

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

TOWNSHIP OF LA PLUME

LACKAWANNA COUNTY, PENNSYLVANIA

NO. 1 OF 1987

SUBDIVISION ORDINANCE

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ORDINANCE NO. 1 OF 1987

AN ORDINANCE regulating the subdivision and the development of land in the Township of LaPlume, Lackawanna County, Pennsylvania, providing for the preparation and presentation of preliminary and final applications, establishing minimum subdivision and development design standards; requiring certain improvements to be guaranteed to be made by the subdivider; regulating sale of lots, erection of buildings, laying out, construction, opening and dedication of streets, sewers, other facilities, and public improvements in connection with sub-divisions and land developments; and prescribing penalties.

Pursuant to the provisions of Act 247 of 1968 and subsequent amendments thereof, relating to the Subdivision and Development of land, the Township of LaPlume, Lackawanna County, Pennsylvania, ordains as follows:

Article 1

Authority, Purpose, Jurisdiction and Affect of Filing an Application

12-1-1. Authority.

- a. The Township of LaPlume, Lackawanna County, Pennsylvania, under authority granted by Act 247 of 1968 and subsequent amendments thereto, hereby adopts the following regulations governing the subdivision and development of land within the Township.
- b. The Board of Supervisors of the Township of LaPlume, hereby, through the adoption of this Ordinance, delegates the Authority granted it under Section 501 of the Pennsylvania Municipalities Planning Code to the Planning Commission of the Township of LaPlume; provided, however, that all powers relating to the provision of public improvements, including improvement bonds or other guarantees, and the acceptance of public improvements such as streets, utilities, recreational facilities, etc., are specifically reserved by the Board of Supervisors.
- c. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements 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 abutting thereon, except in accordance with the provisions of this Ordinance.
- d. No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- e. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Planning Commission the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Planning Commission the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- f. The proposed subdivision or land development plat shall be in general accordance with the Comprehensive Plan of the Township of LaPlume.
- g. No land in the Township shall be subdivided or otherwise developed if such land is considered by the Planning Commission to be unsuitable for development by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and

safety of residents and the community as a whole; and, provided further that no land shall be subdivided or otherwise developed by the subdivider or the developer unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the subdivider or the developer, or otherwise developed.

- h. The proposed subdivision or land development shall conform with the design standards set forth in this Ordinance.

12-1-2. Purpose. This Ordinance has been adopted in order to create conditions favorable to the health, safety, morals and general welfare of the citizens of the Township of LaPlume through the provision of regulations that will insure the harmonious development of the Community.

12-1-3. Jurisdiction. The provisions contained herein shall apply to all land within the Township limits of the Township of LaPlume through the provision of regulations that will insure the harmonious development of the Community.

12-1-4. Effect of Filing an Application. From the time an application for approval of a plat, whether preliminary or final, is duly filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decisions on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

Article 2

Application Requirements and Processing Procedures

- 12-2-1. Preparation and Filing of Application. Whenever a subdivision of land or a Land Development is desired to be effected, an application for such development plan shall be prepared, filed, and processed, according to the requirements of this Ordinance.
- 12-2-2. Pre-application Plans and Data Procedure.
- a. Prior to the preparation and filing of the Preliminary Application, the Subdivider/Developer shall submit to the Commission the following plans and data, and shall ascertain from the Commission those elements which should be considered in the design of the Subdivision/Development. These shall include any features of the municipality's future land use plan, thoroughfare plan, community facilities plan, or of any plans of the Commission, including but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers, and school sites.
 - b. In response to a written request by the Subdivider/Developer, the Commission may waive the requirement of Pre-Application Plans and Data, for minor subdivisions.
- 12-2-3. Pre-application Plans and Data - Specifications. Pre-Application plans and data shall be labeled as such, and shall include the following:
- a. General Information - describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed Subdivision/Land Development such as the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed sewage disposal and other utilities, and street improvements.
 - b. Location Map - showing the relationship of the proposed Subdivision/Development to existing community facilities which serve or influence it and shall include the name of the development, the location of any existing facilities, traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow, and date.
 - c. Topographic Map - drawn to a scale of not less than one inch equals one hundred feet (1" = 100') showing:
 - (1) The proposed name of the Subdivision/Development;
 - (2) Name of the Subdivider/Developer;
 - (3) Name of the registered owner;

- (4) North point, scale and date;
- (5) Name of engineer, surveyor, or other qualified person responsible for the map;
- (6) Tract boundaries with bearings and distances;
- (7) Topography, with elevations based on data approved by the Commission, and showing contours at vertical intervals of five (5) feet, or as required by the Municipal Engineer;
- (8) Approximate location of water courses, tree masses, rock out-crops, existing buildings, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades; and
- (9) Adjacent streets.

12-2-4. Minor Subdivisions.

- a. Submission. The subdivider shall submit four (4) copies of a sketch plan of any minor subdivision to the Township Planning Commission and two (2) copies to the Lackawanna County Regional Planning Commission (LCRPC). Said Sketch Plan shall outline the subdivider's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with the provisions of the Ordinance. Where a minor subdivision provides for on-site sewage disposal, the applicant shall provide the Commission with evidence of the approval of such by the Township's Sewage Enforcement Officer.
- b. Review and Approval. Upon a determination by the Planning Commission that the proposed subdivision is in accordance with this Ordinance, the subdivider shall be advised of the approval and such changes as may be required; such action, including approval or disapproval shall be communicated in writing not later than ninety (90) days after the application is filed and accepted as complete by the Commission.

The Planning Commission's approval shall be expressed by placing the following official stamp upon the sketch plan:

"Approved by the LaPlume Township Planning Commission this _____ day of _____, 19_____.

Signed _____ Chairman

Signed _____ Secretary"

- c. Filing. The Planning Commission shall retain one (1) copy of the approved sketch plan in its files; one (1) copy shall be provided to the Secretary of the

Board of Supervisors; and two (2) copies shall be returned to the Subdivider, who shall file one (1) copy in the Office of the Recorder of Deeds of the County within thirty (30) days of the approval thereof; such approval shall be nullified unless so filed or unless an extension of time is granted by the Planning Commission upon the written request of the subdivider. Such an extension shall be granted automatically by the Planning Commission for a period of thirty (30) days; provided, however that only one (1) extension shall be authorized.

12-2-5. Major Subdivisions and Land Developments.

a. Preliminary Application Procedure.

- (1) Filing. The Subdivider/Developer, not less than ten (10) days prior to the meeting of the Commission at which consideration is desired, shall file with the Commission eight (8) copies of a Preliminary Application for the proposed layout of the Subdivision/Development. All documents and data submitted hereunder shall be labeled "Preliminary Application".
- (2) Action by Commission. The Commission shall submit all such applications to the Lackawanna County Regional Planning Commission for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant; provided, that the Commission shall not approve such application until the County Report is received or until the expiration of forty-five (45) days from the date the application is delivered to the County.

The Commission may also submit copies of the preliminary application to the Municipal Engineer, the Sewer Authority, Public Utilities, the Pennsylvania Department of Environmental Resources, the County Soil Conservation Office, and other public agencies, and shall return the application to the Subdivider/Developer either approved, or with recommendations for changes necessary for approval. The Commission shall communicate their action to the Subdivider/Developer in writing on such preliminary application within ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the next said regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. In the event that any modification from this Ordinance is requested by the Subdivider/Developer, or is deemed necessary by the Commission for approval, the modification and the reasons for its necessity shall be entered in the records of the Commission; provided, however, that modifications requested for public improvements shall be referred to the Governing Body for their action in accordance with Section 12-6-1 hereof.

The Commission shall determine, except as otherwise provided herein, whether the preliminary application shall be approved, approved with modifications, or disapproved, and shall notify the Subdivider/Developer in

writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action and shall return a copy of the preliminary application to the Subdivider/Developer. The decision of the Commission shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

- (3) Engineering Data. Before taking final action on any submitted application, the Commission shall submit copies of the preliminary application and accompanying data to the Municipal Engineer who shall advise the Commission as to the suitability of all engineering details and specifications. In addition, the developer must submit the plan as well as required planning modules to the Regional Office of the Pennsylvania Department of Environmental Resources and the Municipal Sewage Enforcement Officer who shall review said plan for compliance with the Sewage Facilities Act. The results of this review shall be presented to the Commission, and/or their Engineer for their review.

The Developer shall also present evidence of their notification of all affected public utilities as to the suitability of all utility easements.

All plans presented for review shall include a plan depicting what will be done by the developer to control soil erosion and sedimentation during the development stages. This plan shall be presented by the developer to both the Municipal Engineer and the Lackawanna County Office of the U. S. Soil Conservation Service for their review and report.

Nothing in the above section shall relieve the developer from complying with any other State or Federal Law either in effect as of the adoption of this Ordinance or enacted subsequent to this Ordinance.

- (4) Approval. Approval of the preliminary application shall not constitute approval of the Final Subdivision/Land Development Application by the Commission.

b. Information to Be Provided with Preliminary Application.

(1) General Information.

- (a) Plan Specifications. The Preliminary Plan of the subdivision/development shall be drawn at a scale of fifty (50) feet to one inch, or one hundred (100) feet to one (1) inch. The preliminary plan shall show:
 - i) Proposed name of the subdivision;
 - ii) Names and addresses of owner and subdivider and developer's registered surveyor, engineer, landscape architect, or land planner who prepared the plan;

- iii) Street layout, showing the names (which, when not extensions of existing streets, shall not duplicate other names of streets in the Municipality) and widths of rights-of-way of streets;
- iv) Layout of lots, showing dimensions and numbers;
- v) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;
- vi) Legend and notes;
- vii) Building setback or front yard lines;
- viii) Graphic scale, north point and date;
- ix) A location map showing subdivision name and location; tax map number; major existing thoroughfares related to the subdivision, including the distance therefrom; title, graphic scale, north point and date;
- x) Tract boundary lines, showing dimensions, bearings, and corners;
- xi) Existing streets and rights-of-way, on or adjoining the site, including dedicated widths and roadway widths;
- xii) Easements: Locations, widths, and purposes;
- xiii) Existing and proposed utilities, including sanitary and storm sewers, other drainage facilities; water lines; gas mains, electric utilities and other facilities. Size or capacity of each should be shown and the location of or distance to each existing utility indicated;
- xiv) Existing platting of adjacent land;
- xv) Areas subject to periodic flooding;
- xvi) Other features or conditions which would affect the subdivision;
- xvii) A description of the protective covenants or private restrictions to be incorporated in the deeds;
- xviii) Site data including the number of residential lots, typical lot size, the acreage of the subdivision/development and the acreage in proposed recreation, and other public, semi-public and community areas;
- xix) Physical features such as railroads, existing permanent buildings, water courses, and other existing features pertinent to proper subdivision shall be shown; and

- xx) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).
- (b) Engineer's Report. The Preliminary Application shall be accompanied by the developer's Engineering Report. The Engineering Report, Preliminary Plat, and all other plats submitted with the report shall be signed by a Registered Professional Engineer of the Commonwealth of Pennsylvania, and shall bear the imprint of his seal. Either the Report or the Plat shall include the following information:
- i) Profile of each street showing existing ground lines and proposed grades;
 - ii) A typical cross section of each type of roadway to be built, including all applicable cross-section data for the entire width of rights-of-way;
 - iii) The proposed type of surfacing for streets;
 - iv) Information regarding existing drainage systems in the subdivision/development, both surface and underground, including the location, size, type and grade of drainage structures, storm sewers, drain tile and drainage ditches. The engineer's opinion shall be expressed regarding the adequacy of such drainage facilities, and the basis given for such conclusions;
 - v) Information regarding proposed drainage systems in the subdivision, both surface and underground, including the size, location, type and grade of drainage structures, storm sewers, drain tile and drainage ditches proposed to be constructed, and the drainage areas they are designed for;
 - vi) The location of all water courses, bodies of water or streams with their low and high water elevations. all the elevations shall be United States Geological survey Datum;
 - vii) Sanitary sewers, either in place or proposed;
 - viii) Results of soil seepage tests which have been conducted throughout the area to determine the ability of the soil to dispose of sewage wastes by seepage. A sufficient number of such tests shall be made to show all variable conditions which might exist throughout the area under consideration; and
 - ix) A description of the water supply and sewage disposal facilities which will operate successfully in the subdivision/development. Such facilities shall be designed in accordance with recognized sanitary engineering standards, and must take into consideration all data in this report which has a bearing on these facilities. In the event individual

septic tanks are to be installed, the minimum area required per family for a seepage bed based on the soil seepage tests shall be given.

