

## Chapter 22

### Subdivision and Land Development

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**Part 1****Short Title****§22-101. Short Title.**

This Chapter shall be known and may be cited as the “Pillow Borough Subdivision and Land Development Ordinance.”

*(Ord. O-1-78, 3/9/1978, §101)*



**Part 2****Purpose, Authority, Application, and Interpretation****§22-201. Purpose of this Chapter.**

The purpose of this Chapter is to provide for harmonious development of the Borough and County by:

- A. Ensuring the orderly and efficient integration of subdivisions into the development of the Borough of Pillow.
- B. Ensuring sites suitable for building purposes and human habitation.
- C. Ensuring conformance of subdivision plans with public improvement plans.
- D. Ensuring coordination of inter-municipal public improvement plans and programs.
- E. Ensuring the protection of water resources and drainageways.
- F. Ensuring the efficient movement of traffic.
- G. Ensuring equitable handling of all subdivision plans by providing uniform standards and procedures.
- H. Ensuring the greater health, safety, and welfare of the citizens of the Borough of Pillow.
- I. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.

(*Ord. O-1-78, 3/9/1978, §201*)

**§22-202. Authority.**

The Commission is hereby designated by the Borough Council as the agency having authority to approve for the Borough all pre-application plans and data. The Commission is further designated as the agency which shall review and make recommendations on all preliminary and final plats as required herein, prior to final approval on same by Borough Council.

(*Ord. O-1-78, 3/9/1978, §202*)

**§22-203. Dauphin County Review of Plans.**

Applications for review of subdivision and land development within Pillow Borough must be forwarded upon receipt to the Dauphin County Planning Commission for review and report, and the Borough shall not approve such applications until the County report is received, or until the expiration of 45 days from the date the application was forwarded to the County. As evidence of this review and report, officials of the County Planning Commission will sign final plats, which have been formally approved by the Borough, before such plats are presented for recording.

(*Ord. O-1-78, 3/9/1978, §203*)

**§22-204. Application of Regulations.**

1. No subdivision or land development of any lot, tract, or parcel of land located

in the Borough of Pillow shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a final subdivision plat has been approved by the Borough Council and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this Chapter.

2. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plat has been approved by the Borough Council and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

3. Unit or condominium subdivision of real property is included within the meaning of the subdivision as defined herein and must comply with the subdivision regulations except for lot requirements under §22-504.C(1) through .C(3) provided such subdivision is served by a public or common sewage collection and treatment system. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, roads, streets, and the payment of fees and charges as established by the Borough Council. Preliminary and final plats shall indicate the location of each structure and clearly defined each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit and improvements to public right-of-way. Unit or condominium subdivisions are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking, and other features and shall be indicated on the subdivision plans.

*(Ord. O-1-78, 3/9/1978, §204)*

#### **§22-205. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Where provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, restriction, or regulation, the provisions of this Chapter shall be controlling. Where the provisions of a statute, other ordinance, resolution, or regulation imposes greater restrictions than this Chapter, the provisions of such statute, resolution, ordinance, or regulation shall be controlling.

*(Ord. O-1-78, 3/9/1978, §205)*

### Part 3

#### Definitions

##### §22-301. Definitions.

The following words and phrases, as used in this Chapter, shall have the meaning hereby ascribed thereto, unless the context clearly indicates a different meaning.

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

*Applicant (see developer and subdivision)*—a landowner or developer, as hereinafter defined, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors, and assigns.

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

*Block*—an area bounded by streets.

*Borough*—the Borough of Pillow, Dauphin County, Pennsylvania; Borough Council its agents or authorized representatives.

*Building line*—a line parallel to the front, side, or rear lot line set so as to provide the required yard.

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

*Cartway or roadway*—that portion of a street or alley which is improved, designated, or intended for vehicular use.

*Chairman*—the Chairman of the Pillow Borough Planning Commission.

*Clear-sight triangle*—an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

*Cooperative*—ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

*Commission*—the Pillow Borough Planning Commission.

*Common elements*—includes:

- (1) The land on which the building is located and portions of building which are not included in a unit.
- (2) The foundation, structural parts, supports, main walls, roofs,

basements, halls, corridors, lobbies, stairways, and entrances and exits of the building.

(3) The yards, parking areas, and driveways.

(4) Portions of the land and building used exclusively for the management, operation, or maintenance of the common elements.

(5) Installations of all central services and utilities.

(6) All other elements of the building necessary or convenient to its existence, management, operation, maintenance, and safety or normally in common use.

(7) Such other facilities as are designated as common elements.

*Common open space*—a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designated and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas and areas set aside for public facilities.<sup>1</sup> Common open space shall be substantially free of structures, but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

*Condominium*—ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

*Cross-walk*—a right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

*Council*—the elected Council of the Borough of Pillow.

*Cul-de-sac*—a street intersecting another street at one end terminating at the other in a vehicular turnaround.

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

*Developer (see applicant and subdivider)*—any landowner, agent, or tenant with permission of such landowner, who makes or cause to be made a subdivision of land or land development.

*Development plan*—the provisions for the development of a tract of land, including a subdivision plat, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, street, ways and parking facilities, common open-space and public facilities. The phrase “provisions of the development plan” when used in this Chapter shall mean written and graphic materials referred to in this definition.

*Drainage*—the flow of water or liquid waste and the method of directing such

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<sup>1</sup>“Public facilities” include utility easements for sewer collection, water, electric, telephone and gas distribution, transformers, pumping stations, etc.

flow, whether natural or artificial.

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

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

*Dwelling*—a building designed for residential purposes and used as living quarters for one or more persons or families.

*Dwelling unit*—one or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family or a single person.

*Dwelling, single-family, detached*—a building used by one family, having one dwelling unit, and having two side yards.

*Dwelling, single-family, semi-detached*—a building used by one family, having one side yard, and one party wall in common with another building.

*Dwelling, single-family, attached (row) (town house)*—a building used by one family, and having two party walls in common with other buildings, except end units which shall have one party wall and one side yard.

*Dwelling, two-family, detached*—a building used by two families, with one dwelling unit arranged over the other, having two side yards.

*Dwelling, two-family, semi-detached*—a building used by two families, with one dwelling unit arranged over the other, having one side yard, and having one party wall in common with another building.

*Dwelling, multi-family*—a building used by three or more families living independently of each other and their own cooking, including apartment houses.

*Dwelling, garden apartment*—a two story multi-family dwelling containing one story dwelling units, under one ownership.

*Easement, utility*—a right-of-way granted for the limited use of land for public or quasi-public purposes.

*Engineer*—a registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

*Engineering specifications*—the engineering specifications of the Borough regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

*Erosion*—the removal of surface materials by the action of natural elements.

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

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

material used to make fill.

*Floodplain*—the area along a natural watercourse which may from time to time be overflowed by water therefrom.

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

*Governing body*—the Borough Council of the Borough of Pillow, Dauphin County, Pennsylvania.

*Half or partial street*—a street, generally parallel with and adjacent to a property line, having a lesser right-of-way width than required for improvement and used as a street in accordance with this Chapter.

*Improved public street*—any street for which the Borough, County, or Commonwealth has maintenance responsibility and which is paved with an approved hardtop surface.

*Improvements*—those physical additions, installations, and changes required to render land suitable for the use intended including, but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, street shade trees, and improvements to existing water courses.

*Interior walk*—a right-of-way for pedestrian use extending from a street into a block or across a block to another street.

*Land development (see subdivision)*—(1) the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features, (2) a subdivision of land.

*Landowner*—the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee having a remaining term of not less than 40 years, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Chapter.

*Lot*—a plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.

*Lot, through or double frontage*—a lot with front and rear street frontage.

*Lot area*—the area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.

*Lot, nonconforming*—a lot of record at the time of the adoption of this Chapter, which by reason of area or dimension does not conform to the requirements of this Chapter.

*Major streets*—

(1) *Arterial street*—a major street or highway with fast or heavy traffic volumes of considerable continuity used primarily as a traffic artery for

communications between large areas.

(2) *Collector streets*—a major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

(3) *Limited access highway*—a major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

*Marginal access street*—a minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

*Minor street*—a street used primarily for access to abutting properties.

