (including floodplains, wetlands, slopes exceeding twenty-five (25%) percent, and surface waters).
- D. Comprised of areas not less than one hundred (100') feet in width, and not less than ten thousand (10,000 sq. ft.) square feet of contiguous area, except when part of a trail system or pathway network.
- E. Interconnected with common open space areas on abutting parcels whenever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems within the Township of Ligonier/
- F. Provided with sufficient perimeter when necessary and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating

pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.

- G. Undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Ligonier Township Engineer and the Ligonier Township Planning Commission.
- H. Free of all structures, except those related to outdoor recreational use.

**§ 110-52. Dedication of Land.**

- A. Made subject to such agreement with the Township of Ligonier and such deed restrictions duly recorded in the Office of the County Recorder of Deeds as may be required by the Board of Supervisors of the Township of Ligonier for the purpose of preserving the common open space for such use.
- B. All land proposed to be dedicated shall be suitable for the use intended and shall be free of all encumbrances and liens. All land to be dedicated shall include a provision for physically identifying the boundaries where public or common lands meet private lands.
- C. Land to be dedicated shall consist of one (1) parcel with no intervening private land, unless recommended by the Administration, the Ligonier Township Planning Commission and approved by the Board of Supervisors of the Township of Ligonier.
- D. Requirements for Active Recreation Land:
  - 1. Land to be dedicated should be located within the development site unless agreed otherwise by the Board of Supervisors of the Township of Ligonier upon recommendation by the Administration and the Ligonier Township Planning Commission.
  - 2. Land proposed for parks, playgrounds or other active recreational use shall have a slope no greater than eight (8%) percent, either in its natural state or after grading by the developer.
  - 3. Specifically not include any drainage swales or other components of any stormwater management system.
  - 4. Shall not include any areas of jurisdictional wetlands as defined by the U. S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection.
  - 5. Areas designated for active recreation shall be visible from a public street and shall have at least one hundred (100') feet of frontage on a public street.
  - 6. Active recreation lands shall be provided with the same access to utilities (electric, telephone, gas, water, sewer, etc.) as lots within the development.
  - 7. Areas designated for active recreation shall be designed as a focal point or core feature of the development.
  - 8. Pedestrians and bicyclists shall have access to the active recreation area from each dwelling unit via, in order of preference:
    - a) Dedicated public rights-of-way;

- b) Sidewalks, if provided in the development;
  - c) Pedestrian easements;
  - d) Road berm.
- E. Active recreation area shall be easily and safely accessible from all areas of the development, shall have adequate ingress and egress including site distance and other requirements. Parking areas for access to the active recreation area shall be identified.
- F. To the maximum extent feasible, the shape of the property proposed to be dedicated shall maintain a length-to-width ratio not to exceed four (4) to one (1); exceptions may be made to this requirement based upon the proposed active recreation use of the land.
- G. Trail easements may fulfill the requirements of active recreation area upon recommendation by the Ligonier Township Planning Commission and approval by the Board of Supervisors of the Township of Ligonier.
- H. Ownership and Maintenance of Parks and Recreation Areas. Different ownership and management options apply to the permanently protected park and recreation land created through the development process as defined in this Chapter. The land shall remain undivided and may be owned and managed by a Homeowners' Association, a governmental body, or a recognized land trust or conservancy. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements.
1. Ownership Standards. Common park and recreation land within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to the approval of the governing body.
  2. Offer of Dedication. The Township of Ligonier shall have the first and last offer of dedication of undivided park and recreation land in the event said land is to be conveyed. Dedication shall take the form of a fee-simple ownership. The Township of Ligonier may, but shall not be required to, accept undivided park and recreation land, provided:
    - a) Such land is accessible to residents of the Township of Ligonier.
    - b) There is no cost of acquisition other than costs incidental to the transfer of ownership such as title insurance.
    - c) The Township of Ligonier agrees to and has access to maintain such lands.
    - d) Where the Township of Ligonier accepts dedication of common park and recreation lands that contain improvements, the Township of Ligonier may require the posting of financial security to ensure structural integrity of said improvements as well as the function of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.
    - e) The Board of Supervisors of the Township of Ligonier may designate any municipal, inter municipal or county governing body or authority to accept the dedication of a common park and recreation land, subject to the above-listed provisions.