- (c) Additional Data. Where the owner of the site under consideration owns contiguous land suitable for development, the above-described engineering data shall cover all such contiguous lands. This provision, however, may be waived in full, or in part, by the Planning Commission if it is not considered essential to the evaluation of the plans for the current development tract; provided, however, that the developer shall be required to submit not less than a prospective street layout and a topographic map at a scale of 1 inch equals 200 feet of the contiguous lands regardless of any such waiver.

12-2-6. Final Application Procedure.

a. Filing.

- (1) The Subdivider/Developer shall, not later than twelve (12) months after the date of approval of the Preliminary Application, file with the Township Planning Commission and the LCRPC a Final Application for the section (or portion) to be developed. All documents and data submitted hereunder shall be labeled "Final Application". Failure to comply with the time limitation herein provided shall make the approval of the Preliminary Application null and void unless an extension of time is requested by the Subdivider/ Developer and for good cause granted by the Commission.
- (2) The Subdivider/Developer not less than ten (10) days prior to the meeting at which consideration is desired, shall file with the commission eight (8) copies of a Final Application for the proposed Subdivision/Land Development, including all information required under Section 12-2-7 hereof.

- b. Conformance With Preliminary Application. The Final Application will have incorporated all changes and modifications required by the Commission; otherwise, it shall conform to the approved preliminary application, and it may constitute only that portion of the approved preliminary application which the Subdivider proposes to record and develop at the time, provided that such portion conforms with all of the requirements of this Ordinance.

- c. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval. All public utility improvements, and other improvements for public dedication shall be completed in accordance with Section 12-4-4 hereof within five (5) years after approval of the preliminary application.

No plat or land development shall be finally approved unless the streets shown on such plat have been improved as may be required by this ordinance and any walkways, curbs, gutters, sanitary sewers, storm drains, and other improvements as may be required by this ordinance have been installed in accordance with this ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the

subdivider/developer shall deposit with the municipality a corporate bond, or other security acceptable to the governing body in an amount sufficient to cover the costs of any improvements which may be required. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed in this ordinance for such completion. The municipality shall be identified on such security as a party to be notified in the event that said security is canceled, revoked or redeemed by the holder thereof.

The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the governing body of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the costs shall be established by an estimate prepared by the municipality's engineer. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure. In the case where development is projected over a period of years, the governing body may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body shall, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term of eighteen (18) months from the date of acceptance of dedication. Said financial

(90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. Reference herein to approval by the governing body shall be applicable to subdivision/land developments which include public improvements as set forth in Section 12-1-1.b. hereof.

- (1) If approved, the Governing Body and Commission shall sign the original Final Subdivision Application and attach thereto a notation that it has received approval and return it to the Subdivider/Developer for compliance with the recording requirements.
- (2) If disapproved, the Commission shall attach to the Application a statement of reasons for such action and return it to the Subdivider/Developer.
- (3) The decision of the Governing body or the Planning Commission shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

g. Changes. No changes, erasures, modifications, or revisions shall be made on any Final Application of a Subdivision after approval has been given by the Commission, and endorsed in writing on the Application, unless the Application is resubmitted to the Commission.

h. Recording Plat.

- (1) Upon the approval of the final plat, the developer shall within ninety (90) days of such final approval record such plat in the Office of the Lackawanna County Recorder of Deeds, and forthwith file with the Commission a Recorder's Certificate that the approved application has been recorded, with the Deed Book and Page Numbers indicated and two (2) copies of the application as recorded. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the Township's approval.
 - (2) The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
- i. Effect of Plat Approval on Official Map. After a plat has been approved and recorded as provided in this Ordinance, all streets and public grounds on such plat shall be, and become a part of the official map of the Municipality without public hearing.

12-2-7. Information to Be Provided with Final Plan. The final application shall contain the following information which shall be prepared by the Developer's Engineer, in addition to the data enumerated under Section 12-2-6 above:

- 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 application shall be referred.
- b. Tract boundary lines, right-of-way lines of streets, easements, and other rights-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. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- d. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract and the names of such streets.
- e. Location, dimensions, and purpose of easements, including any limitations on such easements.
- f. Number to identify each lot and/or site, and street numbers of lots.
- g. Accurate dimensions and purposes for any property to be dedicated or reserved for public, semi-public or community use.
- h. Building lines on all lots and other sites.
- i. Profiles of streets and alleys showing grades at minimum scale of fifty (50) feet horizontal and ten (10) feet vertical.
- j. Cross sections for the entire width of each right-of-way of the streets and alleys showing the width of the right-of-way, width of cartway, location and width of sidewalks, and location and size of utility mains.
- k. Names of record owners of adjoining unplatted land.
- l. Reference to recorded subdivision applications of adjoining platted land by record name, date and number.
- m. Certification by licensed Surveyor or licensed Engineer certifying to accuracy of survey and application.
- n. Proposed Protective Covenants running with the land, if any.
- o. Proposed contours at vertical intervals as required by the Commission.
- p. The Application shall have lettered upon it a statement delineating the areas proposed to be dedicated for such public uses as streets, alleys, public schools, parks or any other public use, and there shall be attached to the application a certificate of title certifying the ownership of all such lands to be so dedicated by said application.

- q. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
- r. Supporting Documents. The following supporting documents shall also be submitted in conjunction with the final plat:
- (1) Evidence showing that all general taxes on the sub-division have been paid in full to date, and that all special taxes or assessments, have been paid or discharged in full or that the court under which side assessments were made has entered an order redistributing the assessments against the land platted.
 - (2) A copy of the Sales contract shall be submitted so the Planning Commission can ascertain that it contains no provisions in conflict with the approved application.
 - (3) A statement signed by the subdivider/developer, setting forth the public improvements he proposes to make, together with plans, specifications, and estimates of cost therefore.
 - (4) A duly completed and executed completion bond with corporate surety posted with the Township by the subdivider/developer, in an amount equal to the estimate and certified by the Township Solicitor as good, valid, and enforceable by the Township securing the satisfactory completion of the public improvements in strict accordance with the description, plans and specifications submitted by the subdivider/developer, and approved by the Planning Commission; or
 - (a) a certification that the improvements, utilities and facilities have already been installed; or
 - (b) an acceptable instrument of financial security, payable to the Township and adequate for the completion of these improvements, sewage disposal facilities and other utilities and facilities.
 - (5) A certification that utility companies serving the area of the proposed subdivision have been consulted with respect to the size, location, and use of easements for utility purposes.
 - (6) An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - (7) Location and method of street lighting facilities.
 - (8) Deed of dedication of streets and other public property.
 - (9) Front yard setback lines, the minimum as fixed by the Township's Zoning Ordinance, and any other setback or street lines established by this Ordinance and those specified in the deed restrictions.

- (10) At the time of filing, the Final Application shall be accompanied by a check payable to the municipality in an amount determined by the Municipal Engineer sufficient to cover the cost of:
- (a) Reviewing the Application's Engineering details;
 - (b) Inspecting the site for conformance to survey;
 - (c) Preparing the cost estimates of required improvements;
 - (d) Inspection of required improvements during installation; and
 - (e) Final inspection on completion of installation of required improvements;
and
 - (f) Fees charged by the County Planning Commission and fees for other related consulting services.
- (11) Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission or the Governing Body of the municipality in the enforcement of these regulations.

Article 3

Design Standards

- 12-3-1. Land Requirements. Land shall be suited to the purposes for which it is to be subdivided/developed. In general, the Commission shall take the following factors into consideration prior to the approval of any subdivision plan.
- a. Subdivision laid out on low-lying land that is subject to periodic flooding shall not be approved unless it is proven that adequate safeguards against such hazards are provided by the plan; provided further that it comply with the Floodplain Ordinance of the Township of LaPlume, as amended.
 - b. Land subject to hazards to life, health, or property, such as quarry land, open ditches, land subject to inundation and land with unstable subsurface conditions, etc., shall not be subdivided for residential purposes until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the Subdivision Plan.
- 12-3-2. Street System. 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, to public convenience and safety, and in their appropriate relation to the proposed use 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, unless the Commission deems such extension undesirable for specific reasons of topography or design.
 - b. Where adjoining areas are not subdivided, the arrangement of streets in new Subdivisions shall make provision for the proper projection of streets by carrying them to the boundaries of the tract proposed to be subdivided.
 - c. Proposed streets shall conform to any local, county, and state road or highway plans which have been prepared, adopted, and/or filed, as required by law.
 - d. Alleys shall be discouraged in residential districts. In commercial and industrial areas adequate service roads shall be provided where needed for access to loading and unloading facilities.
 - e. Local access streets shall be laid out so as to discourage through traffic, but provision for street connection to adjacent areas will generally be required.
 - f. Whenever the proposed Subdivision contains or is adjacent to a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street at a distance acceptable, for the appropriate use of the land between the highway and such

street. The Commission may also require rear service alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.

- g. Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "land", "way", "drive", "court", "avenue". In approving names of streets, cognizance may be given to existing or platted street names within the Postal delivery district served by the Post Office. New streets shall bear the same name of any continuation or alignment with an existing or platted street.
- h. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- i. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be platted within such tract.
- j. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- k. New reserve strips, including those controlling access to streets shall be prohibited.
- l. The location of a collector street in the proposed subdivision shall conform in general alignment to the Traffic Plan included in the Municipality's Comprehensive Plan.
- m. Streets shall be functionally related to the topography so as to produce usable lots and reasonable grades in accordance with the standards set forth herein.
- n. Where it is desirable in the opinion of the Commission to provide street access to adjoining property, proposed streets shall be extended to the boundary of such property.
- o. If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

12-3-3. Cul-de-sac Streets.

- a. Cul-de-sacs in residential developments shall be provided at the closed end with a paved turn-around having a minimum radius to the outer pavement edge or curb line of fifty (50') feet.
- b. Cul-de-sacs in commercial and industrial developments shall be provided with a paved turn-around having a minimum radius to the outer pavement edge or curb line of sixty-five (65') feet.

- c. When the Planning Commission determines it necessary for adequate access and egress to the subject property and/or adjacent property regardless of overlay, the right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
- d. Temporary dead end streets, on approved plans, may be used, provided that the developer, on his own land, constructs a stabilized all weather turn-around of the same radius as would be required for a permanent street, and the turn-around shall be removed when the street is continued.
- e. Permanent cul-de-sac streets shall not exceed one thousand (1,000') feet unless topographic conditions warrant increase when approved by the Planning Commission.

12-3-4. Street Right-of-Way Widths.

- a. Minimum street right-of-way widths, measured from the lot line, shall be as shown on the Traffic Plan included in the Municipality's Comprehensive Plan, or if not shown thereon, shall meet the following standards:

- | | |
|-----------------------------|-----------------------|
| (1) Arterial: | 80 foot right-of-way* |
| (2) Collector Street: | 60 foot right-of-way |
| (3) Local Access Street: | 50 foot right-of-way |
| (4) Marginal Access Street: | 33 foot right-of-way |
| (5) Service Roads: | 33 foot right-of way |

* Or such greater width as may be determined by the Pennsylvania Department of Transportation.

- b. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.

12-3-5. Pavement and Cartway Widths. Minimum pavement and cartway widths, shall be as shown on the Traffic Plan, or if not shown thereon, shall meet the following standards:

	<u>Cartway (Feet)</u>	<u>Each Shoulder* (Feet)</u>
a. Arterial:	24	10
b. Collector Street:	22	8
c. Local Access Street:	20	8
d. Marginal Access Street:	20	6
e. Service Roads:	20	N/A

*or Curb Parking Lane

12-3-6. Horizontal Alignment.

- a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- b. To ensure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:
 - (1) Arterial: 475 feet
 - (2) Collector Streets: 275 feet
 - (3) Local Access Streets: 150 feet

Sight distance shall be measured from a point five (5) feet above the proposed grade line.

- c. A tangent of not less than 100 feet shall be required between all reversed curves.

12-3-7. Street Grades.

- a. Center line grades shall not exceed the following:
 - (1) Arterial: four percent (4%)
 - (2) Collector Streets: seven percent (7%)
 - (3) Local Access Street: twelve percent (12%)*

* Center line grades on local access streets may be increased to 15% for a distance of not more than 250 feet when the developer justifies the need to increase the grade; provided, however, that the provisions of Section 12-3-7.c. hereof are not subject to this modification.

- b. Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:
 - (1) Arterial: four hundred (400) feet
 - (2) Collector Street: two hundred seventy-five (275) feet
 - (3) Local Access Street: two hundred (200) feet
- c. Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
- d. To provide for adequate drainage, the minimum grade shall be not less than one-half of one percent (0.5%).

12-3-8. Street Intersections.