*Minor subdivision*—the subdivision of a single lot, or less tract, or parcel of land into six lots, tracts, or parcels of land, for the purpose, whether immediate or future, of transfer or ownership or of building development, providing lots, tracts, or parcels of land thereby created having frontage on an improved public street or streets; and, providing further, that there is not created by the subdivision any new street, street easement, easement of access, or need therefor.

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

*Mobile home lot*—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

*Mobile home park*—a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

*Municipality*—Pillow Borough, Dauphin County, Pennsylvania.

*Owner*—any person having any title or interest whatsoever in any land subdivision as the word “subdivision” is hereinafter defined in this Section.

*Person*—any individual or group of individuals, partnership, or corporation.

*Plan, construction improvement*—a plan prepared by a registered engineer or surveyor showing the construction details of streets drains, sewers, bridges, culverts, and other improvements as required by this Chapter.

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

*Plan, sketch*—an informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

*Planning Commission*—Pillow Borough Planning Commission.

*Plat, final*—a complete and exact subdivision plan prepared for official recording as required by statute.

*Plat, preliminary*—a tentative subdivision plan, in a lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.

*Profile line*—the profile of the center line of the finished surface of the street, which shall be midway between the sidelines of the street.

*Public grounds*—includes (1) parks, playgrounds, and other public areas and (2) sites for schools, sewage treatment, refuse disposal, other publicly owned, or operated facilities.

*Public notice*—notice given not more than 30 days and not less than ~~14~~<sup>7</sup> days in advance of any public hearing required by this Chapter. Such notice shall be published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. [A.O.]

*Recreational vehicle*—a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle, (including camping trailer, motor home, travel trailer and truck camper); and a body width of no more than 8 feet and a body length of not more than 35 feet when factory equipped for the road, and licensed as such by the Commonwealth.

*Recreational vehicle park or camp ground*—a parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use, thereby constituting a “land development.”

*Recreational vehicle park or camp ground lot*—a parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use, together with such open space as is required under the provisions of this Chapter having not less than the minimum area and width required by this Chapter for a recreational vehicle park or camp ground lot.

*Reserve strip*—a narrow parcel of ground separating a street from other adjacent properties.

*Resident property owner*—any individual maintaining a voting address in the Borough, within 1,000 feet of the proposed subdivision, owning real estate in his own or joint names. A tenancy in common or any other means of joint ownership shall be considered as an individual; however, the signature of any single joint owner shall be considered as binding the others.

*Re-subdivision*—any subdivision or transfer of land, laid out on a plan which has previously been approved by the Borough Council, which changes or proposes to change property lines and/or public right-of-way not in strict accordance with approved plan.

*Reverse frontage lot*—a lot extending between and having vehicular access solely from the latter.

*Right-of-way, street*—a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

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

*Sedimentation*—the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment.”

*Seepage pit*—a covered pit with open-jointed lining through which the septic tank effluent may seep or leach into the surrounding soil.

*Septic tank*—a watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

*Sewage disposal system (on-site)*—any structure designated to dispose of sanitary sewage within the boundaries of the lot.

*Sewage disposal system (public)*—a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

*Sight distance*—the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

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

*Soil percolation test*—a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

*Soil stabilization*—chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

*Street*—a public right-of-way which affords primary vehicular/pedestrian access to abutting properties, including street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

*Shoulders (street)*—the portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

*Subdivider (see applicant and development)*—the owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or development under the terms of this Chapter.

*Subdivision (see land development)*—the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided,

however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

*Surface drainage plan*—a plan showing all present and proposed grades and facilities for storm water drainage.

*Surveyor*—a licensed surveyor registered by the Commonwealth of Pennsylvania.

*Swale*—a low lying stretch of land characterized as a depression used to carry surface water runoff.

*Through lot*—a lot which abuts a street on two or more opposing or nonadjacent sides.

*Tile disposal field*—a system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

*Top soil*—surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic uppermost soil layer called the A Horizon.

*Undeveloped land*—any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

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

*Water facility*—any water works, water supply works, water distribution system, or part thereof designed, intended, or constructed to provide or distribute potable water.

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

(Ord. O-1-78, 3/9/1978, §301; as amended by A.O.)

**Part 4****Plat Requirements and Processing Procedures****§22-401. Plat Requirements.**

Whenever a subdivision of land or land development is desired to be effected in the Borough of Pillow, Dauphin County, Pennsylvania, a plat of the layout of such subdivision or land development shall be prepared, filed, and processed according to the requirements of this Chapter except as follows:

A. Where six or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, the Borough Council being advised by the applicant, may waive the requirements of pre-application plans and data and the preliminary plat requirements, provided such proposal is on an existing street and no new streets are involved. In such cases the applicant shall submit a final plat as follows:

(1) A final plat shall be submitted and processed as required under §22-406 using the following procedure:

(a) Obtain soil suitability report from Department of Environmental ~~Resources~~ Protection or their representative and file with the local enforcement officer. [A.O.]

(b) In developments affecting 5 acres or more of earth moving activity, obtain soil characteristics report and information on erosion and sediment control from the Dauphin County Conservation District through the Soil Conservation Service.

(c) The final plan (6 copies) prepared by a registered surveyor or engineer on 17¼ by 24-inch sheets showing the following:

1) Outline of the property from which the lot or lots are being subdivided, scale 1 inch equals 400 feet.

2) Bearings and distances of the property taken from the property deed including the primary control point.

3) Adjacent landowners names.

4) Location on the property map of existing buildings, proposed lots, existing streets, streams, and woods.

5) A separate drawing of the proposed lot or lots (scale 1 inch plus 100 feet) with lot areas, lot numbers, lot dimensions, bearings and distances of lot lines, existing street right-of-way and street name and number, building setback lines, contours with a 5-foot interval.

6) A location map on the plat (scale 1: 24,000) showing property location, streets, and other pertinent information.

7) Additional data needed on the plan.

a) Name and address of owner or subdivider

b) Name and seal of surveyor or other person responsible for the plan. Also signed certification by surveyor that plan is

correct.

- c) Date of plan preparation.
- d) Municipality where property is located.
- e) North point and scale.
- f) Certification of ownership and dedicatory statement signed by owner.
- g) Notary public and recording statement.
- h) Allow spaces for stamped approval blocks to be signed upon approval by the Borough Council and the Borough Planning Commission's review.
- i) Location of survey monuments shown by an "X" on the plat.
- j) Proposed protective covenants running with the land, if any.
- k) Reference to recorded subdivision plats of adjoining platted land and by record name, date, and number.

(*Ord. O-1-78, 3/9/1978, §401; as amended by A.O.*)

**§22-402. Pre-application Plans and Data; Procedures.**

1. Prior to the preparation and filing of the pre-application plans and data with the Commission, the applicant shall consult the Dauphin County Conservation District, concerning the preparation of plans for erosion and sedimentation control and for soil information in order to:

A. Obtain a report indicating the extent and content of erosion and sedimentation control plans needed and whether a permit for earth-moving activity may be required from the Department of Environmental ~~Resources~~ Protection under the 25 Pa.Code, Chapter 102, "Erosion Control." (See §§22-505.2 and 22-505.3). [A.O.]

B. Obtain a report on the soil characteristics of the site so that the Commission may determine the type and degree of development the site may accommodate because of the limitations of soils as related to basement and foundation construction, street and park area construction, and grading conditions.

2. At this stage, in order to guide the applicant in the requirements for sewage plans, the Commission shall inform the applicant of the following:

A. Where an applicant proposes a subdivision or land development containing two or more lots, two or more dwelling units on a single lot or the development of tracts for commercial industrial or other purposes requiring sewage facilities, unless served by an existing sewage system, or where the official plan of the municipality adequately meets the sewerage needs of the proposed subdivision, the municipality is required to revise its official plan.

B. Where an applicant proposes such a subdivision beyond an existing system or beyond the limits or capacity of the official plan the applicant shall consult the Department of Environmental ~~Resources~~ Protection in regard to the method of sewage disposal. [A.O.]