3. Homeowners' Association. The undivided park and recreation land and associated facilities may be held in common ownership by a Homeowners' Association. The association shall be formed and operated under the following provisions:
- a) The developer shall provide a description of the association including its bylaws and methods for maintaining the park and recreation land. A Homeowners Association is responsible for providing a copy of its By-laws and any amendments to the Ligonier Township Supervisors.
  - b) The association shall be organized by the developer and be operated with financial subsidization by the developer before the sale of any lot within the development.
  - c) Membership in the association is automatic (mandatory) for all purchasers of lots or homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
  - d) The association shall be responsible for maintenance, insurance and taxes on undivided park and recreation land, enforceable by liens placed by the Township of Ligonier.
  - e) The members of the association shall share equitably in the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
  - f) In the event of a proposed transfer, within the methods here permitted, of undivided park and recreation land by the Homeowners' Association, or of the assumption of maintenance of undivided park and recreation land by the Township of Ligonier or its designee, notice of such action shall be given to all property owners within the development.
  - g) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided park and recreation land.
  - h) The Homeowners' Association may lease park and recreation lands to any other qualified person or corporations for operation and maintenance of open space lands, but such a lease agreement shall provide:
    - i. That the residents of the development shall at all times have access to the park and recreation lands contained therein;
    - ii. That the undivided park and recreation land to be leased shall be maintained for the purposes set forth in this Chapter; and
    - iii. That the operation of park and recreation facilities may be for the benefit of residents only or may be open to the residents of the Township of Ligonier, at the election of the developer and/or homeowner's association, as the case may be.
  - i) The lease shall be subject to the approval of the Board of Supervisors of the Township of Ligonier, and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors of the Township of Ligonier. Lease Agreements so entered upon shall be recorded with the Westmoreland County Recorder of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Ligonier Township Secretary.
  - j) Condominiums. The undivided park and recreation land and associated facilities may be controlled through the use of condominium agreements approved by the Board of Commissioners of the Township of Ligonier. Such agreements shall be

- in conformance with the Commonwealth's Uniform Condominium Act. All undivided park and recreation land shall be held as a "common element".
- k) Dedication of Easements. The Township of Ligonier may, but shall not be required to, accept easements for public use of any portion or portions of undivided park and recreation land, title of which is to remain in ownership by a condominium or Homeowners' Association, provided:
    - i. Such land is accessible to the Township of Ligonier residents.
    - ii. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance.
    - iii. A satisfactory maintenance agreement is reached between the developer, condominium or Homeowners' Association and the Township of Ligonier.
    - iv. The Township of Ligonier may designate any municipal, inter municipal or county body or authority to accept such easements, subject to the above-listed provisions.
  - l) Transfer of Easements to a Private Conservation Organization. With the permission of the Board of Supervisors of the Township of Ligonier, an owner may transfer easements to a private, nonprofit organization among whose purposes it is to conserve parks, recreation lands and facilities, open space and/or natural resources, provided that:
    - i. The organization is acceptable to the Township of Ligonier and is a bona fide conservation organization with perpetual existence;
    - ii. The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
    - iii. A maintenance agreement acceptable to the Board of Supervisors of the Township of Ligonier is entered into by the developer and the organization.
  - m) Maintenance Standards.
    - i. The ultimate owner of the park and recreation land (typically a Homeowners' Association) shall be responsible for raising all moneys required for operations, maintenance or physical improvements to the park and recreation land through annual dues, special assessments, etc. The Homeowners' Association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
    - ii. In the event that the association or any successor organization shall at any time after establishment of a development containing undivided open space fail to maintain the undivided park and recreation in reasonable order and condition in accordance with the development plan, the Township of Ligonier or its designee may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided park and recreation in reasonable condition.
    - iii. Failure to adequately maintain the undivided park and recreation land in reasonable order and condition constitutes a violation of this Chapter. The Township of Ligonier, or its designee, is hereby authorized to give notice,

by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.

- iv. Should any bill or bills for maintenance of undivided park and recreation land by the Township of Ligonier or its designee be unpaid by November 1 of each year, a late fee of fifteen (15%) percent shall be added to such bill and a lien shall be filed against the premises in the same manner as other municipal claims.

I. Municipal Trail Easements. The following section outlines standards by which the Township of Ligonier may accept trail easements as land dedication within proposed open space that does not otherwise meet the requirements of Subsection D, Open Space Characteristics and Design Standards.