- a. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
- b. Multiple intersections involving the junction of more than two streets are prohibited.
- c. Intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line, unless the Planning Commission determines that a lesser distance is appropriate due to the unusual dimensions of the site.
- d. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
- e. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, thirty (30) feet for intersections involving other type streets, or such greater radius as is suited to the specific intersection. a property line corner shall be rounded to the same radius as the curb which it adjoins.
- f. On any corner lot, no wall, fence or other structure shall be erected or altered; and no tree, hedge, shrub, or other growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. A clear sight triangle of thirty (30) feet measured along street right-of-way lines from their point of junction shall be provided at all intersections, within which, vegetation or other visual obstructions shall be limited to a height of not more than three (3) feet above the street grade.

At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet, measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than three (3) feet above the street grade.

If not obstructing the view of traffic, posts, columns, or trees, not exceeding one (1) foot in diameter shall be permitted in the clear-sight triangle.

12-3-9. Building Lines.

- a. Building lines shall not be less than twenty-five (25) feet or as required by the Zoning Ordinance. On plans where sub-surface disposal is indicated, the distance from the right-of-way lines to the building line shall be adequate to provide area for the sub-surface drainage field.
- b. Side lot lines shall be substantially at right angles or radial to street lines. Side building lines shall be not less than ten (10) feet from the side lot lines, or as required by the Zoning Ordinance, whichever is greater.
- c. Rear building lines shall be equal to twenty percent (20%) of the lot depth or as required by the zoning Ordinance, whichever is greater.
- d. Corner lots shall have extra width, sufficient to provide a setback of not less than twenty-five (25) feet from both streets.

12-3-10. Lots. The arrangement and other design standards of lots shall conform to the following requirements:

- a. Every lot shall abut a public street.
- b. Double frontage lots shall not be platted, except that where desired along limited access highways, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen, at least fifteen (15) feet in width, shall be provided along the back of the lot. Where lots back on a railroad, creek, or other natural barrier, there may also be required a fifteen (15) foot planting screen strip; and interior lots having frontage on two streets shall be prohibited except where unusual conditions make it desirable.
- c. The ratio of the depth of any lot to its width shall not be greater than two and one-half to one (2.5 : 1) except as may be specified in the Zoning Ordinance.
- d. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Governing body.
- e. Lot size shall be controlled by the provisions of the Zoning Ordinance.

Where either or both water supply and sanitary sewage disposal facilities are provided by individual on-lot facilities, the municipality shall require that the

Subdivider/Developer request that the Pennsylvania Department of Environmental Resources or local Sewage Enforcement Officer, make the necessary tests to determine the adequacy of the proposed facilities in relation of the lot size, existing grade, and soil conditions. A certificate from such an official indicating that the proposed facilities are adequate, shall be required before final approval of the plan.

12-3-11. Storm Drainage.

- a. General. In order to provide more suitable sites for building and other uses, prevent adverse impact to properties adjoining and downstream of all proposed projects, and control erosion, the following requirements shall be met:
- (1) For all subdivisions and land development proposals, a stormwater management plan is required showing all drainage within the watershed affecting the subject property and the erosion and sediment control procedures and facilities to be utilized.
 - (2) All land areas shall be graded to secure proper drainage away from buildings and to prevent the collection of stormwater in uncontrolled pools. Drainage provisions shall be of such design as to carry surface waters to the nearest practical and adequate street, storm drain, or natural water course. Developers must carry surface waters to the nearest practical storm drain or natural water course. The developer shall construct and/or install such drainage structures and/or pipes as are determined necessary by the Municipal Engineer to prevent erosion, damage, siltation and to satisfactorily carry off surface waters; such determination by the Municipal Engineer shall be made, in part, on the basis of plans, specifications, and run-off tabulation to be submitted by the developer; such plans, specifications and calculations shall be prepared by the developer's engineer. Generally, the proposed rate of uncontrolled stormwater runoff from any subdivision or land development after full development shall not exceed the uncontrolled runoff prior to development.
 - (3) Stormwater discharge shall be carried by conduit to prevent excessive surface flow on or across streets, sidewalks, drives, parking areas, and any other paved surface or travelled way. Culverts or bridges shall be required at all stream crossings of any street or road-way using design criteria for a ten-year peak flow rate; provided, however, that where bridges are constructed, the design criteria shall be for a fifty-year peak flow rate. Only where there is no danger to structures or abutting property.
 - (4) Identified natural watercourses (streams, creeks) other than those regulated by D.E.R. which have continuous flow shall remain open and shall not be piped or covered unless required by the Governing Body of the Municipality upon recommendation of the Municipal Engineer.
 - (5) The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Stormwater management facilities

designed to serve more than one (1) property, or development, in the same watershed are encouraged in which case consultation with the Municipal Engineer is required prior to design.

- b. Design Standards. The following standards shall be required as a minimum unless otherwise approved by the Governing Body of the Municipality upon recommendation of the Municipal Engineer:
- (1) Stormwater Collection System.
 - (a) Design Features. Materials and methods of construction for all storm drainage facilities shall conform with all applicable Pennsylvania Department of Transportation Specifications. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.
 - (b) Location. Wherever practicable, storm drains shall be located adjacent to the curb and within the right-of-way of the street; they shall be protected by a cover of at least eighteen (18) inches.
 - (c) Size and Grade. Storm drains shall have a minimum internal diameter of fifteen (15) inches and a minimum grade of 0.5 percent (1/2 of 1%) unless otherwise approved by the Municipal Engineer.
 - (d) Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than three hundred (300) feet apart on pipe of twenty-four (24) inches internal diameter or less, and not more than five hundred (500) feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose.
 - (e) Inlets. Inlet spacing shall be so arranged that ninety-five percent (95%) of the gutter flow will be captured. Inlets at street-intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately upgrade from the inlet shall be so warped as to direct the water into the inlet.
 - (f) Castings. Manhole and inlet castings, together with their covers or gratings shall conform to the Standards of the Pennsylvania Department of Transportation as may be in effect at the time the design is submitted.
 - (g) Stormwater Roof Drains. Stormwater roof drains and pipes shall not discharge water directly onto a road surface or road right-of-way. Where storm drains are accessible, the roof drain shall be connected thereto. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.

- (h) Unnatural Drainage. Wherever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing and a copy filed with the Township Secretary. Approval of plans by the Municipality does not authorize or sanction drainage affecting adjoining properties.
- (i) Drainage from Non-Natural Sources. Water originating from other than natural sources, such as air-conditioning units, swimming pools, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural watercourses on the property, or into the storm drainage system. These facilities shall not discharge water directly on to a road surface or road right-of-way. No discharge of toxic drainage will be permitted. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.
- (j) Design Flow Rate. The storm drain system shall be designed to carry a ten (10) year peak flow rate. The design ten (10) year peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The 10 year flow rate shall be determined by the rational formula, $Q = CIA$.

Appropriate values for the runoff coefficient and rainfall intensity can be found in the following source:

Commonwealth of Pennsylvania
Department of Transportation
Design Manual, Part 2
Highway Design
Chapter 12

The SCS method of storm water computation is an acceptable alternative method. This formula is available at the Office of the Lackawanna County Soils Conservation Service.

- (k) Overflow System. An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe system is exceeded. The overflow system shall be of sufficient capacity to carry the difference between the twenty-five (25) year and the ten (10) year peak flow rates. The design and the capacity of the overflow system shall, however, be subject to the approval of the Pennsylvania Department of Environmental Resources and the Lackawanna County Soils Conservation Service.
- (l) Pipe Capacity. The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:
 - i) United States Department of Commerce.

- ii) Bureau of Public Roads.
 - iii) Hydraulic Engineering Circular No. 5.
 - iv) Hydraulic Charts for the Selection of Highway Culverts and Hydraulic Engineering Circular No. 10.
 - v) Capacity Charts for the Hydraulic Design of Highway Culverts.
- (m) Match Crowns. The crowns of all pipes tying into an inlet or manhole shall be set at equal elevations.
- (n) Diversion of Runoff. All storm drain pipes shall be designed to carry the runoff into a detention basin or similar facility utilized to control the rate of runoff.
- (o) When open drainage ways are used for the disposal of storm water, The Planning Commission shall review the following:
- i) Safety - steep banks and deep pools shall be avoided.
 - ii) Erosion - adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent erosion of banks and the scouring of the channel bottom.
 - iii) Stagnation - design of open drainage ways shall not create stagnant pools or swampy areas.
- c. Plan Requirements. The Storm Drainage Plan shall be prepared by a Professional Engineer licensed to practice engineering in the Commonwealth of Pennsylvania. The plan shall consist of three (3) parts:
- (1) PART I - A narrative report for the review of proposed site plans, conditional uses, subdivisions, and zoning district amendments. The narrative report shall be a general statement of the project giving the purpose and engineering assumptions and calculations for control measures and facilities. The following information shall be included:
 - (a) General description of the project.
 - (b) General description of accelerated runoff control plan.
 - (c) General description of erosion and sedimentation control plan.
 - (d) Expected project time schedule, including anticipated start and completion dates.
 - (e) Project's stormwater district, location, and watershed characteristics.
 - (f) On-site detention methods.

- (g) Hydraulic and hydrologic calculations, methodology and basis of design.
- (2) PART II - Preliminary Plans - A comprehensive plan, in preliminary form (or in combined preliminary and final form), designed to safely handle the stormwater runoff, detain the increased stormwater runoff, and control erosion and sedimentation. The plan shall provide, and be accompanied by, maps or other descriptive material indicating the feasibility of the plan and showing the following:
 - (a) The extent and area of each watershed tributary to the existing and future drainage channels in the development.
 - (b) The street storm sewers and other storm drains to be built, the basis of their design, and outfall and outlet locations and elevations, receiving streams or channel and its high water elevation, the functioning of the drains during high water conditions.
 - (c) The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over-the-curb resulting from the heavier rain storms and the outlets for such overflow.
 - (d) Existing streams and flood plains to be maintained, and new channels to be constructed, their locations, cross sections and profiles.
 - (e) Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of design.
 - (f) Existing detention ponds and basins to be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design.
 - (g) The estimated location and percentage of the total development of land area which will be used for impervious surfaces after construction is completed.
 - (h) The slope, type, and size of all proposed and existing sewer and other waterways.
 - (i) All existing topographic conditions of the site, including elevations, watercourses, trees and other sufficient natural features.
 - (j) All existing building, sewers, waterlines and other significant man-made features.
 - (k) Estimated depth, shape, size and storage of any proposed retention facility.
 - (l) One or more typical cross sections of all existing and proposed channels or other open drainage facilities, showing the elevation of the existing land and the proposed changes thereto, together with the high water

elevations expected from the 100-year storm under the controlled conditions called for by this ordinance, and the relationship of structures, streets and other utilities.

- (m) A site plan showing the dimensions of the site with existing and proposed structures properly located, together with contours of the terrain after proposed grading.
- (3) PART III - Final Plan - Upon approval of the preliminary plan, a final plan shall be submitted to the Municipal Engineer. The final plan shall provide all descriptive material and maps previously submitted and required prior to the final plan, in addition to the following items:
- (a) All calculations, assumptions and criteria used in the design of the storm sewer system, detention facilities and sediment and erosion control operations.
 - (b) All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.
 - (c) Locations, dimensions and design details required for the construction of all facilities.
 - (d) For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
 - (e) For all detention basins, design hydrographs of inflow and outflow for the peak design flows from the site under natural and developed conditions.
 - (f) A description of operation for all detention basins.
 - (g) Contours of finished project site that adequately describe the final topography.
 - (h) The staging of earthmoving activities and program of operation.
 - (i) All information relative to the design and operation of emergency spillways.
 - (j) Emergency routing or outfall should be shown for storm runoff in the event of failure of offsite drainage structures.
 - (k) When major control facilities, such as retention basins, are planned, soil structures and characteristics shall be investigated. Plans and data prepared by a licensed professional engineer or geologist with experience and education in soil mechanics shall be submitted. These submissions should consider and offer design solutions for frost heave potential,

shrink-swell potential, soil bearing strength, water infiltration, soil settling characteristics, fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.

- (l) All erosion and sedimentation control measures, temporary as well as permanent, and sufficient detail in order to clearly indicate effectiveness of the plan.
- (m) Project specification relative to stormwater control, erosion and sedimentation.

12-3-12. Easements.