C. The applicant shall obtain from the Department of Environmental ~~Resources Protection~~ or the Borough the sewage “plan revision module for land development” to aid the Borough in complying with the planning requirements of the Pennsylvania Sewage Facilities Act and 25 Pa.Code §71.16. [A.O.]

D. The applicant shall be required to complete the module as part of the preliminary plat submission in order that the module may be submitted by the Borough to the Department of Environmental ~~Resources Protection~~ for conformance to the official plan or for approval as a revision to the official plan. [A.O.]

3. At this stage, in order to guide the applicant in the determination of the type of sewage facilities which may be acceptable, the Commission shall inform the applicant, based on the location map required under §22-403.H of the following:

A. The proposed site is within an area which may be served by existing sewer systems.

B. The proposed site is within an area for which sewer service has been planned by 1980 and therefore may require collection and extension to an existing system.

C. The proposed site is within an area for which sewer service has been planned by 1980 and therefore may, based on soil conditions, be permitted to have on lot sewage treatment facilities. Where soil conditions are not suitable the applicant may be required to construct a sewage collection and treatment system (package treatment plant) acceptable to the Department of Environmental ~~Resources Protection~~. [A.O.]

D. The proposed site is beyond any area for which sewer service has been planned and therefore may or may not, based on soil conditions, be permitted to have on lot sewage treatment facilities.

E. The proposed site is beyond any area for which sewer service has been planned and the proposed development would produce large volumes of sewage and the sewage treatment facilities of any type may not be permitted.

4. At this stage, the Commission shall so inform the applicant if his tract is located where a flood hazard exists, in which case the following regulations shall apply:

A. The applicant shall prepare a contour map of the proposed area with such contour intervals as the Commission shall determine to be necessary and control devices or plans to raise the level of land above the floodplains, satisfactory to the Commission whenever the Commission shall consider that such are necessary. No plat shall be approved for which the Borough Engineer finds that drainage or flood control protection is necessary until the Borough Engineer shall approve the plans for drainage, flood control, or for raising the level of land above the floodplain.

B. *Land Subject to Flooding.* Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the subdivision or land development shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

C. *Adequate Building Site.* To insure that residents will have sufficient flood-free land upon which to build a house, the Commission may require elevations and

flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information.

D. *Street Elevation.* The Borough Council shall not approve streets subject to inundation or flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas of flood.

5. Nine days prior to the regular meeting of the Planning Commission the subdivider shall submit three copies of the pre-application plans and data as further described under §22-403 to the Borough of Pillow Secretary for distribution to the following:

Pillow Borough Engineer - 1 copy

Pillow Borough Planning Commission - 2 copies

and shall ascertain from the Commission those elements to be considered in the design of the subdivision. The submission of such pre-application plans and data shall not constitute a formal filing with the Borough.

(Ord. O-1-78, 3/9/1978, §402; as amended by A.O.)

### **§22-403. Pre-application Plans and Data; Specifications.**

Pre-application plans and data shall include the following:

A. General information describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed subdivision or land development such as the number of lots, typical lot width and depth, parking areas, business areas, playgrounds, park areas, common open space, other public areas, proposed protective covenants, proposed utilities and street improvements.

B. A copy of the report of soils characteristics of the site prepared by Dauphin County Conservation District.

C. A copy of the report from the County Conservation District indicating the extent of erosion control plans needed and whether in his opinion a permit for each earth-moving activity may be required from the Department of Environmental Resources Protection. [A.O.]

D. Evidence in writing, where 100 or more dwelling units are proposed in a subdivision or land development, from the school district in which the subdivision or land development is located containing the review and comments of the school district on the proposed development.

E. A copy of a report, where 100 or more dwelling units are proposed in a subdivision or land development, indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development including possible solutions to such problems as may be thereby identified.

F. A copy of a report, where 100 or more dwelling units are proposed in a subdivision or land development, indicating the general arrangement for stormwater drainage, the estimated volume to be generated and the effect of such volumes on the drainageways or streams within the development and that projected volumes can be accommodated by the existing drainage facilities or

streams beyond the proposed development.

G. A copy of a report, where 100 or more dwelling units are proposed in a subdivision or land development, indicating the general arrangement for water supply including the location, source, type, and capacity of the proposed supply to serve the proposed development signed by a registered engineer.

H. Location map showing the relationship of the proposed subdivision or land development to existing community facilities which serve or influence it, including the development name, location of any existing community facilities, traffic arteries, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow, and date. (U.S.G.S. scale 1:24,000 or municipal map 1 inch equals 2000 feet)

I. Property map showing the entire lot, tract or parcel to be affected by the proposed subdivision or land development drawn to a scale of 1 inch equals 100 feet or less. A different scale may be used subject to the approval of the Commission.

(1) The proposed name of the subdivision or land development.

(2) Name of registered owner.

(3) North point, scale, and date.

(4) Name of engineer, surveyor, or other qualified person responsible for the map.

(5) Tract boundaries with bearing and distances.

(6) Approximate location of water courses, three masses, rock outcrops, existing buildings, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.

(7) Adjacent streets.

J. Sketch plan, drawn on a print of the property map, showing in a simple sketch form the proposed layout of streets, lots, and other features, in relation to existing conditions.

(Ord. O-1-78, 3/9/1978, §403; as amended by A.O.)

#### **§22-404. Preliminary Plat; Procedure.**

1. The applicant, nine days prior to the meeting of Commission at which consideration is desired, shall file with the Borough Secretary nine copies of a preliminary plat of the proposed subdivision or land development and other required data and maps. The applicant shall submit concurrently, with the preliminary plat, three copies of the sewage “plan revision module for land development.”

2. The Commission may submit copies of the preliminary plat to the Engineer, public utilities, the Dauphin County Conservation District and other public agencies. The Commission and Borough Council shall act on any such plat within 90 days of its being received. In the event that any alteration of requirements from this Chapter is requested by the applicant or is deemed necessary by the Commission for approval, the alteration and the reasons for its necessity shall be entered in the records of the Commission.

3. The Borough Council shall determine whether the plat shall be approved,

approved with modifications or disapproved, and shall notify the applicant in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action, not later than 5 days following the decision.

4. Before acting on any subdivision plat, the Borough Council may hold a public hearing thereon after public notice.

5. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Chapter.

6. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

7. Before taking final action on any submitted plat the Commission shall submit copies of the preliminary plat and accompanying data to the Engineer who shall advise the Commission as to the suitability of all engineering details and specifications; to the local office of the Department of ~~Environmental Resources~~ Protection; to the local municipal governing body to all affected public utilities who shall be requested to make recommendations as to the suitability of the utility easements and to the Pennsylvania Department of Transportation where the subdivision or land development will front on an existing or proposed state highway or has a proposed street entering such highway. [A.O.]

8. The Dauphin County Planning Commission shall review the preliminary plat and Data and shall return one copy of the plat along with a written report stating their suggestions for modifications and design changes to the Planning Commission within 30 days of their receipt of same or forfeit their right to review.

9. Approval of the preliminary plat shall not constitute approval of the final subdivision plan by the Borough Council.

(Ord. O-1-78, 3/9/1978, §404; as amended by A.O.)

#### **§22-405. Preliminary Plat; Specifications.**

1. The preliminary plat shall be drawn on a copy of the property map as required under §22-403.I and shall show:

- A. The development or property name.
- B. The developer's or subdivider's name, address, and phone number.
- C. The municipality's name in which the plat is located.
- D. Engineer or other person responsible for the plan and the date.
- E. North point and scale.
- F. Location map.
- G. Existing natural features.
- H. Existing man-made features.
- I. Existing contours at vertical intervals of 5 feet or less as required by the

Planning Commission.

J. The layouts, names, and widths of right-of-way, cartway, and paving of proposed streets, alleys, and easements.

K. The layouts of lots showing approximate dimensions, lot numbers, and approximate area of each lot.

L. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semipublic, or community purposes.

2. The preliminary plat shall be accompanied by the following data and plans:

A. A profile of each street, including grades.

B. Location of existing and proposed utility mains.

C. Location plans of proposed sanitary, stormwater, or combined sewers and of any proposed water distribution systems.

D. A profile of the proposed sanitary and storm sewers and water lines, with invert elevations, and connections to existing systems.