1. Any right-of-way, easement, or other encumbrance, hereinafter being referred to simply as “right-of-way”, allowing for future construction of a trail within any area of a development shall be expressly defined and clearly marked to scale on all plot plans prior to final plan approval and shall be defined by appropriate survey.
2. All trail rights-of-way shall be recorded in any covenants of the development or Homeowners’ Association. All public trail rights-of-way within a plan shall be disclosed to all purchasers of parcels within said plan prior to purchase.
3. Trail Location and Easement Standards.
  - a) Trail rights-of-way shall not exceed twenty (20’) feet in width to assist in the ability to locate the tread portion of the trail within the right-of-way. Tread way or improved area width shall not exceed six (6’) feet.
  - b) Boundaries of all trail rights-of-way shall be setback at least twenty-five (25’) feet from the parcel boundaries of the parcel on which the easement is located and are encouraged to be located at the greatest distance from said property lines, where conditions permit.
  - c) Trail connectors shall be exempted from the aforementioned setback requirements. A trail connector is defined as the point of entry to the trail from a point of public access such as a public road.
4. Trail Construction and Use Standards. The Township of Ligonier, through its subsequent policies and standards, shall adhere to the following standards regarding the utilization of trail easements conveyed.
  - a) Motorized vehicles shall be prohibited. Equestrian usage may be approved by Township Supervisors. All trails shall be clearly identified by appropriate signage. Trails shall be blazed to identify their location and ensure that all traffic stays within the prescribed boundaries.
  - b) The use of trails shall be restricted to the hours from dawn to dusk.
  - c) All trails shall be constructed in accordance with appropriate guidelines and standards as recommended by the Ligonier Township Planning Commission and used in municipal park trail development.
  - d) The Township of Ligonier may, at its discretion, use municipal employees, contract with vendors, or utilize community volunteers to construct and/or maintain trails.

- e) All property owners adjacent to the trail development area shall be notified prior to the start of trail construction. Council shall also be notified of pending trail construction within dedicated easements.
- f) The Township of Ligonier assumes all risks of right-of-way ownership, construction, and liability related to the use of said public trails.
- g) The Township of Ligonier assumes maintenance responsibilities for all trails constructed by municipal employees, contract vendors, or community volunteers.

ARTICLE IX  
**Administration**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-53. Modifications.**

- A. The Planning Commission may, in specific cases involving a subdivision, land development mobile home park plan, or RV campground recommend modifications from the provisions of these regulations, subject to approval by the Board of Supervisors, that will not be contrary to the public interest or the spirit and intent of this Chapter. Modifications shall only be granted where, owing to special circumstances in a specific subdivision or land development, the literal interpretation and strict application of the provisions of these regulations would cause unfair and unnecessary hardship.
- B. No such modifications from the provisions of these regulations shall be recommended by the Planning Commission unless one (1) or more of the following characteristics are found to be applicable:
  - 1. There are unique physical circumstances or conditions present on the property including peculiar shape or exceptional topographical or other physical conditions and the reasons for which a modification is sought are due to these conditions and not the provisions of this Subdivision and Land Development Ordinance regulations;
  - 2. Because of the physical circumstances there is no possibility that the property can be developed in strict conformity with these regulations if reasonable use is to be made of it;
  - 3. The characteristics which necessitate a reason for request for a modification have not been created by the applicant; and
- C. The modification, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- D. The modification, if authorized, will represent the minimum that will afford relief and will represent the least modification possible of the regulation or regulations at issue.
- E. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
- F. The Planning Commission shall review the application when requested to do so by the Board of Supervisors. The Commission may call a duly noticed public hearing to obtain additional information and public comment.

- G. Within one hundred and twenty (120) days after the first meeting at which the modification request was first considered by the Planning Commission (30-day submittal deadline, plus 90-day review period), and not subsequently changed, the Board of Supervisors shall inform the owner/applicant in writing of its decision. If the decision is unfavorable, the reasons for rejection shall be specifically indicated.
- H. The owner/applicant may revise the application and resubmit to the Planning Commission with the revisions requested. The owner may not again submit the same application, once finally denied, for at least one (1) year after rejection.
- I. The specific wording of a modification which has been granted shall be lettered in permanent ink upon the mylar for recording and signed and dated by the Chairman of the Board of Supervisors.
- J. The Board of Supervisors shall keep a written record of all actions on all requests for modifications.

**§ 110-54. Amendment of this Chapter.**

- A. A proposal for an amendment to this Chapter may be initiated in any of the following ways:
  - 1. A request of the Planning Commission by the Board of Supervisors;
  - 2. An official proposal by the Planning Commission; or
  - 3. A petition presented to the Planning Commission signed by a property owner in the Township, or by an owner/applicant who has entered into an agreement to purchase property in the Township.
- B. Upon receiving a request for an amendment or upon making an official proposal, the Planning Commission shall prepare a report on the proposed amendment with copies sent to the Board of Supervisors. The Planning Commission, with the approval of the Board of Supervisors, may contract with an appropriate consultant to assist in the preparation of the amendment. Such report shall recommend either adoption, rejection, or adoption of the amendment proposal with specific revisions.
- C. The Board shall review the Planning Commission's report on the amendment and shall forward a copy of said report to the Westmoreland County Planning Department prior to scheduling a public hearing, after which it shall vote to approve or deny the proposed amendment.
- D. The public hearing shall be advertised in a newspaper of general local circulation at least once in each of two (2) consecutive weeks, the first notice appearing not more than thirty (30) days and the second not less than seven (7) days prior to the date of the hearing. The notice shall indicate the date, time and place of the hearing, a brief summary of the contents of the amendment, and the location and times where and when copies of the amendment may be examined before the hearing.