- a. Minimum Widths. The following minimum widths of easements shall be observed unless otherwise specified:
 - (1) Underground public utility facilities - fifteen (15) feet
 - (2) Overhead public utility facilities - ten (10) feet
 - (3) Drainage facilities - twenty (20) feet.
- b. Location. Easements for public utilities shall, wherever possible, be centered on side or rear lot lines. Drainage ways, (i.e. sidewalks), channels, or stream easements may be located as necessary to adequately meet the engineering requirements for the facility.
- c. Transmission Lines. Where natural gas, petroleum, or high tension lines are located within or adjacent to the Subdivision/Development, the Subdivider/Developer shall provide the Planning Commission with a statement from the Utility Company involved setting forth any special conditions which they may require.
- d. Watercourses. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

12-3-13. Community Facilities and Master Plan Requirements.

- a. In reviewing subdivision plans, the Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
- b. Where a proposed park, playground, school or other public use shown on the Official Map is located in whole or in part in a subdivision, the Commission may require the reservation of such area as may be deemed reasonable. Where said area is not dedicated, it shall be reserved for acquisition by the Municipality for a period of three (3) years. In residential subdivisions of ten (10) or more acres, the Municipality may require the dedication of not more

than ten percent (10%) of the development area for public recreational purposes. Area calculations shall be based on the total size of the tract encompassed by the preliminary application.

- c. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
- d. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the Master Plan of the Township of LaPlume.
- e. Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names applied to completely new streets shall not duplicate or closely approximate, phonetically, the names of existing streets in the Township.
- f. The subdivider shall plan the layout to preserve the natural features of the site.

Article 4

Required Improvements

- 12-4-1. Construction Standards. Construction standards for all required improvements shall be as set forth in Section 12-4-2, or where not set forth shall be in accordance with standards as established by the Commission upon advice of the Municipal Engineer. Alternate improvement standards may be permitted if the Commission deems that they are equal or superior in performance characteristics to the specified improvements.
- 12-4-2. Minimum Improvements.
- a. General. The minimum improvements required of all subdivisions shall be as set forth in this section. Additional or higher type improvements may be required in specific cases where in the opinion of the Commission, they are necessary to create conditions essential to the health, safety, morale, and general welfare of the citizens of the Municipality.
 - b. Monuments and Markers. Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.
 - (1) Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision and at the intersection of street lines as determined by the Planning Commission. Monuments may be of the following three (3) types:
 - (a) Cut stone 5" x 5" x 3' - 0" long with a drill hole in the center.
 - (b) Concrete 4" x 4" x 3' - 0" long with a 1/2" round brass pin in the center.
 - (c) A 2" round galvanized 3' - 0" long pipe with a brass or aluminum cap with a punch hole for center.
 - (2) Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; at all corner lots. Markers shall consist of iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter, or any alternate type which the Commission deems suitable and of sufficient quality to adequately fulfill its function.
 - (3) Removal. Any monuments or markers that are removed must be replaced by a registered engineer or a registered land surveyor at the expense of the person removing them.

c. Streets.

- (1) Streets shall be constructed in accordance with a schedule to be submitted by the developer and approved by the Planning Commission. Streets shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivider/developer and approved by the Commission. No surface paving shall be provided until the base course has been in place for a full Winter, nor, shall such surface be provided until all required utilities have been properly installed.
- (2) All streets shall be constructed in accordance with PennDOT Specifications, Form 408, and in accordance with the standards contained in the following table; provided, however, that for local access streets***, the Municipality will consider any alternative supported by a maintenance bond to be provided by the developer to cover a period of 3-years from the date on which the street is opened to traffic.

<u>ALTERNATIVES</u>	<u>TYPE</u>	<u>LOCAL ACCESS***</u>	<u>COLLECTORS AND ARTERIALS</u>
RIGID PAVE	Plain Cem. Conc. SubBase	6" 6"*	6"
FLEXIBLE PAVE			
Surface	ID - 2	1"	1-1/2"
Base	Bit-Conc.	2"	6"
SubBase	S.B.	6"	6"
Surface	ID - 2	1-1/2"	1-1/2"
Base	A-L-P/Ag-Cem	5"	6"
SubBase	S.B.	6"	6"
Surface	ID - 2	2-1/2**	3"
Base	Crushed Agg	6"	10"
SubBase	S.B.	6"	9"
Surface	ID - 2	1-1/2"	1-1/2"
Base	Agg - Bit.	5"	7"
SubBase	S.B.	6"	9"

* Only required for silty soils or poorly drained conditions

** Or 3" FB-1 or FB-2

*** Including service roads and marginal access streets.

- (3) Sub-Surface drainage and all utilities shall be installed prior to installing the street surface.
- (4) Driveway designs shall be subject to the approval of the Municipal Engineer. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be the same as

specified by the Engineering Specifications for the streets. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.

- d. Curbs and Gutters. Wherever the lots in a proposed Subdivision will result in a density of more than one (1) dwelling unit per net acre, or where multi-family dwellings are provided, curbs and gutters shall be installed in accordance with the following specifications. The Commission may require installation of curbs and/or gutters in any Subdivision where the evidence indicates that such improvements are necessary for proper drainage.

Curbs may be of the following two types:

- (1) Straight Portland cement curb, 22" x 6", top rolled and battered to 8" at bottom, 6" face exposed above finish road surface.
- (2) Integral curb and gutter, 24" x 6" x 6", battered and rolled Portland cement concrete.

- e. Public Water Supply.

- (1) Where a water main supply system is within one thousand (1,000) feet of, or where plans approved by the Governing Body provide for the installation of such public water facilities to within one thousand (1,000) feet of a proposed Subdivision, 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. Where a water main supply system is proposed to be located within 1,000 feet of a proposed Subdivision, within two (2) years of the date of the Subdivision Application, the Subdivider shall provide the Subdivision with a complete water main supply system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.
- (2) 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 in accordance with the Standards of the Pennsylvania Safe Drinking Water Act, Act No. 43 of 1984 as amended.

- f. Public Sanitary Sewer System.

- (1) Where a public sanitary sewer system is available to the subdivision/development within one thousand (1,000) feet of, or where plans approved by the Governing Body provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of a proposed Subdivision, the Subdivider shall provide the Subdivision with a complete sanitary sewer system to be connected to the existing or proposed sanitary

sewer system. Where a public sanitary sewer system is proposed to be located within one thousand (1,000) feet of a proposed Subdivision, within two (2) years of the date of the Subdivision Application, the Subdivider shall provide the Subdivision with a complete sanitary sewer system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.

- (2) Where 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, an approved, private sewerage disposal system. The design and construction of such individual sewerage disposal systems shall be subject to the approval of the Municipality's Sewage Enforcement Officer.
- g. Storm Sewers. Whenever the evidence available to the Commission indicated that natural surface drainage is inadequate, the Subdivider shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.
- h. Sidewalks. Wherever a proposed Subdivision shall average five (5) or more dwelling units per gross acre included in the Subdivision, or where any Subdivision is immediately adjacent to, or within one thousand (1,000) feet of any existing development or recorded Subdivision having sidewalks, then sidewalks shall be installed on each side of the street in accordance with the specifications set forth herein. The Commission may require the installation of sidewalks in any subdivision where the evidence indicates that sidewalks are necessary for the public safety.

Sidewalks shall be installed and shall have a minimum width of four (4) feet, except that sidewalks serving apartment houses or proposed commercial areas shall be five (5) feet in width unless the Commission determines that such additional width is unnecessary for the public safety and welfare in the vicinity of the subject site. Sidewalks shall be Concrete, 4" in thickness, 1 : 2-1/4 : 3 mix placed on 4" cinder, or crushed stone, in accordance with current PennDOT specifications.

- i. Street Signs. The Subdivider shall provide street signs at all inter-sections. There shall be not less than two (2) street signs at each intersection; they shall be placed in a manner which will make them legible to traffic flows entering the intersection from all directions. The signs shall be placed on iron posts, eight (8) feet in height; and, signs shall be black lettering on a white background at the top of each post. Modifications of these standards, shall be subject to the approval of the Municipal Engineer.
- j. Planting Strip. Where a planting strip is provided, the Subdivider shall seed the planting strip between the curb and sidewalk, if both are required. If curb and/or sidewalk is not required, the planting strip shall be located in the same area as though they both were required. Where trees may be planted, they shall be placed between the sidewalk and the building line a minimum of four

(4) feet from the sidewalk. The types and spacing of the trees shall be approved by the Planning Commission.

- k. Fire Hydrants. Fire hydrants shall be required wherever a public water supply system is available, and shall be spaced to provide a hydrant within 500 feet of all property lines in the subdivision/development.
- l. Street Lights. Street lights may be required when considered reasonable by the Planning Commission.
- m. Changes. In cases where any of the foregoing requirements are not deemed appropriate by the Governing Body to serve the public interest, the Governing Body reserves the right to increase, change, alter or substitute materials, manner and specification for any utility or street improvements.

12-4-3. Procedure for Installation of Required Improvements. Required improvements shall be installed by the subdivider/ developer under the supervision of the Municipal Engineer. The subdivider/developer may elect to carry out minimum improvements by any of the following methods.

- a. A certificate from the Municipal Engineer that all improvements and installations to the subdivision required by this Ordinance have been made or installed.
- b. An acceptable instrument of financial security filed with the Commission in accordance with Section 12-2-6 hereof.

12-4-4. Schedule for Completing Required Improvements. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Planning Commission, no change of Municipal Ordinance or Plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classifications or density, lot, building, street or utility location. In the case of preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Planning Commission in its discretion. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Planning Commission in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for

any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section. Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in Zoning, Subdivision and other governing ordinance enacted by the Municipality subsequent to the date of the initial preliminary plan submission.

Article 5

Fees

- 12-5-1. Preliminary Application. At the time of filing, the Preliminary Application shall be accompanied by a check payable to the municipality in the amount of Five Dollars (\$5.00) for each lot in the proposed subdivision, with a minimum total charge of Fifty Dollars (\$50.00) to cover the Commission's cost of checking and verifying the proposed plats and other required maps and data.

Prior to approval of the Preliminary Application, the developer shall also pay to the municipality a supplemental fee sufficient to cover the cost of engineering services, County Planning Commission fees and fees for other related consulting services incurred by the municipality. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

- 12-5-2. Final Application. At the time of filing, the Final Application shall be accompanied by a check payable to the municipality in an amount determined by the Engineer sufficient to cover the cost of:

- a. Reviewing the Application's engineering details.
- b. Inspecting the site for conformance to survey.
- c. Preparing cost estimates of required improvements.
- d. Inspection of required improvements during installation.
- e. Final inspection on completion of installation of required improvements.
- f. Fees charged by the County Planning Commission and fees for other related consulting services.

- 12-5-3. Final Determination of Fee. Prior to the approval of the Final Application, the Municipal Secretary will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment as indicated.

- 12-5-4. Minor Subdivision. The fee for a minor subdivision shall accompany the application for such development. The fee therefore shall be Fifty Dollars (\$50.00).

Article 6

Modifications and Appeals

12-6-1. Procedure Governing Modifications.

- a. The Commission and the Governing Body of the Municipality may authorize a modification to the provisions contained herein where by reason of the exceptional shape of a specific piece of property, or where by reason of exceptional topographic conditions, the strict application of the Ordinance would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may only be granted without detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. The Planning Commission shall not authorize any modification for any public improvement subject to approval by the governing body; the power to make such modifications is reserved by the Governing Body.
- b. Requests for any modification shall be submitted in writing by the Subdivider at the time the Preliminary Application is filed with the Commission. The Application shall state fully the grounds and all the facts relied upon by the application.
- c. Whenever a modification affecting a public improvement is requested by the Subdivider or is deemed necessary by the Commission, the Commission shall submit the Preliminary Application and a copy of its findings to the Governing Body, which reserves the right to final approval on any such modification relating to public improvements. In authorizing such modifications, the Commission and the Governing Body may require such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so modified.
- d. In authorizing any modification, the Commission and the Governing Body shall record their findings and the grounds for its conclusions in its minutes.

12-6-2. Large Scale Developments. The standards and requirements of this Ordinance may be modified by the Commission in the case of plans for complete communities or neighborhood units or other large scale developments of twenty (20) acres or more which, in the judgment of the Commission, achieve substantially the objectives of the regulations contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

12-6-3. Reconsideration. Any subdivider aggrieved by a finding, decision or recommendation of the Commission may request and receive opportunity to appear before the Commission, present additional relevant information, and request reconsideration of the original findings, decision or recommendations.

12-6-4. Procedure for Applying.

- a. Requests for modifications shall be submitted in writing by the subdivider at the time the Preliminary Plan is filed with the Commission. The application shall state fully the grounds and all the facts relied upon by the applicant.
- b. Applications for reconsideration shall be submitted in writing by the subdivider not less than ten (10) calendar days in advance of the meeting at which reconsideration is desired.