E. A preliminary erosion and sedimentation plan together with a report of the County Conservation District indicating whether a permit for earth-moving activity is required from the Department of Environmental ~~Resources Protection~~ under 25 Pa.Code, Chapter 102, "Erosion Control." (See §§22-505.1 and 22-505.3) [A.O.]

F. A completed sewage "plan revision module for land development" to comply with the planning requirements of the Pennsylvania Sewage Facilities Act and 25 Pa.Code, §71.16 for Submission by the Borough to the Department of Environmental ~~Resources Protection~~. [A.O.]

G. Evidence in writing of the school districts review and comments as required under §22-403.D.

H. A report showing the adequacy of streets and highways as required under §22-403.E.

I. A report showing the adequacy of storm drainage as required under §22-403.F.

(Ord. O-1-78, 3/9/1978, §405; as amended by A.O.)

#### **§22-406. Final Plats; Procedure.**

1. The applicant shall, not later than 12 months after the date of approval of the preliminary plat, for that portion he intends to develop, file with the Borough a final plat. Such filing shall include as part of the formal submission all the material and other data required under the final plat specifications as listed in §22-407.A through .P of this Chapter. Further, failure to comply with the time limitation herein provided shall make the approval of the preliminary plat null and void unless an extension of time is required by the applicant and for good cause granted by the Borough Council.

2. The final plat shall incorporate all the changes and modifications required by the Borough Council, otherwise it shall conform to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, provided that such portion conforms with

all of the requirements of this Chapter.

3. Two reproducible linen (or other reproducible material of equal quality) copies of the final plat and five prints shall be filed by the applicant with the Borough Secretary 9 days prior to the meeting of the Planning Commission at which consideration is desired.

4. Before approval of a final plat, the Borough Council must be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Engineer, to the satisfaction of the appropriate municipal officials, that all improvements required in Part 6 will be installed by the applicant in strict accordance with the standards and specifications of the Borough and within a specified time after approval of the final plat. The bond or other security shall be made to and deposited with the municipal officials.

5. When the developer has completed all of the required improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.

A. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the required improvements.

B. The Borough Engineer shall thereupon file a report in writing with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail.

C. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council.

D. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for nonapproval or rejection.

E. The Borough Council shall notify the developer in writing, by certified or registered mail, of the action of the Borough Council with relation thereto.

F. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond.

G. If any portion of the said improvement shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same, and upon completion the same procedure of notification as listed above shall be followed.

6. Before action on any subdivision plat, the Borough Council may hold a public hearing thereon after public notice.

7. The Borough Council shall act on the final subdivision or land development plat within 90 days and as prescribed in §22-404.2, .3, .5, .6, and .7.

8. No change, erasure, modification, or revision shall be made on any final plat of a subdivision or land development after approval has been given by the Borough

Council and endorsed in writing on the plat, unless the plat is first resubmitted to the Borough Council.

9. Within 90 days after the date of approval of a final plat by the Borough Council, the developer shall record an approved duplicate copy thereof in the office of the Recorder of Deeds of Dauphin County and forthwith file with the Borough officials a recorder's certificate that the approved plat has been recorded with the deed book and page numbers indicated and two copies of the recorded plat.

10. Whenever plat approval by the Borough Council is required the Recorder of Deeds of the County shall not accept any plat for recording unless such plat officially notes the approval of the Borough Council and review by the Borough Planning Commission and the Dauphin County Planning Commission.

(Ord. O-1-78, 3/9/1978, §406)

**§22-407. Final Plats; Specifications.**

The final plat shall be drawn on reproducible linen, or other reproducible material of equal quality (17½ inch by 24 inch) in size, with a binding border along the left hand (17½ inch) edge, a scale of 1 inch equals 100 feet, and show:

A. Primary control points, approved by the Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

B. Tract boundary lines, right-of-way lines of streets, easements, and other right-of-way, and property lines of residential lots and other sites with accurate dimensions, bearing, or deflection angles, and radii, arcs, and central angles of all curves.

C. Name and right-of-way width of each street or other right-of-way.

D. Location, dimensions, and purposes of easements.

E. Number to identify each lot or parcel in unit, cooperative or condominium subdivisions and/or site.

F. Purpose for which sites other than residential lots or parcels in unit, cooperative or condominium subdivisions are dedicated or reserved.

G. Building setback lines on all lots or parcels in unit, cooperative or condominium subdivisions, and other sites.

H. Locations and description of survey monuments. All permanent reference monuments shown by an "X" on the plat.

I. Names or record owners of adjoining unplatted land.

J. Reference to recorded subdivision plats of adjoining platted land and by record name, date, and number.

K. Certification by a registered surveyor or registered engineer, licensed in the State of Pennsylvania, certifying to accuracy of survey and plat.

L. Certification of title showing that applicant is the owner of land, agent of the land owner, or tenant with permission of the landowner.

M. Statement by owner dedicating streets, rights-of-way, and any sites for public uses which are to be dedicated.

N. Proposed protective covenants running with the land, if any.

O. Existing and proposed contours at vertical intervals of 5 feet or less as determined at the preliminary plat stage.

P. *Other Data.* The final plat shall be accompanied by the following data and plans as prescribed by the Borough Council or as required by the laws of the Commonwealth.

(1) Profiles of streets and alleys showing grades.

(2) Typical cross sections of each type of street, minor street, collector, etc., showing the width of right-of-way, width of cartway, location and width of sidewalks, if required, and location and size of utility mains.

(3) Plans and profiles of proposed sanitary, and stormwater sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

(4) A final erosion and sedimentation control plan, showing the location and types of erosion and sediment control measures together with a report, signed by the County Conservation District, indicating that the plan has been prepared and reviewed as required by the Clean Streams Law of Pennsylvania, Act 222, July 31, 1973, as amended.

(5) A copy of an application for a permit for earth moving activity or a permit issued and signed by the Department of Environmental ~~Resources~~ Protection as required by 25 Pa.Code, Chapter 102, "Erosion Control." (See §§22-505.2 and 22-505.3) [A.O.]

(6) In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the final plat, a covenant with the land assuring the implementation by the lot owners of the erosion and sedimentation control plan.

(7) A copy of the sewage "plan revision module for land development" approved by the Department of Environmental ~~Resources~~ Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act and 25 Pa.Code §71.16. [A.O.]

(8) Such other certificates, affidavits, endorsement, or dedications as may be required by the Borough Council in the enforcement of these regulations.

(9) Location plan, clearly describing the location of the tract in the Borough. This plan may appear directly on the subdivision plan.

(*Ord. O-1-78, 3/9/1978, §407; as amended by A.O.*)

**Part 5**

**Design Standards**

**§22-501. Streets.**

1. *General Standards.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the Official Map and to the Community Master Plan, if one has been adopted, and shall be considered in their relation to existing and planned streets, to topographical conditions, the public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map or Community Master Plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

A. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas.

B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

C. When a new subdivision adjoins unsubdivided land appropriate for subdivision, then the new streets shall be carried to the boundaries of the tract to be subdivided.

2. *Alleys.* Alleys shall be prohibited in residential districts except where proven to be necessary.

3. *Intersections.* Intersections involving the junction of more than two streets are prohibited. Right-angle intersections must be used wherever possible; however, in no case shall streets intersect at less than 75 degrees.

4. *Intersection Curve Radii.* At intersection of streets the curbs or edge of pavement radii shall not be less than the following:

Intersection	Minimum Simple Curve Radii of Curb or Edge of Pavement
Collector with collector street	35 feet
Collector with minor street	25 feet
Minor street with minor street	15 feet

Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with, or parallel to the chord of, the curb radius corners.

5. *Intersection Sight Distances.* Proper sight lines must be maintained at all street intersections. Measured along the center line, there must be a clear sight triangle of 75 feet (150 feet for arterial streets) from the point of the intersection, no building or obstruction higher than 30 inches shall be permitted in this area.

6. *Streets Not in Alignment.* If streets are not in alignment, the distance between the center lines of streets opening on opposite sides of an existing or proposed street shall be no less than 125 feet.