- E. When the Board proposes an amendment, it shall allow both Westmoreland County Planning Department and Township Planning Commissions at least thirty (30) days to review and comment upon it prior to the date of the public hearing.
- F. If a proposed amendment is substantially changed following the public hearing, the Board shall hold an additional public hearing before voting.
- G. Within thirty (30) days after adoption, the Board shall send a certified copy of the amendment to the Westmoreland County Planning Department.

**§ 110-55. Enforcement.**

- A. The provisions of these regulations shall be enforced by the duly authorized representative of the Township responsible to the Board of Supervisors.
- B. Enforcement Remedies:
  - 1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development Ordinance enacted under the Pennsylvania Municipalities Planning Code, Act 247 as amended, or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magistrate. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.
  - 2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
  - 3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**§ 110-56. Preventive Remedies.**

- A. In addition to other remedies, the Board of Supervisors may undertake 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.
- B. The Board may direct the duly authorized representative to issue no permits or grant any approval necessary to further improve or develop property which was illegally subdivided or upon which construction or site preparation has occurred in violation of this Chapter. The authority to deny a permit or approval shall apply to the owner of record at the time the violation occurred, subsequent owners regardless of their knowledge of the violation, and any vendor or lease holder of the property or their successors whether or not they know of the violations.
- C. Such remedies shall also apply to the vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

**§ 110-57. Failure to Maintain Public and Private Improvements.**

- A. The Homeowner's Association or other organization formed to maintain commonly owned land, facilities and other improvements, shall provide perpetual maintenance of such land and improvements in accordance with all applicable regulations and current standings.
- B. In default thereof, the Township may, after reasonable notice, enter upon the premises and undertake the required maintenance and assess the cost thereof, against each property owner of the Homeowner's Association formed to maintain the improvements identified as such on the finally approved and recorded plan. In addition, a ten percent (10%) penalty shall be assessed for administration of the corrective maintenance.
- C. The manner of collection shall be consistent with the provisions for the filing of municipal claims in the Commonwealth, or at the Township's option, by the institution of any suit at law or equity.

**§ 110-58. Schedule of Fees.**

- A. A schedule of fees for minor subdivisions, major subdivision, minor land developments and land development plans not involving subdivision, mobile home park plans, recreational vehicle campground plans, requests for modifications, and petitions for

amendments of this Chapter shall be established by resolution of the Board of Supervisors.

- B. No subdivision or land development plan shall be finally approved, and no petition or requests acted upon, unless or until all applicable fees have been paid in full.

ARTICLE X  
**Planning Commission**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-59. Membership.**

The planning commission shall be established by Resolution of the Township Board of Supervisors. Unless changed by the board, it shall consist of five members of two alternates who shall serve 5 year terms. Said alternates shall be designated as alternate 1 and alternate 2. If one planning commission member is absent, alternate 1 shall be a voting member. Should two members be absent, both alternate 1 and alternate 2 shall be voting members.

**§ 110-60. Absence.**

If a member of the planning commission or alternate it absent for three meetings in a row, said matter will be referred to the Township Board of Supervisors for a vote for termination for non-participation. The member may at said time offer reasons for said absences and the Supervisors may choose to remove or not at their discretion.

ARTICLE XI  
**ENACTMENT**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-61. Severability.**

Should any section or provision of this Chapter or the application of any provision to particular circumstances 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. In such case, should any section or provision be declared invalid or void, and the effect would be that there be no regulations or standards in effect which would be applicable to the particular lot or situation, then the regulations and standards which were in effect and adopted pursuant to Ordinance No. 03-2018, enacted August 14<sup>th</sup> of 2018, shall apply.

**§ 110-62. Repealer.**

Ordinance Number 97-11, Subdivision and Land Development, of 7-21-1997, as formerly codified as Chapter 65 is hereby repealed in its entirety and this Chapter, as amended and restated, shall be in full force and effect upon adoption by the Board of Supervisors

**§ 110-63. Effective Date.**

These regulations are necessary for the immediate preservation of the public health, safety, morals and general welfare and shall be effective immediately upon passage and publication.