12-6-5. Recording a Modification. In authorizing a modification, the Commission and the Governing Body shall record its actions and the grounds for authorizing the modification in its minutes. A statement showing the date that such modification was authorized shall be affixed to the final plan.

12-6-6. Appeals. Any landowner, applicant or other aggrieved party questioning the validity of this Ordinance or any part, hereof, including procedural matters, or any decision made hereunder may undertake an appeal in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Article 7

Enforcement, Penalties and Severability

12-7-1. Enforcement. In addition to all those who may by law have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Board of Supervisors of the Township of LaPlume to enforce this Ordinance.

12-7-2. Penalties.

- a. Any person, partnership, or corporation who or which being the owner or agent 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 plot 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 act 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 the officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding One Thousand Dollars (\$1,000.00) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the municipality. The description by metes and bounds in the 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.
- b. Any person, partnership or corporation, who or which shall purchase any lot, tract or parcel of land in the Municipality prior to the time when a final plat has been prepared in full compliance with the provisions of this Ordinance 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 the officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding One Thousand Dollars (\$1,000.00) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the municipality. The description by metes and bounds in the instrument of transfer or other document used in the process of acquiring the property shall not exempt the buyer or transferee from such penalties or from the remedies herein provided.
- c. In addition to the other penalties and remedies herein provided, if a transfer of land is made in violation of the provisions of this Ordinance, the Governing Body of the Municipality shall be entitled to bring an action in equity before the Court of Common Pleas of Lackawanna County to enforce a mandatory injunction against the seller and the purchaser of the land to enjoin the continuing violation of this Ordinance and to require the purchaser to reconvey

the land to the seller, or to require the seller to convey additional land to the purchaser in such a manner so as not to be in violation of the provisions of this Ordinance as the Court shall deem proper and appropriate under all of the circumstances.

- d. Nothing herein set forth is intended to restrict or limit the Municipality in the use of other legal or equitable remedies available to it generally.
- 12-7-3. Revision and Amendment. This Ordinance may, from time to time, be revised, modified or amended as prescribed by local and State laws.
- 12-7-4. Commission Records. The Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review.
- 12-7-5. Validity. Should any section, subsection or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.
- 12-7-6. Conflict with Other Regulations. Wherever there is a difference between minimum standards or dimensions specified herein and those contained in the Zoning Ordinance or other official regulation, the highest standard shall apply.

Article 8

Definitions

- 12-8-1. Inclusions. As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, land, arterial, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The word "may" is permissive; the words "shall" and "will" are mandatory.
- 12-8-2. Definition of Terms. As used in this Ordinance, the following terms shall be defined as follows:
- a. Agricultural Use: The principal use of land for the production of food and/or plant products for use off the property of the principal use.
 - b. Block: An area bounded by streets, railroads, public facilities, or other rights-of-way or easements, or other definite barriers.
 - c. Building Line: A line parallel to the front, side, or rear lot line set so as to provide the required yard.
 - d. Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.
 - e. Commission: The LaPlume Township Planning Commission.
 - f. Cul-de-Sac: A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.
 - g. Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
 - h. Dedication: The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
 - i. Dwelling: A building designed for residential purposes and used as the living quarters for one or more families.
 - j. Dwelling, Garden Apartments: A group of rental units, generally under single ownership, but a condominium is not precluded where there shall not be more than eight (8) dwelling units contained within each structure; such structures containing garden apartments are generally less than four (4) stories in height

although in the Township of LaPlume they shall not exceed a height of 2.5 stories or 35 feet, unless otherwise indicated in the Zoning Ordinance.

- k. Dwelling, Group: A group of two or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.
- l. Dwelling, Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking; including apartment houses.
- m. Dwelling, Single Family, Semi-Detached: A building used by one (1) family, having only one (1) dwelling unit, and having two (2) side yards.
- n. Dwelling, Single Family, Semi-Detached: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.
- o. Dwelling, Single Family, Attached (Row): A building used by one (1) family, and having two (2) party walls in common with other buildings.
- p. Dwelling, Town House: A town house shall include a group of not more than eight (8) single family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.
- q. Dwelling, Two Family, Detached: A building used by two (2) families, with one dwelling unit arranged over the other, and having two (2) side yards.
- r. Dwelling, Two Family, Semi-Detached: A building used by two (2) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.
- s. Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
- t. Easement: A right granted to use certain land area for a special purpose consistent with the general property rights of the owner.
- u. Engineer: A registered Engineer, authorized to practice engineering as defined by the Registration Act of the Commonwealth of Pennsylvania.
- v. Erosion: The removal of surface materials by the action of natural elements.
- w. 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 and shall include the conditions resulting therefrom.
- x. 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 an excavated surface, and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

- y. Flood Plain: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- z. Governing Body: The Board of Supervisors of the Township of LaPlume.
- aa. Half or Partial Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.
- bb. Interior Walk: A right-of-way for pedestrian use extending from a street into a block or across a block to another street.
- cc. Land Development: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing 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.
- dd. Lot: A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.
- ee. Lot, Double Frontage: A lot, the opposite ends of which abut on streets.
- ff. Lot, Reverse Frontage: A lot between an arterial street and a minor street with vehicular access only from the minor street.
- gg. Lot, Width: Width of a lot measured at the building setback.
- hh. Lot Area: Area contained within the property lines, excluding street area, but including the area of any easement.
- ii. Municipal Engineer: Shall mean the Township Engineer or other qualified person designated by the Governing Body to perform all administrative and/or supervisory duties required of the Municipal Engineer by the provisions of this Ordinance.
- jj. Net Area: The area of a parcel of land exclusive of streets or other public rights-of-way.
- kk. Parcel: A parcel shall be any piece of land, including all adjacent pieces of land held in single and separate ownership regardless of the fact that such ownership may be described in separate deeds.

- ll. Pavement: The portion of a street intended for vehicular use, including the cartway, but not the shoulders.
- mm. Person: Any individual or group of individuals, partnership, co-partnership, or corporation.
- nn. Plan, Final: A complete and exact subdivision or development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
- oo. Plan, Preliminary: A tentative subdivision plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.
- pp. Plan, Sketch: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.
- qq. Right-of-way: A strip of land between property lines for use as a road or street.
- rr. 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.
- ss. Sanitary Sewer: A pipe for conveying sewage and excludes storm, surface and ground water.
- tt. Service Road: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- uu. Setback or Building Line: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.
- vv. Sight Distance: The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.
- ww. 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.
- xx. Storm Sewer: A pipe for conveying rain water, surface water, condensate, cooling water, and similar liquid waste, exclusive of sewage or industrial waste.

yy. Street: A strip of land, including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation. Classes of streets are as follows:

- (1) Arterials are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation, and include streets classified as Arterial Thoroughfares or Primary Streets in the Traffic Plan set forth in the Municipality's Comprehensive Plan.
- (2) Collector Streets are those which, in addition to giving access to abutting properties, intercept facilities and provide routes, to community facilities and to major traffic streets, and include streets classified as Secondary Streets in the Traffic Plan set forth in the Municipality's Comprehensive Plan.
- (3) Major Streets include arterial and collector streets.
- (4) Local Access Streets are those used primarily to provide access to abutting property.
- (5) Marginal Access Streets are minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic streets.

zz. Street, Public: A street dedicated to public use.

aaa. Street Width: The shortest distance between the lines delineating the right-of-way of a street.

bbb. Subdivider: The owner, or authorized agent of the owner, of a subdivision.

ccc. Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land by lease for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or, residential dwellings shall be exempt.

- (1) Subdivision - Major: A major subdivision shall be the division of any lot, tract or parcel of land or parcels of land which abut a street of insufficient width or requires that a street be laid out through unimproved land, or the division of any lot, tract or parcel of land into five (5) or more lots, tracts, or parcels of land, including changes in street lines or lot lines, for the purposes, whether immediate or future, of transfer of ownership or of building development.
- (2) Subdivision - Minor: A minor subdivision shall be the division of any lot, tract, or parcel of land, or a part thereof into less than five (5) lots, tracts or

parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, or transfer of ownership or of building development, where such division, change or transfer does not abut a street of insufficient width and does not require that a street be laid out through unimproved land. No parcel of land held in single or separate ownership at the time of application for a minor subdivision may be further subdivided into an aggregate of five (5) or more lots, tracts, or parcels of land, at any time subsequent to that date except in accordance with the requirements for a major subdivision.

- ddd. Substantially Completed: Where in the judgement of the engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 12-2-6) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
- eee. Surveyor: A registered land surveyor, as defined by the Registration Act of the Commonwealth of Pennsylvania.
- fff. Swale: A low lying stretch of land which gathers or carries surface water runoff.
- ggg. Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

Subdivision

ORDINANCE NO. 3 OF 2010 TOWNSHIP OF LAPLUME

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF LAPLUME ENTITLED "AN ORDINANCE REGULATING THE SUBDIVISION AND THE DEVELOPMENT OF LAND IN THE TOWNSHIP OF LAPLUME, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL APPLICATIONS, ESTABLISHING MINIMUM SUBDIVISION AND DEVELOPMENT DESIGN STANDARDS; REQUIRING CERTAIN IMPROVEMENTS TO BE GUARANTEED TO BE MADE BY THE SUBDIVIDER; REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUB-DIVISIONS AND LAND DEVELOPMENTS; AND PRESCRIBING PENALTIES" TO PROVIDE THAT THE BOARD OF SUPERVISORS, RATHER THAN THE TOWNSHIP PLANNING COMMISSION, WILL HAVE THE SOLE POWER TO INITIATE DECISIONS UNDER THE TOWNSHIP'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TO AMEND THE PROVISIONS REGARDING APPLICATIONS FOR LAND DEVELOPMENT TO MAKE SEPARATE AND DISTINCT PROVISIONS FOR ACCESSORY USES, AND TO ELIMINATE PROVISIONS REGARDING FEES FOR ACTIONS UNDER THE ORDINANCE AND TO PROVIDE FOR THE ESTABLISHMENT OF SUCH FEES BY RESOLUTION, FROM TIME TO TIME, OF THE BOARD OF SUPERVISORS.

Be it ENACTED and ORDAINED by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same, that:

Section 1. Section 12-1-1. Authority. of the Subdivision and Land Development Ordinance of the Township of LaPlume, enacted April 9, 1987, subsection b, is hereby repealed.

Section 2. Section 12-8-2. Definition of Terms. of the Subdivision and Land Development Ordinance of the Township of LaPlume, is hereby amended to add subsection a-1, Accessory Use or Structure, as follows:

"a-1 Accessory Use or Structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building."

Section 3. Section 12-2-1 of the Subdivision and Land Development Ordinance of the Township of LaPlume, is hereby amended in its entirety to read as follows:

"12-2-1. Preparation and Filing of Application.

- a. Whenever a subdivision of land or a Land Development is desired to be effected, an application for such development plan shall be prepared, filed, and processed, according to the requirements of this Ordinance.
- b. The foregoing to the contrary notwithstanding, an application to add an accessory structure on a lot shall not be required to follow the requirements for other Land Development provided in this Ordinance, except as specifically provided in this Ordinance for accessory structures.
- c. The provisions of Section 12-3-11 Storm Drainage. shall apply to the installation of an accessory structure on a lot, unless waived by the Board of Supervisors of the Township of LaPlume, upon advice and recommendation of the Township Engineer.”

Section 4. Article 5 Fees of the Subdivision and Land Development Ordinance, is hereby deleted in its entirety and the following Article 5 Fees is hereby adopted in its place.

“Article 5
Fees

12-5-1 Fees. Fees required to be paid to the Township with regard to all Applications under this Subdivision and Land Development Ordinance shall be established, from time to time, by Resolution, approved at a duly constituted special or regular meeting of the Board of Supervisors of the Township of LaPlume.”

Section 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Enacted and ordained this 11th day of November, 2010, the same to be effective five (5) days after the date of enactment.