7. *Sight Distance.* Sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the center line 4 feet above grade, this sight

distance must be as follows:

Type of Street	Sight Distance
Collector	200 feet
Minor	100 feet

8. *Curves.* Where connecting street lines deflect from each other at any one point by more than 10 degrees, the lines must be connected with a true, circular curve. The minimum radius of the corner line for the curve must be as follows:

Type of Street	Minimum Radius
Collector	300 feet
Minor	150 feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets there must be a tangent of at least 100 feet between curves.

9. *Street Widths.*

A. Minimum street right-of-way and cartway widths shall be as follows:

Streets Type	Right-of-way Width	Cartway Width
Collector street	60 feet	36 feet
Minor street	50 feet	34 feet
Cul-de-sac	50 feet	34 feet
Turn around of cul-de-sac	100 feet diameter	80 feet diameter to outside curb
Marginal access street	50 feet	26 feet
Alley or service drive	20 feet	20 feet

\*Extensions of existing streets which have a right-of-way width of 40 feet or less may be accepted, provided that Borough Council finds: such extension to be in keeping with the surrounding area and not such as to cause problems in traffic flow or otherwise; that such extension does not exceed 500 feet in length and Borough Council finds it unlikely that further extension or connection to a wider street will occur; that the minimum right-of-way width shall be 40 feet and the minimum paved width shall be 30 feet for such extensions.

B. Provision for additional street width (right-of-way) may be required when determined to be necessary by Borough Council in specific cases for:

- (1) Public safety and convenience.
- (2) Parking in commercial and industrial areas and in areas of high density development.
- (3) Widening of existing streets (right-of-way) where the width does not meet with the requirements of the preceding paragraphs.

10. *Culs-de-sac or Dead End Streets.* Culs-de-sac or dead end streets, designed to be so permanently, shall not exceed 500 feet in length, and shall be provided with a turn around having minimum dimensions for right-of-way and cartway widths as

indicated in the preceding subsection, except in nonresidential areas where culs-de-sac may exceed 500 feet in length when, under special circumstances, the Borough Council on the recommendation of the Commission deems such additional length is necessary.

11. *Street Grades.*

A. The grades of streets shall not be less than the minimum nor more than the maximum requirements listed below:

Type of Street	Minimum Grade	Maximum Grade
All streets	.5%	
Arterial streets		As determined by the Commission after consultation with the municipality and the Pennsylvania Department of Highways
Collector streets	8%	
Minor streets	10%	
Alleys	12%	

B. On minor streets and alleys grades greater than 10 percent shall not be not more than 400 feet in length.

C. Vertical curves shall be used in changes of grade exceeding 1 percent, and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds 7 percent, such leveling areas, shall have a minimum length of 60 feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of 4 percent.

12. *Slopes of Banks Along Streets.* The slope of banks along streets measured perpendicular to the street center line shall not exceed the following:

- A. 3 to 1 for fills.
- B. 2 to 1 for cuts.

13. *Partial and Half Streets.* The dedication of half streets at the perimeter of a new subdivision is prohibited.

14. *Name of Streets.* Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as “lane,” “way,” “drive,” “court,” “avenue.” In approving the names of streets cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation of alignment with an existing or platted street.

15. *Minimum Building Setback Line.* All lots shall have a minimum building setback line from the street right-of-way line of 15 feet; except that the minimum building setback line may be reduced to no less than 5 feet upon the written concurrence of the owners of the lots on both sides of the affected lot. [A.O.]

(Ord. O-1-78, 3/9/1978, §501; as amended by A.O.)

**§22-502. Easements.**

1. The minimum width of easements shall be 15 feet for underground public utility facilities, overhead public utility facilities and drainage facilities and wherever

possible, easements for public utilities shall be centered on side or rear lot lines.

2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving, or protecting such drainage facilities or for the purpose of installing a stormwater sewer.

(Ord. O-1-78, 3/9/1978, §502)

**§22-503. Blocks.**

Blocks shall not exceed 1200 feet in length and shall be of sufficient depth to permit two tiers of lots except as otherwise provided for herein.

(Ord. O-1-78, 3/9/1978, §503)

**§22-504. Lots.**

The arrangement and other design standards of lots shall conform to the following requirements:

A. *Layout of Lots.* Every lot shall abut a street. Side lot lines should be substantially at right angles or radial to street lines.

B. *Double Frontage.* Double frontage lots shall be avoided, except that where desired along limited access highways, lots may face on an interior street, and back on such thoroughfares. Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary.

C. *Dimension and Areas of Lots.* The dimensions and areas of lots shall conform to the following minimum requirements:

(1) *Lots Not Served by Public Water and Sewers.* Residential lots where not served by public water or sanitary sewers and the land meets the necessary percolation and soil survey standards the width at the building line shall be not less than 75 feet wide nor less than 15,000 square feet in area, per dwelling unit.

(2) *Lots Served by Public Water Only.* Residential lots where served by public water not by sanitary sewers and the land meets the necessary percolation and soil survey standards the width at the building line shall be not less than 75 feet wide nor less than 10,000 square feet in area, per dwelling unit.

(3) *Lots Served by Public Water and Public Sanitary Sewers.* Residential lots served by both public water and public sanitary sewers shall conform to the following requirements:

	Minimum lot width measured at the required minimum front setback line	Minimum lot area per dwelling unit
Single-family, detached dwelling	60	7200
Single-family, semi-detached dwelling	40	5000

	Minimum lot width measured at the required minimum front setback line	Minimum lot area per dwelling unit
Single-family, attached dwelling	24	2400
Two-family, detached dwelling	75	5000
Two-family, detached dwelling	60	3000
Multi-family dwelling	100	2400

(4) *Lots for Other than Residential Uses.* The lot width and area requirements of properties reserved or laid out for use other than residential shall provide adequate space for yards and off-street, loading, unloading and parking facilities. Subdivision plats for uses other than residential shall be accompanied by plans of contemplated construction of the subdivision lots in sufficient detail to assure that these requirements are being satisfied.

(5) *Lots Sizes and Percolation Tests.*

(a) The applicant shall arrange for percolation tests to be made on the tract in order to provide the data necessary for the platting of lots of adequate size.

(b) Percolation tests shall be conducted in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources Protection. [A.O.]

(c) The results of these percolation tests shall be submitted with the final plan to the Borough Council in a report signed by the subdivider and by the State Department of Environmental Resources Protection. [A.O.]

(d) From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources Protection, but in no case shall the lot size be less than designated in §22-504.3.A or §22-504.3.B. [A.O.]

(e) Where on-lot water is to be used, the lot shall be large enough so that the water source shall be located not closer to the absorption field than the distance specified in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources Protection. [A.O.]

(f) The approval of the Borough Council will not be given to a subdivision where on-lot sewage disposal is to be provided, unless the size of lots and the disposal system conforms to the requirements of the standards indicated in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources Protection, but in no case shall the lot size be less than designated in §22-504.3.A or §22-504.3.B. [A.O.]

(6) *Lot Size on Slopes.* The minimum lot areas herein established shall be increased in accordance with the Borough Council requirements, based on

reports from the Department of Environmental ~~Resources~~-Protection and Conservation Service indicating that, because of slope, surface runoff or subsurface drainage of septic tank effluent are likely to result in hazardous conditions. [A.O.]

(7) *Corner Lots for Residential Use.* Shall have extra width of at least 10 percent of the above required width to permit appropriate building setback from and orientation to both streets.

(8) *Building Setback Lines.*

(a) The minimum setback from the right-of-way line shall be as follows:

Street Type	Minimum Setback from Right-of-way
Arterial highway	40 feet
Collector street	30 feet
Minor street excluding service drives and alleys	25 feet

(b) Where an existing building line is established on at least 50 percent of the properties in a block in which the proposed subdivision is located or within 200 feet immediately adjacent to the proposed subdivision, this minimum may be increased or decreased to conform with such established building line.

(c) On a corner lot, the setback from each adjacent street shall be applicable.

(9) *Side and Rear Building Lines.* Side and rear building lines shall not be less than 10 feet from the side and 25 feet from the rear lot line.

(Ord. O-1-78, 3/9/1978, §504; as amended by A.O.)

**§22-505. Erosion and Sedimentation Control; General Standards.**

1. In the event that any person shall intend to make changes in the contour of any land or engage in earth moving activity where earth moving effects 25 acres or more, whether for subdivision; land development or any purpose, such person, who is required to obtain a permit, under §102.41, shall obtain a permit from the Department of Environmental ~~Resources~~-Protection in accordance with the requirements of 25 Pa.Code, Chapter 102, “Erosion Control.” [A.O.]

2. Further, under the requirements noted above, the Borough Council shall notify the Department immediately upon receipt of an application for a building permit involving earth moving activity which affects 5 acres or more of land.

3. The Borough shall not issue a building permit to those engaged in earth moving activities requiring a Department of Environmental ~~Resources~~-Protection permit until the Department has issued the permit. [A.O.]

4. Such erosion and sedimentation control plan must be submitted to the County Conservation District Directors for review, and a copy of the plan and Conservation District Directors’ review shall be submitted to the Commission as part of the final submission §22-407.P(4), applies only to developments affecting 5 acres or more of earth

moving activities.

5. In the preparation of erosion and subdivision plans the person preparing such plans shall consult the Dauphin County Conservation District to determine the erosion and control measures needed to control erosion and reduce sedimentation. The *Erosion and Sediment Control Handbook*, prepared by the Conservation Districts, Cumberland, Dauphin and Perry Counties, may be helpful in the preparation of such plans. Copies are available in the Conservation District offices in each County.

(Ord. O-1-78, 3/9/1978, §505; as amended by A.O.)



**Part 6****Improvement and Construction Requirements****§22-601. General.**

The subdivider shall provide all improvements required by these regulations. The specifications for the improvements contained herein shall apply.

(Ord. O-1-78, 3/9/1978, §601)

**§22-602. Monuments and Markers.**

1. Monuments must be set:
  - A. At the intersections of all street right-of-way lines.
  - B. At the intersection of lines forming angles in the boundaries of the subdivision.
  - C. At such intermediate points as may be required by the Engineer.
2. Markers must be set:
  - A. At all corners except those monumented.
  - B. By the time the property is offered for sale.
3. Monuments and markers shall be made of the following size and material:
  - A. Monuments shall be 6 inches square or 4 inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone or by setting a 4 inch cast or steel pipe filled with concrete.
  - B. Markers shall be  $\frac{3}{4}$  of an inch square or  $\frac{3}{4}$  of an inch in diameter, 15 inches long. Markers shall be made of iron pipes or iron or steel bars.
4. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

(Ord. O-1-78, 3/9/1978, §602)

**§22-603. Street Surfacing.**

1. *Pavements.* Streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Borough Council and Engineer. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate stormwater drainage for the street acceptable to the Borough Council and Engineer. The pavement base and wearing surface must be constructed according to the following specifications:

A. *Minor Streets.*

- (1) The base course shall consist of 6 inches of compacted crushed materials constructed according to specifications set forth in §§310, 312, or 351 of PennDOT Specifications, Form 408, 1973, as amended.

(2) Construction of the surface course shall comply with the specifications set forth in §420, "Bituminous Surface Course ID-2A," or §441, Bituminous Surface Course CP-2," of PennDOT Specifications, Form 408, 1973, as amended.

B. *Collector Streets.*

(1) The base course shall consist of 8 inches of compacted crushed stone constructed according to the specifications set forth in §§310, 312, or 351 of PennDOT Specifications, Form 408, 1973, as amended.

(2) Construction of the surface course shall comply with the specifications set forth in §420, "Bituminous Surface Course ID-2A," of PennDOT Specifications, Form 408, 1973, as amended.

2. *Shoulders.* The base course shall consist of 4 inches of compacted stone, gravel or slag constructed according to the specifications set forth in §350, "Subbase," in the Pennsylvania Department of Highway Specifications, 1970, as amended. (See §659, "Stabilized Shoulders," in the Pennsylvania Department of Highway Specifications, 1970, as amended.)

3. *Arterial Streets.*

A. For the construction of arterial roads or highways, the subdivider shall consult the Borough Council and be governed by the Pennsylvania Department of Transportation for the method of construction to be used.

B. The Borough Council on the recommendation of the Commission and Engineer shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision.

4. *Driveway Entrances.* Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than 10 feet, the type of surface to be the same as specified above. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

A. Driveway entrances along streets, where curbs are not required, shall be constructed to provide proper drainage along the streets and from the streets by the continuation of gutters, swales, or ditches. Such continuation may be provided by having an approved pipe of not less than 18 inches in diameter cross such driveway entrance.

B. Driveway entrance along streets, where curbs are not required, shall be constructed so that the driveway meets the edge of the cartway as a continuation of the slope from the crown of the street for not less than 5 feet.

5. *Curbs Cuts at Driveway Entrance.* The curb height at driveway entrances may be reduced to a minimum of 1 inch for driveway entrances along streets where curbs are required. The maximum width of reduced curb height shall be 20 feet for residential driveways and 40 feet for commercial or industrial driveways. Sidewalks, across driveway entrances, where required, shall be constructed in accordance with the requirements in §22-607 in this Chapter.

(Ord. O-1-78, 3/9/1978, §603)

**§22-604. Sewers and Water.**

1. Where a public sanitary sewer system is within 1,000 feet of, or where plans

approved by the Borough provide for the installation of such public sanitary sewer facilities to within 1,000 feet of a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system if, in the Borough Council's opinion, on the recommendation of the Commission and Engineer, it is feasible.

2. Where the installation of a sanitary sewer system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the rules and regulations of the Pennsylvania Department of Environmental ~~Resources~~ Protection. [A.O.]

3. Where a water main supply system is within 1,000 feet of, or where plans approved by the municipality provide for the installation of such public water facilities the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with municipal specifications.

4. Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved by the Pennsylvania Department of Environmental ~~Resources~~ Protection, as to source, installation, and quality of water. [A.O.]

(Ord. O-1-78, 3/9/1978, §604; as amended by A.O.)

#### **§22-605. Storm Drainage.**

1. Whenever the evidence available to the Borough Council or recommendation of the Commission or Engineer indicates that natural surface drainage is inadequate, the subdivider shall install storm sewers, culverts and related facilities, as necessary to:

- A. Permit the unimpeded flow of natural water courses.
- B. Ensure the drainage of all low points along the line of streets.
- C. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- D. Provide positive drainage away from on-site sewage disposal facilities.

2. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.

3. *Existing Facilities.* Where adequate existing storm sewers are readily accessible, the subdivider must connect his storm water facilities to these existing storm sewers.

4. *Abutting Properties.* In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would:

- A. Result in increasing any portion of the slope steeper than 1 foot of vertical measurement for 3 feet of horizontal measurement for fills, or 1 foot of vertical

measurement for 2 feet of horizontal measurement for cuts within a distance of 20 feet from the property line unless an adequate retaining wall or other structure is provided.

B. Result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.

5. *Drainage Upon and On Streets.*

A. *Upon Streets.* In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

- (1) With established street grade.
- (2) With the existing street grade where none is established.

B. *On Streets.* A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street cartway shall not be less than  $\frac{1}{8}$  of an inch per foot and not more than  $\frac{1}{3}$  of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept runoff. The slope of the street from the property line to the curb shall be not less than  $\frac{3}{4}$  of an inch per foot.

(Ord. O-1-78, 3/9/1978, §605)

**§22-606. Curbs and Gutters.**

Wherever a proposed subdivision or land development shall average three or more lots per gross acre included in the subdivision, or where any subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision having curbs and gutters, curbs, and gutters shall be installed on each side of the street surface in accordance with the Borough's specifications or in accordance with the paragraphs .A, .B, .C, and .D below. The Borough Council on recommendation of the Commission and Engineer may require installation of curbs and/or gutters in any subdivision where the bulk of buildings, area of parking, roads, and the gradient of such areas or other evidence indicates that such improvements are necessary for proper drainage:

A. Curbs, gutters, combination curbs, and gutters shall be constructed according to the specifications set forth in §§640 or 641 of the PennDOT Specifications Form 408, 1973, as amended.