BOARD OF SUPERVISORS
TOWNSHIP OF LAPLUME

By: Jane A. Hoffert
Chairman

By: [Signature]
Supervisor

By: Thomas J. Robinson
Supervisor

RESOLUTION no. 2, 2011

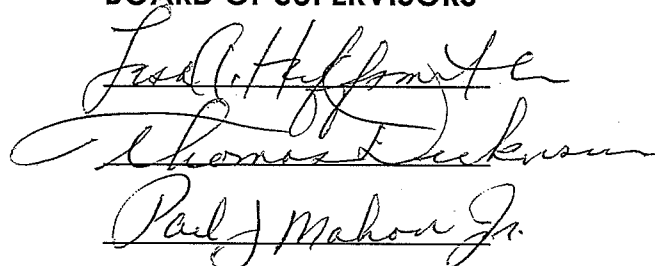
LA PLUME TOWNSHIP

FEES FOR SUB-DIVISIONS AND LAND DEVELOPMENT PERMITS

1. Accessory Use Permit plus an amount calculated by the Township Engineer as the costs to review the drainage plans. \$100.00
2. Filing Pre-Application Plans and Data (unless waived by the Township) \$100.00
3. Application for Minor Sub-division \$100.00
4. Filing Preliminary Application - \$10.00/lot (minimum fee of) \$100.00
5. Prior to approval of the Preliminary Application, the developer shall pay an additional amount, to be determined by the Township Engineer to cover the costs of checking and verifying plot plan and supplemental fees to cover the costs of engineer services, the County Planning Commission fees and other fees for related consulting services.
6. File Final Applications \$250.00
7. An amount to be calculated by the Township Engineer to cover the costs of an engineering review, site inspection, estimated costs of required improvements, inspection of installation of required improvements and final inspection. -----

Adopted this 10th day of November, 2011

BOARD OF SUPERVISORS



FORMS

Required by Chapter 12

Subdivision and Land Development

TOWNSHIP OF LAPLUME
LACKAWANNA COUNTY
PENNSYLVANIA

**PRELIMINARY APPLICATION
SUBDIVISION/LAND DEVELOPMENT**

Application No. _____

Date: _____

This Application for Preliminary Approval is submitted in eight (8) copies, is accompanied by eight (8) copies of the Preliminary Plot Plan, and has been preceded by Pre-application Plans and Data submitted to the Planning Commission on _____ (Date), pursuant to §12-2-2 of the Subdivision and Land Development Ordinance of the Township's Code of Ordinances (the "Code").

The Applicant/Subdivider/Land Developer is:

Name: _____
Contact Person: _____
Address: _____
Telephone No. () _____

The Name of the proposed Subdivider/Land Development is:

The Preliminary Plot Plan contains the data required by §12-2-5.b(1)(a) of the Code.

The protective covenants and private restrictions to be included in the deed for each lot sold from the Subdivision are attached hereto as an Exhibit.

This Application is accompanied by an Engineer's Report setting forth the data required by §12-2-5.b(1)(b) of the Code.

The Subdivider/Developer owns:

- () no other contiguous land suitable for development.
- () contiguous land suitable for development for which the same engineering data is included in the above Engineer's Report.

Type or print names:

Applicant(s):

Name: _____

By: _____
Title: _____

For Use by Planning Commission Only

Action of Planning Commission

The following action is taken with regard to Preliminary Approval No. _____
for the _____

Subdivision/Land Development:

- copy submitted to Lackawanna County Regional Planning Commission
on _____
Report received on _____
- copy submitted to Township Engineer on _____
Report received on _____
- copy submitted to the Pennsylvania Department of Environmental
Resources on _____
Report received on _____
- copy submitted to the Township Sewage Enforcement Officer on _____
Report received on _____
- copy submitted to the Lackawanna County Soil Conservation District
on _____
Report received on _____
- Information copy submitted to the Township Board of Supervisors on

- Approval of the Preliminary Application is hereby granted.
 (if checked) subject to the conditions attached hereto.
- Preliminary Application is NOT approved for the reasons attached hereto.

Final action on approval is taken on _____, 19_____.

ATTEST:

Township of LaPlume
Planning Commission

Secretary

By: _____
Chairman

TOWNSHIP OF LAPLUME
LACKAWANNA COUNTY
PENNSYLVANIA

APPLICATION FOR FINAL SUBDIVISION APPROVAL

Application No. _____ Date: _____

This Application for Final Approval is submitted in eight (8) copies.

The Subdivider/Land
Developer/Applicant is: _____

Address: _____

Approval of Preliminary Approval No. _____ was granted by
the Township Planning Commission on _____.

(If applicable) Extension(s) of time to file Final Application was/were granted by
the Planning Commission on _____,
extending the time for Final Application to _____.

The Planning Commission is requested to establish the initial amount of the costs
required to be submitted with this Application, as required by §12-2-7, Subdivision and
Land Development Ordinance of the Township's Code of Ordinances (the "Code"),
which amount will be submitted before the Planning Commission takes any action on
the Application.

Applicant proposes:

- () to record and develop the entire subdivision at this time;
- () to record and develop only Phase _____ of the
subdivision, as designated on the Plot, at this time.

All public utility improvements and other improvements for public dedication:

- () have been completed and installed and are ready for dedication.
- () will be completed within accordance with the Code and completion is
supported by financial security in the amount of
\$ _____ in the form of () cash or () surety bond
with _____ Co. as corporate
surety.

Included with this Final Application are:

- a. eight (8) complete sets of the Final Plot Plan, containing all of the information required by §12-2-7 of the Code.
- b. Current tax certificates from the Tax Claim Bureau of the County of Lackawanna and paid receipts for all current real estate taxes and other municipal liens against the parcel.
- c. Format of proposed contract of sale of lots from the Subdivision.
- d. Signed statement regarding proposed public improvements.
- e. Certificates from all utilities regarding services.
- f. Affidavit of ownership or interest of Applicant.
- g. Street lighting plan.
- h. Proposed deeds of dedication.
- i. Nature and location of setback lines for each lot (unless included on the Final Plot Plan).

Applicant therefore respectfully requests Final Approval of the above Subdivision/Land Development as of the date first above written.

Type or Print Signatures

Applicant(s)

Title (if corporation)

For Use by Planning Commission Only

Action of Planning Commission

- () Application No. _____ for the _____
Subdivision/Land Development is hereby approved and the Township Planning
Commission recommends that the Township's Board of Supervisors gives
approval. As a part of this approval the Planning Commission has signed the
Final Plan and recommends to the Board of Supervisors that it do so as well,
to enable the Final Plan to be recorded in the office of the Recorder of Deeds
of Lackawanna County.
- () Approval No. _____ for the _____
Subdivision/Land Development is disapproved for the reasons set forth on the
attached statement.

Dated: _____

ATTEST:

Township of LaPlume
Planning Commission

By: _____

Secretary

Chairman

Chapter 13

TAXATION

Subchapter A - Earned Income Tax

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby reenact and ordain an Ordinance, pursuant to the authority granted by the Act of the Legislature approved December 31st, 1965, Act No. 511, known as "The Local Tax Enabling Act", imposing an annual tax for general revenue purposes upon earned income received and net profits earned on and after January 1, 1970, by residents of the Township of LaPlume, requiring the filing of returns and the giving of information by employers and those subject to said tax; imposing on employers the duty of collecting the tax at source; providing for the administration, collection and enforcement of the said tax; and imposing penalties, as follows:

- 13-A-1. Definitions. The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different meaning.
- a. "Association." A partnership, limited partnership or any other unincorporated group of two or more persons.
 - b. "Business." An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.
 - c. "Corporation." A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, foreign country or dependency.
 - d. "Current Year." The calendar year for which the tax is levied.
 - e. "Domicile." The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

- f. "Earned Income." Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property; not including, however, wages or compensation paid to persons in active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement or payments arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments commonly known as public assistance, or unemployment compensation payments by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.
- g. "Employer." A person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.
- h. "Net Profits." The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.
- i. "Non-Resident." A person, partnership, association or other entity domiciled outside the Township.
- j. "Person or Individual." A natural person.
- k. "Preceding Year." The calendar year before the current year.
- l. "Resident." A person, partnership, association or other entity domiciled in the Township.
- m. "Succeeding Year." The calendar year following the current year.
- n. "Taxpayer." A person, partnership, association or any other entity, required hereunder to file a return of earned income or net profits, or to pay a tax thereon.

- o. "Tax Collector." The duly selected wage tax collector of the Township of LaPlume.
- p. "Township." The Township of LaPlume, Lackawanna County, Pennsylvania.

13-A-2. Imposition of Tax. In accordance with "The Local Tax Enabling Act", an annual tax for general purposes of one percent (1%) is hereby levied and imposed on:

- a. Earned income received during the period beginning January 1, 1970, and ending December 31, 1970, and on Earned Income received during the period beginning on January 1, and ending December 31, of each year succeeding the current year by residents of the Township of LaPlume; and on
- b. Net profits earned during the period beginning January 1, 1970, and ending December 31, 1970, and on Net Profits earned during the period beginning on January 1, and ending December 31, of each year succeeding the current year by residents of the Township of LaPlume.

This tax shall remain in force and effect for all succeeding years without annual reenactment unless amended or repealed by the Board of Supervisors.

13-A-3. Declaration and Payment of Tax. Each resident whose earned income or net profit is subject to the tax imposed by this Ordinance shall, on or before the 15th day of April, 1971, and the 15th day of April of each succeeding year while this Ordinance shall remain in force and effect, make and file with the Tax Collector a return on a form prescribed and furnished by or obtainable from the said Tax Collector setting forth the aggregate amount of earned income received and/or the net profits earned during the preceding tax year, together with such other pertinent information as the Tax Collector may require; provided however, that any taxpayer may make and file with the Tax Collector similar quarterly returns on or before April 30, of the current year, July 31, of the current year, October 31, of the current year, and January 31, of the succeeding year, setting forth the aggregate amount of earned income received and/or net profits earned during the three-month periods ending March 31, of the current year, June 30, of the current year, September 30, of the current year, and December 31, of the current year, respectively, together with such other pertinent information as the Tax Collector may require.

Each resident making a return, as aforesaid, shall, at the time of filing his return, pay to the Tax Collector the amount of tax due on the basis thereof.

If any portion of the tax due under this Ordinance as shown by the said return has been paid prior to the filing of such return, credit for the amount so paid may be deducted from the amount shown to be due on the return and only the balance, if any, shall be due and payable at the time of the filing of the said return. Payments by an employer deducted at source and paid to the Tax Collector shall be considered as such a credit.

13-A-4.

Collection at Source. Every employer having a place of business within the Township of LaPlume who employs one or more persons, other than domestic servants, for salary, wage, commission or other compensation shall, within fifteen (15) days of the effective date of this Ordinance or after becoming an employer, register with the Tax Collector his name, address and such other information as the Tax Collector may require.

Every employer having a place of business within the Township of LaPlume whom employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall deduct, at the time of payment thereof, the tax imposed by this Ordinance on the earned income due to his employees, and shall, on or before April 30, of the current year, July 31, of the current year, October 31, of the current year, and January 31, of the succeeding year, file a return and pay to the Tax Collector the amount of taxes deducted during the preceding three-month periods ending March 31, of the current year, June 30, of the current year, September 30, of the current year, and December 31, of the current year, respectively. Such return shall show the name and Social Security Number of each employee, the earned income of each employee during the period covered by the return, the tax deducted therefrom, and such other pertinent information as the Tax Collector may require.

Every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for the payment of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.

The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or complying with the requirements of this Ordinance.

13-A-5.

Powers and Duties of the Tax Collector. It shall be the duty of the Tax Collector to collect and receive the tax imposed by this Ordinance and to appoint such officers, clerks, collectors or other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed by this Ordinance, as well as to secure whatever supplies and equipment are necessary for the assessment and collection of said taxes. It shall also be the duty of the Tax Collector, in addition to keeping the records now required by law or Ordinance, to keep a record showing the amount received by him from each taxpayer and the date of such receipt.

The Tax Collector shall give and acknowledge a bond to the Township of LaPlume, with one or more corporate sureties acceptable to the Board of Supervisors, in an amount to be fixed by the Board of Supervisors equal to the maximum amount of taxes which may be in the possession of the Tax Collector at any given time. The bond shall be conditioned upon the faithful discharge by the Tax Collector, his clerks, assistants and appointees, of all trusts confided in him by virtue of his office, the faithful execution of all duties required of him by virtue of his office, the just and faithful accounting or payment over of all monies and all balances thereof paid to, received or held by him by virtue of his office and the delivery to his successor in office of all official things held in right of his office.

The Tax Collector is hereby charged with the enforcement of the provisions of this Ordinance, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Ordinance, including provision for the re-examination and correction of return and payments alleged or found to be incorrect or as to which an overpayment or underpayment is claimed or found to have occurred.

The Tax Collector, or any agent or employees authorized in writing by him, is hereby authorized to examine the books, records and papers of any employer, or supposed employer, or of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this Ordinance. Every such employer or supposed employer or taxpayer or supposed taxpayer is hereby directed and required to give to the said Tax Collector, or his duly authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized. The Tax Collector is hereby authorized to examine any person under oath concerning any item which was or should have been returned for taxation, and to this end may compel the production of books, papers and records and the attendance of all persons for him, whether as parties or witnesses, whom he believes to have knowledge of such income.