B. Where vertical curbs are provided they shall be not less than 6 inches wide at the top and 7 inches wide at the bottom. The overall depth of the curb shall be not less than 20 inches. The curb shall rest on a 6 inch crushed stone base, or concrete footings at the joints if, in the opinion of the Borough Engineer, said conditions require same.

C. The cross sections of gutters and combination curbs and gutters shall be constructed in accordance with the details shown on the approved drawings.

D. Curbs and gutters shall be set and finished to the lines and grades given on the approved drawings.

(Ord. O-1-78, 3/9/1978, §606)

**§22-607. Sidewalks.**

Wherever a proposed subdivision shall average three or more lots per gross acre

included in the subdivision, where any subdivision is immediately adjacent to or within 1,000 feet of, any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with the Borough's specifications or in accordance with paragraphs .A, .B, .C, and .D below. The Borough Council on recommendation of the Commission and Engineer may require installation of sidewalks in any subdivision where the evidence indicates that sidewalks are necessary for public safety:

A. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.

B. Sidewalks must be at least 4 feet wide. In the vicinity of shopping centers, schools, recreation areas, and other such facilities, sidewalks must be at least 5 feet wide and located within the street right-of-way.

C. Sidewalks shall be constructed according to the specifications as set forth in §676, "Cement Concrete Sidewalks," in the Pennsylvania Department of Highways Specifications, 1970, Form 408, as amended, of the Pennsylvania Department of Transportation.

D. In order to provide for the drainage of surface water, sidewalks shall slope from the right-of-way line toward the curb. Such slope shall be  $\frac{3}{8}$  inch per foot.

*(Ord. O-1-78, 3/9/1978, §607)*



**Part 7**

**Mobile Homes**

**§22-701. Purpose, Authority and Jurisdiction.**

The purpose, authority and jurisdiction for land development as a mobile home park are the same as contained in Part 2 of this Chapter.

(Ord. O-1-78, 3/9/1978, §701)

**§22-702. Plat Requirements and Processing Procedure.**

The plat requirements and processing procedure for land development as a mobile home park shall be in accordance with the requirements contained in Part 4 of this Chapter.

(Ord. O-1-78, 3/9/1978, §702)

**§22-703. Design Standards.**

The arrangement and other design standards of streets, easements, blocks, lots, recreation areas, and erosion and sedimentation control shall be in accordance with the requirements contained in Part 5 of this Chapter except as specified below:

A. *Street Widths in Mobile Home Parks.*

(1) The minimum street right-of-way and cartway widths of public or private streets shall be as follows:

**Street Right-of-way and Cartway Widths**

<b>Street Type</b>	<b>Width</b>
Collector Streets	
Right-of-way	60 feet
Cartway	24 feet
Minor Streets	
Right-of-way	50 feet
Cartway	20 feet

(2) Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Borough Council upon the recommendation of the Commission and Engineer specific cases for:

(a) Public safety and convenience.

(b) Where the number of mobile homes proposed to be located in a mobile home park exceeds 100 units.

(c) Widening of existing streets where the width does not meet the requirements of the preceding clauses.

B. *Lots in Mobile Homes Parks.*

(1) On land laid out as a mobile home park, not served by public or mobile home park water system and public or park sewerage collection and treatment system, the land meeting the necessary percolation and soil survey require-

ments and approved by the Department of Environmental ~~Resources~~ Protection, the lots shall not be less than 75 feet wide measured at the minimum required setback line nor less than 15,000 square feet in area, per mobile home unit, exclusive of streets and other public uses. [A.O.]

(2) On land laid out as a mobile home park, served by public or mobile home park water system and not by public or park sewerage collection and treatment system, the land meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental ~~Resources~~ Protection, the lots shall be not less than 75 feet wide measured at the minimum required setback line not less than 10,000 square feet in area, per mobile home unit, exclusive of streets and other public uses. [A.O.]

(3) On land laid out as a mobile home park, served by both public or mobile home park water system and public or mobile home park sewerage collection and treatment system acceptable to the Department of Environmental ~~Resources~~ Protection, the lots shall be not less than 60 feet wide measured at the minimum required setback line nor less than 7200 square feet in area, per mobile home unit, exclusive of streets and other public areas. [A.O.]

C. *Building Setback Lines.*

(1) In a mobile home park, the minimum setback from the right-of-way line of a dedicated public street shall be as follows:

<b>Street Type</b>	<b>Minimum Setback from the Required Right-of-way</b>
Arterial highway	40 feet
Collector street	30 feet
Minor street	25 feet

(2) In a mobile home park the setback lines on a private street shall be as follows:

<b>Street Type</b>	<b>Minimum Setback from the Required Right-of-way</b>
Collector street	15 feet
Minor street	10 feet

D. *Side and Rear Building Lines.* In a mobile home park, side and rear building lines shall be not less than 10 feet from the side and rear lot lines of each mobile home lot, and not less than 25 feet from the mobile home park property lines on the sides and rear not adjacent to a dedicated public street right-of-way.

E. *Off-Street Parking Requirements.*

(1) In a mobile home park, paved off-street parking areas shall be provided at the rate of at least two vehicular parking spaces for each mobile home lot.

(2) Each such off-street parking space shall contain at least 200 square feet and shall be located within 300 feet of the mobile home lot it is intended to serve.

F. *Open Space Requirements.*

(1) In a mobile home park, not less than 10 percent of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

(2) Such open space shall be paved or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

G. *Park Areas for Nonresidential Uses.* In a mobile home park no part of the park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and well being of park residents and for management and maintenance of the park.

(Ord. O-1-78, 3/9/1978, §703; as amended by A.O.)

#### **§22-704. Improvement and Construction Requirements.**

In a mobile home park all improvements, construction requirements, and engineering specifications for the improvements required shall be provided in accordance with Part 6 of this Chapter and shall also provide the following additional improvements:

A. *Buffer Strips.* In a mobile home park, a suitably screened or landscaped buffer strip at least 10 feet wide shall be provided by the developer along all of the property lines separating the mobile home park from adjacent uses.

B. *Signs and Lighting.*

(1) Signs may be permitted subject to approval of Borough Council.

(2) All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.

C. *Other Site Improvements.*

(1) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

(2) Tie downs to prevent the movement of the mobile home by natural causes (wind, water, etc.) be provided for each mobile home.

(3) Each mobile home lot shall be provided with a 4-inch concrete slab on a stable surface at least 10 feet by 18 feet in size for use as a terrace and so located so as to be adjoining and parallel to the mobile home and not extend into the front, side, or rear yard. Such slab shall contain an electrical outlet to which the electrical system of the mobile home shall be connected.

(4) Individual tenants at the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not exceed the slab area noted in paragraph .C.3 above and does not encroach into the front, side, or rear yard areas. Planning Commission approval shall be required in each case.

(5) Provision shall be made by the park operator to have garbage and waste collected at least once every week. Any refuse disposal site proposed within the mobile home park shall be subject to the approval of the State

Department of Environmental ~~Resources~~ Protection. [A.O.]

(6) There shall be provided in each mobile home park such other improvements as the Borough Council may require whereby such requirements shall at all times be in the best interests of the park residents.

(Ord. O-1-78, 3/9/1978, §704; as amended by A.O.)

#### §22-705. Fees.

1. At the time of filing the preliminary plat and final plat for the development of a tract of land for a mobile home park, the applicant shall be required to pay to the Borough fees in accordance with the requirements of Part 8 of this Chapter and secure a permit.

2. *Mobile Home Park Permits.* Any person intending to develop a tract of land as a mobile home park shall have a permit from the Borough for each such park, issued in accordance with the following requirements:

A. Such permit shall be issued by the Borough Code Enforcement Officer or the Borough Secretary upon proper application and submission of evidence of compliance with the provisions of this Part and all other applicable legal requirements, and upon payment of a fee provided herein.

B. Each permit shall be valid for 1 year from the date of issue.

C. Each application for a permit shall be accompanied by a fee, payable to the Borough, of ~~\$15.00 plus \$1.00 for each mobile home park lot in the mobile home park~~ in an amount as established from time to time by resolution of Borough Council. The permit fee shall constitute the license fee for the first year commencing with the date of notice of approval of the application. [A.O.]