Any information gained by the Tax Collector or any other official or agent of the Township as a result of any returns, investigations, hearings or verifications required or authorized by this Ordinance, shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law, and any person or agent divulging such information shall be subject to a fine or penalty of Five Hundred Dollars (\$500.00) and costs for such offense, or to undergo imprisonment for not more than thirty (30) days for the nonpayment of such fine or penalty and costs within ten (10) days from the imposition thereof.

13-A-6.

Interest and Penalties. All taxes imposed by this Ordinance remaining unpaid after they become due shall bear interest in addition to the amount

of the unpaid tax at the rate of six percent (6%) per year, and the persons upon whom said taxes are imposed shall be further liable to a penalty of one half of one percent (1/2%) of the amount of the unpaid tax for each month or fraction of a month for the first six (6) months of nonpayment.

13-A-7. Collection of Unpaid Taxes. All taxes imposed by this Ordinance, together with all interest and penalties, shall be recoverable by the Township in such manner as other debts of like amount are recoverable.

13-A-8. Violations, Fines and Penalties. Any person who shall fail, neglect or refuse to make any return required by this Ordinance, or any taxpayer who shall fail, neglect or refuse to pay the tax, penalties and interest imposed by this Ordinance, or any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, or any person who shall refuse to permit the Tax Collector, or any agent appointed by him in writing, to examine his books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings or profits to avoid payment of the whole or any part of the tax, shall be subject to a fine or penalty of Five Hundred Dollars (\$500.00) and costs for each such offense or to undergo imprisonment for not more than thirty (30) days for the nonpayment of such fine or penalty and costs within ten (10) days from the imposition thereof.

Such fine or penalty shall be in addition to any penalty imposed by any other section of this Ordinance.

The failure of any employer, resident or taxpayer to receive or procure a return form shall not excuse him from making a return.

13-A-9. Applicability. This Ordinance shall not apply to any person or property as to whom or which it is beyond the legal power of the Township of LaPlume to impose the tax or duties herein provided for.

13-A-10. Severability. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance.

It is hereby declared as the intent of the Board of Supervisors of the Township of LaPlume that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Chapter 13

TAXATION

Subchapter B - Real Estate Transfer Tax

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby reenact and ordain an Ordinance providing for the levying, assessment and collection of a tax for general revenue purposes upon a transfer of any interest in real property to the extent that such transfer is subject to the tax imposed by the Commonwealth of Pennsylvania pursuant to 72 P.S. §8101-c et seq., authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S. §8101-d et seq. and administered, collected and enforced under the "Local Tax Enabling Act," 53 P.S. §6901 et seq.; providing a severability clause; and providing an effective date.

- 13-B-1. Short Title. This Ordinance shall be known as the "LaPlume Township Realty Transfer Tax Ordinance".
- 13-B-2. Authority. A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or any interest in real estate situated within the Township of LaPlume, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D of the Act of March 4, 1971, P.L. 6, The Tax Reform Code of 1971, "Local Real Estate Transfer Tax," 72 P.S. §8101-D et seq.
- 13-B-3. Definitions.
- a. "Association." A partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.
 - b. "Corporation." A corporation, joint-stock association, business trust or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory, foreign country or dependency.
 - c. "Document." Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under Section 13-B-8.c. of this Ordinance.

- d. "Family farm corporation." A corporation of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business or agriculture shall not be deemed to include:
- (1) Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
 - (2) The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
 - (3) Fur farming;
 - (4) Stockyard and slaughterhouse operations; or
 - (5) Manufacturing or processing operations of any kind.
- e. "Local Tax Enabling Act." The Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq.
- f. "Members of the same family." Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by half-blood or legal adoption shall be treated as if they were related by whole-blood.
- g. "Person." Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.
- h. "Real estate."
- (1) All lands, tenements or hereditaments within the Township of LaPlume, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.
 - (2) A condominium unit.

- (3) A tenant-stockholder's interest in a cooperative corporation, trust or association under a proprietary lease or occupancy agreement.
- i. "Real estate company." A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, ninety percent (90%) or more of the ownership in which is held by thirty-five (35) or fewer persons and which:
 - (1) derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate; and
 - (2) holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.
- j. "Recorder of Deeds." The duly elected Recorder of Deeds in and for the County of Lackawanna, Pennsylvania.
- k. "Title to real estate."
 - (1) Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation, an estate in fee simple, life estate, or perpetual leasehold; or
 - (2) Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.
- l. "Township." The Township of LaPlume, Lackawanna County, Pennsylvania.
- m. "Transaction." The making, executing, delivering, accepting or presenting for recording of a document.
- n. "Value."
 - (1) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual

consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate; provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in, or actual consideration for, the contract of sale;

- (2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
- (3) In the case of an easement or other interest in real estate the value of which is not determinable under clause (i) or (ii), the actual monetary worth of such interest; or
- (4) The actual consideration for, or actual monetary worth of, any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor or a related corporation, association or partnership and the grantee existing before or effective with the transfer.

13-B-4. Imposition of Tax; Interest.

- a. Every person who makes, executes, delivers, accepts or presents for recording any document, or in whose behalf any document is made, executed, delivered, accepted or presented for recording, for the transfer of any real estate, or any interest in real estate, situate in the Township of LaPlume, shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty days of acceptance of

such document or within thirty days of becoming an acquired company.

- b. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds, whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.
- c. It is the intent of this Ordinance that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in The Local Tax Enabling Act, so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Township of LaPlume under the authority of the Local Tax Enabling Act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate and such one-half rate shall become effective without any action on the part of the Township, provided, however, that the Township and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under The Local Tax Enabling Act.
- d. If for any reason the tax is not paid when due, interest at the legal rate in effect at the time the tax is due, shall be added and collected.

13-B-5. Exempt Parties. The United States, the Commonwealth, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this Ordinance. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

13-B-6. Excluded Transactions. The tax imposed by Section 13-B-4 shall not be imposed upon:

- a. A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.
- b. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.

- c. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.
- d. A transfer, for no or nominal actual consideration, which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record, legal title or interest.
- e. A transfer or division in kind, for no or nominal actual consideration, of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- f. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.
- g. A transfer, for no or nominal actual consideration, of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- h. A transfer, for no or nominal actual consideration, to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- i. A transfer, for no or nominal consideration, from a trustee to a beneficiary of an ordinary trust.
- j. A transfer, for no or nominal actual consideration, from trustee to successor trustee.
- k. A transfer: (a) for no or nominal consideration between principal and agent or straw party; or (b) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Ordinance.

Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

- l. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this article.
- m. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.
- n. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.
- o. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (a) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conservation, energy production, pollution control, warehousing or agriculture; and (b) the agency or authority has the full ownership interest in the real estate transferred.
- p. A transfer by mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being, or has not been used, by such transferor for commercial purposes.
- r. A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501 (c)(3) of the Internal Revenue Code of 1954, as amended, (68A Stat. 3, 26 U.S.C. §501 (c)(3)), and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

- s. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five percent (75 %) of each class of the stock thereof.
- t. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
- u. A transaction wherein the tax due is one dollar (\$1) or less.
- v. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

In order to exercise any exclusion provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Ordinance.

13-B-7. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof. Except as otherwise provided in Section 13-B-8, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Ordinance, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

13-B-8. Acquired Company.

- a. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company, and, of itself, or together with prior changes, has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three years.
- b. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Ordinance.
- c. Within thirty days after becoming an acquired company, the company shall present a declaration of acquisition with the

Recorder of Deeds for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in the Township. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

13-B-9. Credits Against Tax.

- a. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
- b. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
- c. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
- d. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.
- e. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

13-B-10. Extension of Lease. In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

13-B-11. Proceeds of Judicial Sale. The tax herein imposed shall be fully paid, and have priority, out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the sheriff or other officer conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay

the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

13-B-12.

Duties of Recorder of Deeds.

- a. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the Local Realty Transfer Tax, including any amount payable to the Township based on a redetermination of the amount of tax due to the Commonwealth of Pennsylvania of the Pennsylvania Realty Transfer Tax, without compensation from the Township.
- b. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder of Deeds shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
- c. On or before the tenth of each month, the Recorder of Deeds shall pay over to the Township all Local Realty Transfer Taxes collected pursuant hereto, less two percent (2%) for use of the County of Lackawanna, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania Realty Transfer Tax. The two percent (2%) commission shall be paid to the County of Lackawanna.
- d. Upon a redetermination of the amount of realty transfer tax due to the Commonwealth of Pennsylvania, the Recorder of Deeds shall rerecord the deed or record the additional realty transfer tax form only when both the state and local tax amounts and a rerecording or recording fee have been tendered.

13-B-13.

Statement of Value. Every document lodged with or presented to the Recorder of Deeds for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Ordinance. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfer which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting for the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Ordinance.

13-B-14.

Civil Penalties.

- a. If any part of any underpayment of tax imposed by this Ordinance is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.
- b. In the case of failure to record a declaration required under this Ordinance on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent (5%) of the amount of such tax if the failure is for not more than one month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent (50%) in the aggregate.

13-B-15.

Lien. The tax imposed by this Ordinance shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being, or situate, wholly or in part within the boundaries of the Township, which lands, tenements, hereditaments, or interest therein, are described in or conveyed by or transferred by the deed or document which is the subject of the tax imposed, assessed and levied by this Ordinance, said lien to begin at the time when the tax under this Ordinance is due and payable, and continue until discharge by payment, or in accordance with the law, and the Solicitor of the Township is authorized to file a municipal or tax claim in the Court of Common Pleas of Lackawanna County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 et seq., its supplements and amendments.

13-B-16.

Enforcement. All taxes imposed by this Ordinance together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

13-B-17.

Regulations. The Treasurer of the Township of LaPlume, or his or her designee, is charged with the enforcement and collection of the tax imposed by this Ordinance and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been, or in the future will be, promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C et seq. are incorporated into and made a part of this Ordinance.

13-B-18.

Refunds. Whenever the Commonwealth of Pennsylvania shall determine that there has been an overpayment to it of realty transfer tax due under the "Realty Transfer Tax Act", the Treasurer of the Township of LaPlume, or his or her designee, may accept that determination as evidence of an overpayment of the tax hereunder sufficient to allow a refund to the taxpayer of the amount of the overpayment. No interest shall be paid upon any such overpayment.

13-B-19.

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof other than that declared to be invalid.

Chapter 14

TRAFFIC AND MOTOR VEHICLES

Subchapter A - Parking Regulations

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance establishing a no parking zone in the Township of LaPlume; providing for placement of official no parking signs at said zone; and providing for penalties for the violation of this Ordinance, as follows:

- 14-A-1. From and after the effective date of this Ordinance, the parking of motor vehicles and motorcycles, as the same are defined in the Pennsylvania Motor Vehicle Code, shall not be permitted at any time in the following areas of the Township of LaPlume;
- a. Upon any portion of the pavement of that certain road known as College Road in the Township of LaPlume, also known as Township Route #437, between the division line of Wyoming County and Lackawanna County and a point located one thousand (1,000) feet easterly from the easterly end of that certain County concrete bridge located on said road;
 - b. Upon any portion of the northerly right-of-way along the aforesaid Township Route #437 between the division line of Wyoming County and Lackawanna County and a point located one thousand (1,000) feet easterly from the easterly end of that certain County concrete bridge located on said road;
 - c. Upon any portion of the southerly right-of-way along the aforesaid Township Route #437 between the division line of Wyoming County and Lackawanna county and a point which is approximately three hundred (300) feet westerly from the westerly end of that certain County iron bridge located on said Township Route #437, which said point is the northeasterly corner of lands currently owned by Keystone Junior College along said Township Route #437.
- 14-A-2. Parking, for the purposes of this Ordinance, shall be defined to mean the allowing of a vehicle or motorcycle to remain at rest and unmoving, whether the same be attended or unattended by an operator or a passenger, for any period of time.
- 14-A-3. The Township Roadmaster is authorized and directed to secure and post official No Parking signs at said restricted areas to inform the public of the restrictions against parking at said places.
- 14-A-4. If any motor vehicle or motorcycle be parked within said restricted areas in violation of this Ordinance, then the owner of such motor vehicle or motorcycle shall be subject to pay a fine, as follows:

First Offense:	\$10.00
Second Offense:	\$20.00
Third and All Subsequent Offenses	\$30.00

- 14-A-5. The said fines may be paid by mail, or in person, to the Township Secretary, at the residence of the Township Secretary, during reasonable business hours, within ten (10) days of the offense. Failure to pay the fine within the proscribed period shall result in the institution of summary proceedings before the District Magistrate, pursuant to the Pennsylvania Motor Vehicle Code.
- a. The Township Secretary is authorized and directed to secure parking tickets, with information contained thereon informing the owner of the vehicle of the nature of the offense and the general nature of this Ordinance.
 - b. The Township Secretary is authorized and directed to maintain a system of records containing information which will enable the Township to determine whether any particular offense is a second or subsequent offense.
- 14-A-6. Such tickets shall be deemed served upon the owner of the vehicle when the same are posted prominently on the violating vehicle or when the same are served personally upon the operator or owner thereof.
- 14-A-7. Any law enforcement officer, any constable of the Township or any Supervisor of the Township may properly serve a parking ticket pursuant to this Ordinance.