D. The first application for a permit for a mobile home park proposed for development, following the effective date of this ordinance, shall be made to the Borough Code Enforcement Officer or Borough Secretary on a form provided by him and shall be submitted together with copies of the following:

(1) A copy of the approved final plat signed by the proper officials.

(2) A receipt signed by the Recorder of Deeds, showing that the mobile home park plat has been publicly recorded.

(3) A permit issued by the Department of Environmental ~~Resources~~ Protection as required by 25 Pa.Code, Chapter 179, "Mobile Home Park." [A.O.]

E. The first application for a permit for a mobile home park existing on the effective date of this Part shall be made to the Borough Code Enforcement Officer or Borough Secretary on a form provided by him and shall be submitted together with copies of the following.

(1) A copy of the plan submitted to the Pennsylvania Department of Environmental ~~Resources~~ Protection as required by 25 Pa.Code, Chapter 179, "Mobile Home Parks." [A.O.]

(2) A permit issued by the Department of Environmental ~~Resources~~ Protection as required by 25 Pa.Code, Chapter 179, "Mobile Home Parks." [A.O.]

(3) A receipt signed by the recorder of deeds showing that the mobile home park plat has been publicly recorded together with the deed book and page number indicated and two copies of the recorded plat.

F. Application for the annual renewal of a license shall be made by the holder of the license to the Borough Code Enforcement Officer or Borough Secretary on a form provided by him, within 14 days preceding expiration of the preceding license period, shall be accompanied by a fee as required in paragraph .2.C above, and by any changes since the preceding license was issued. The Borough Code Enforcement Officer shall inspect each mobile home park prior to the issuance of a license for conformance with the provisions of this Chapter and all of the applicable legal requirements.

G. It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, license number of automobile, serial number, and make and size of trailer, the last permanent address of the person or head of family using said mobile home, and the names of all persons using or living in said mobile homes park.

H. Said register and mobile home park shall be subject to inspection by the Borough Code Enforcement Officer or appointed Borough Council member annually or upon the request of the Borough Council.

*(Ord. O-1-78, 3/9/1978, §705; as amended by A.O.)*

**§22-706. Alteration of Requirements.**

The application for any requirements shall be in accordance with the requirements of Part 9 of this Chapter.

*(Ord. O-1-78, 3/9/1978, §706)*

**§22-707. Enforcement, Penalties, Severability and Amendments.**

The enforcement, penalties, severability, and amendments shall be in accordance with the rules and regulations of Part 10 of this Chapter.

*(Ord. O-1-78, 3/9/1978, §707)*



**Part 8****Fees****§22-801. Filing.**

At the time of filing the preliminary plat, for a tract of land the applicant shall pay by a check payable to the Borough of Pillow ~~the amount of \$2.00 for each lot in the proposed subdivision or land development with a minimum total charge of \$25.00 in an amount as established from time to time by resolution of Borough Council to cover the Borough Council's cost of reviewing the proposed plats and required maps and data.~~ (Ord. O-1-78, 3/9/1978, §801; as amended by A.O.)

**§22-802. Engineering.**

1. On or before the date on which the final plat is to be considered by the Borough Council the applicant shall pay by check, payable to the Borough, an amount determined by the Engineer, sufficient to cover costs of:

- A. Reviewing the plat's engineering details.
- B. Inspecting the layouts of the site for conformance to the survey and plan.
- C. Reviewing the results of percolation tests.
- D. Preparing cost estimates of required improvements.
- E. Inspecting required improvements during installation.
- F. Final inspection on completion of installation of the required improvements.

2. Other engineering fees required to be paid by this Part shall be promptly paid to the Borough of Pillow by the applicant upon the submission of bills therefore to the applicant from time to time, as such fees are billed to the Borough of Pillow or municipal authority by its or their engineers.

3. *Other Fees.* Fees for all other permits required for and by the Borough of Pillow for opening roads, connecting to Borough of Pillow water lines, building construction, etc.

4. The applicant at the time of application shall agree to cover the cost of advertising the ordinance accepting the deed of dedication and its recording and registration costs.

(Ord. O-1-78, 3/9/1978, §802)



**Part 9****Alteration of Requirements****§22-901. Duties and Responsibilities of Borough Council and Commission.**

Where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unreasonable hardship, the Borough Council, on the recommendation of the Commission, may make such reasonable alteration thereto as will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.

(*Ord. O-1-78, 3/9/1978, §901*)

**§22-902. Applications.**

Applications for any alteration of requirements shall be submitted in writing by the applicant at the time the preliminary plat is filed with the Commission. The application shall state fully the grounds and all facts relied upon by the applicant.

(*Ord. O-1-78, 3/9/1978, §902*)

**§22-903. Modification or Waiver.**

1. In subdivisions where lots are created for the purpose of seasonal occupancy (for use on weekends, vacations, or for hunting or fishing), the requirements of these regulations concerning the width and construction of cartways, curbs and sidewalks, and the requirements of plat specifications and procedures, may be modified or waived, subject to the following conditions:

A. The lot area shall be 1 acre or larger.

2. Facilities for water supply and sewage disposal shall be approved by the Pennsylvania Department of Environmental ~~Resources~~ Protection and acceptable to the Borough Council, on the recommendation of the Planning Commission and Engineer.  
[A.O.]

(*Ord. O-1-78, 3/9/1978, §903; as amended by A.O.*)

**§22-904. Granting of Alteration.**

In granting any alteration of requirements, the Borough Council shall record its action and the grounds for granting any variance to the applicant applying for the alteration.

(*Ord. O-1-78, 3/9/1978, §904*)

**§22-905. Denial of Request for Alteration.**

Whenever a request for an alteration of requirements is denied, the Borough Council shall record its action and the grounds for such denial in its minutes. The Borough Council shall transmit a copy of its action and the grounds for such denial of any alteration to the applicant applying for the alteration.

(*Ord. O-1-78, 3/9/1978, §905*)



**Part 10****Enforcement, Penalties, Amendments, Enactments****§22-1001. Administration and Enforcement.**

1. The Borough Council and the Commission shall have the duty and authority for the administration and general enforcement of the provisions of this Chapter, as specified or implied herein.

2. Officials of the Borough having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duties and authority for the controlling enforcement of the provisions of this Chapter, as specified or implied herein or in other ordinances of the Borough of Pillow.

3. Permits required by the Borough of Pillow for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, water lines, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Borough official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement, or use is located in a subdivision approved and publicly recorded in accordance with the provisions of this Chapter regulating the subdivision of land. Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement, or use conforms to the site description as indicated by the approved and recorded final plat or other land description acceptable in accordance with the provisions of this Chapter, and that it is in compliance with all applicable provisions of this Chapter.

4. The Borough of Pillow Code Enforcement Officer or Borough Secretary shall require that applications for sewage disposal system permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Chapter, the rules and regulations of the Department of Environmental Resources Protection and any requirements of the Borough of Pillow pertaining to the issuance of such permit. [A.O.]

(Ord. O-1-78, 3/9/1978, §1001; as amended by A.O.)

**§22-1002. Amendments.**

Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice as defined and in accordance with the Pennsylvania Municipalities Planning Code of 1968, as amended, Act 247, Article V, §505, 53 P.S. §10505.

(Ord. O-1-78, 3/9/1978, §1002)

**§22-1003. Penalties.**

~~1. Any person, partnership, or corporation who, or which, being owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to, or by other use of a plat~~

~~of such subdivision, or land development, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or officers of such corporation, or the agent of any of them responsible for such violation, shall:~~

~~— A. Pay a fine not exceeding \$1,000 per lot or parcel or per dwelling within each lot or parcel.~~

~~— B. All fines collected for such violations shall be paid over to the Borough of Pillow.~~

~~— 2. The description by metes and bounds in instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the seller or transferor from such penalties, or from the remedies herein provided. The Borough of Pillow may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, in addition to the penalty herein provided.~~

~~(Ord. O-1-78, 3/9/1978, §1003)~~

### **§22-1003. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough 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 magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough 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 magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge 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 Borough the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction in proceedings brought under this Section.

(Ord. O-1-78, 3/9/1978, §1003; as added by A.O.)