FORMS

Required by Chapter 14

Traffic and Motor Vehicles

Subchapter A

Parking Regulations

Ticket No. _____ Dated: _____

PARKING TICKET

*LaPlume Township
Lackawanna County, PA*

A. Violation of No Parking Zone
Location: _____

B. Vehicle Description:
Make: _____
Model: _____
Year: _____
Registration Plate No. _____
State: _____

C. First Offense: \$2.00 ()
Second Offense: \$5.00 ()
Third and Subsequent
Offense: \$15.00 ()

Township of LaPlume

By: _____
(Peace Officer, Constable or Supervisors -
cross out inapplicable designation)

Chapter 14

TRAFFIC AND MOTOR VEHICLES

Subchapter B - Speed Limits

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance to provide for the establishment of reasonable and safe maximum speed limits on College Road, Overbrook Road, Turnpike Road and Maple Road in LaPlume Township, providing for the posting of such speed limits in accordance with the Vehicle Code of the Commonwealth of Pennsylvania, and for the prosecution of violators, as follows:

14-B-1. Recitals.

- a. WHEREAS, the Board of Supervisors (hereinafter the "Board") of the Township of LaPlume (hereinafter the "Township") has conducted traffic and engineering investigations on its roadways in accordance with the regulations established by the Pennsylvania Department of Transportation; and
- b. WHEREAS, said investigations have established that traveling on certain of the roadways within the Township in excess of twenty-five (25) miles per hour is unreasonable and unsafe; and
- c. WHEREAS, the Board has determined to take such steps as are necessary and required to establish maximum speed limits of 25 m.p.h. on said roadways;

14-B-2. This Ordinance shall be known and may be acted as "The LaPlume Township Speed Limit Ordinance".

14-B-3. A maximum speed limit of twenty-five (25) miles per hour is hereby established upon the following designated portions of roadways situate within the Township:

- a. That portion of College Road which extends from the Factoryville Borough, Wyoming County, boundary to its intersection with Legislative Route 35056;
- b. That portion of Overbrook Road which extends from its intersection with College Road, crossing U.S. Routes 6 and 11, to the boundary of Benton Township, Lackawanna County, at or near the South Branch of the Tunkhannock Creek;
- c. That portion of Turnpike Road which extends from its intersection with Legislative Route 35030 to the boundary line of Dalton Borough, Lackawanna County, and Maple Road; and

- d. That portion of Maple Road which extends from its intersection with Legislative Route 35030 to the boundary line of Dalton Borough, Lackawanna County, and Turnpike Road.
- 14-B-4. The Township shall erect traffic control devices on the effected roadways in accordance with the standards and requirements of the Pennsylvania Department of Transportation.
- 14-B-5. No person shall operate any motorized vehicle of any sort whatsoever, without limitation, at a speed in excess of twenty-five (25) miles per hour on any portion of the roadways described in Section 14-B-3 of this Ordinance at any time after the effective date of this Ordinance.
- 14-B-6. Any person who operates a motorized vehicle at a speed in excess of twenty-five (25) miles per hour in violation of the provisions hereof shall be prosecuted and punished in the same manner as provided in the Pennsylvania Motor Vehicle Code for other speeding violations.
- 14-B-7. No enforcement of the provisions hereof shall occur until the Township has erected those traffic control devices required by the Pennsylvania Department of Transportation.

Chapter 15

SEWAGE COLLECTION AND CONTROL

Subchapter A - Sewage Disposal Facilities

The Township of LaPlume, County of Lackawanna, Pennsylvania, does hereby reenact and ordain an Ordinance to provide for the establishment of standards for the construction of sewage disposal facilities and the inspection of such construction in the Township of LaPlume, requiring the issuance of permits for the construction of sewage disposal facilities, and adopting by reference certain rules and regulations promulgated by the Department of Environmental Resources of the Commonwealth of Pennsylvania pertaining to sewage facilities, and providing for the establishing of fees by Resolution of the Board of Supervisors, as follows:

- 15-A-1. This Ordinance shall be known and may be cited as "The LaPlume Township Sewage Disposal Ordinance".
- 15-A-2. All structures which shall be put into human occupancy after the effective date of this Ordinance, which was originally adopted on June 2, 1977, whether they are mobile or fixed, temporary or permanent, including trailers and modular housing, shall be equipped with an approved system for sewage disposal in accordance with the provisions hereof.
- 15-A-3.
- a. To the extent that the same are not inconsistent with any other of the provisions hereof, the following Rules and Regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania, published in 25 Pa. Code (the "Rules and Regulations"), are incorporated herein by reference, adopted and made a part of this Ordinance as fully as though the same had been set forth herein at length:
 - (1) Title 25, Environmental Resources, Part I, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Chapter 71, Administration of Sewage Facilities Program (25 Pa. Code § 71.1 - 71.76 inclusive).
 - (2) Title 25, Environmental Resources, Part I, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Chapter 73, Standards for Sewage Disposal Facilities (25 Pa. Code § 73.1 - 73.141 inclusive).
 - b. It is the intention hereof to adopt said Rules and Regulations fully as they presently exist, and to incorporate any changes, amendments or additions thereto as may, from time to time, be made by the Department of Environmental Resources of the

Commonwealth of Pennsylvania unless specifically rejected by the Board of Supervisors of the Township of LaPlume.

- c. Three copies of the above referenced Rules and Regulations have been deposited with the Township Secretary at least ten (10) days before the Board of Supervisors originally considered the adoption of this Ordinance and the same shall remain with the Township Secretary permanently, and the same are and shall remain available for public use, inspection and examination during reasonable business hours.

15-A-4. Notwithstanding any Rules and Regulations to the contrary, there shall be no exemption, from the requirements of this Ordinance or any other Rules and Regulations for any rural residence. All structures which shall be put into human occupancy after the effective date of this Ordinance shall be subject to the permit and system requirements hereof, regardless of the size of the lot or parcel of land whereon the same may be situate.

15-A-5.

- a. No construction or installation of any proposed sewage disposal system, or any part thereof, shall be commenced unless and until the builder, owner or proposed occupier of the dwelling for which such system is proposed shall have first obtained from the Board of Supervisors of the Township of LaPlume or its duly appointed sewage enforcement officer (the "SEO") a permit approving such system.
- b. Application for such permit shall be made upon forms to be obtained from the Board of Supervisors or the SEO and shall contain, in addition to other information required therein, plans and specifications for the said sewage disposal system, which plans and specifications shall clearly disclose the details of the proposed system and all materials to be used therein.
- c. The fees to be charged in connection with the administration of the Pennsylvania Sewage Facilities Act, including applications for permits to install, modify, repair and replace on-site sewage treatment facilities, and site suitability evaluations, monitoring sub-division reviews, major sub-division reviews, soil placement verification and appeals in the Township of LaPlume shall be as adopted, from time to time, by resolution of the Board of Supervisors of the Township of LaPlume. All such fees shall be payable to the Township of LaPlume and shall be collected by the Sewage Enforcement Officer. No such fee shall be refundable.
- d. To the extent that the fees established by resolution of the Board of Supervisors of the Township of LaPlume from time to time are insufficient to reimburse the Township for the costs and expenses the Township incurs with regard to the application of the

Pennsylvania Sewage Facilities Act with regard to any Applicant, such Applicant shall, and is hereby required to, pay the Township as an additional fee with regard to such application the additional costs and expenses incurred by the Township within thirty (30) days from the date of receipt of an invoice for the same from the Township.

15-A-6.

- a. No dwelling, of which an unapproved sewage disposal system is a part, shall be occupied until such sewage disposal system is approved as being in compliance with the terms hereof.
- b. Each such day of occupancy in violation of this Ordinance shall constitute a separate violation hereof.

15-A-7.

- a. The Board of Supervisors shall be empowered to and shall appoint a sewer inspector, who shall also be the enforcement officer, above referred to as the SEO, to receive applications for permits for sewage disposal systems and fees paid in connection therewith.
- b. The SEO shall examine the said applications and issue permits if the same shall comply with the requirements herein set forth.
- c. The SEO shall inspect all completed sewage disposal systems prior to their being covered and shall, if the same comply with the requirements hereof, approve the same in writing.

15-A-8.

Any violation of this Ordinance shall constitute a public nuisance which may be abated by the SEO by locking or sealing the involved premises against human habitation. Any such violation shall be a summary offense and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Six Hundred Dollars (\$600.00), or, in default thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days. The Board of Supervisors are hereby authorized to proceed in equity to enjoin any violation of this Ordinance. The remedies hereunder shall be cumulative and shall be enforced in the same manner as other violations of Township Ordinances and the cost of such abatement shall be recovered against the owner or occupier of such dwelling in the same manner as provided by the law for the recovery of fines and penalties.

15-A-9.

Invalidation of any of the provisions of this Ordinance by judicial decree shall not effect or impair the remaining provisions hereof, it being the intention of the Board of Supervisors that such remaining provisions remain in full force and effect as though the invalidated provision had not been included herein.

COOPERATION AGREEMENT

COOPERATION AGREEMENT

By and between The Dalton Sewer Authority, an authority organized under the Municipality Authorities Act of 1945, as amended, by the Borough of Dalton (hereinafter called the "Authority"),

AND

The Township of LaPlume, a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter called the "Township")

WITNESSETH:

WHEREAS, the Township is separated from the Borough of Dalton, which is serviced by the Authority, by North Turnpike Road, also known as Pennsylvania Legislative Route No. A-309, and by a Township Road known as Maple Road; and

WHEREAS, the Authority is willing and able to provide sewer services to residence dwellings situate in the Township along portions of North Turnpike Road and Maple Road; and

WHEREAS, the Department of Environmental Resources of the Commonwealth of Pennsylvania has expressed its desire that such sewer service be made available to those residence dwellings so situated; and

WHEREAS, the provisions of Section 1501.1 of the Second Class Township Code (53 P.S. §66501.1) authorize the Supervisors of a township of the second class to compel owners of properties, whereon are situate principal dwellings within one hundred fifty feet (150') of a sewer line installed by a municipal authority,

to make connection therewith, and makes other provisions with regard to such connections; and

WHEREAS, the Act of July 13, 1972, P.L. 762, Act No. 180 (53 P.S. §481-490, et seq.) provides additional authority for local governments to cooperate in carrying out their functions and powers, in addition to their inherent right so to do;

NOW THEREFORE, know all men by these presents that the Authority and the Township, for their mutual benefit, and for the benefit of the streams of the Commonwealth of Pennsylvania, do hereby agree as follows:

1. The Township does hereby authorized and empower the Authority and the Lackawanna County Community Development Agency, their agents, contractors and employees to use the roadways, streets and alleys and other highways of the Township, as the same are necessary for the installation, maintenance and provision of sewer service by the Authority to the residents of the Township, and for all such purposes which are necessarily attendant to such purpose.

2. The Township covenants and warrants that it has adopted those ordinances and regulations necessary to ensure that owners of real property in the Township, with principal buildings situate within one hundred fifty feet (150') of the sewer lines installed by the Authority, shall connect such buildings to such sewer system, and the Township agrees that it will demand and compel connection to such sewer system by such owners of real estate, upon receiving written notice from the Authority that

such sewer service is available, which notice from the Authority shall designate the name and address of the owners of the real estate to be affected and shall request such action on the part of the Township.

3. The Authority covenants and warrants that it will charge a hook-up fee of \$2,000 for each principal building in the Township connected to the sewer system pursuant this Agreement, and the Township agrees that it shall take all actions necessary to collect such amounts from the owners of each of the premises involved, including the filing of municipal liens with regard thereto. To the extent that it becomes necessary to file municipal liens for collection purposes, the Authority agrees to defer the time for payment during the normal collection process of such liens and the Township agrees that it holds such liens in trust for the Authority.

4. The Authority shall establish the rates and charges for the supplying of sewage treatment services pursuant hereto, which rates and charges may, from time to time, be altered, amended or revised by the Authority. The Authority covenants and warrants that it will charge the residents of the Township at the same rate and in the same amounts as are applicable to residents of the Borough of Dalton.

5. The Township authorizes and empowers the Authority to serve the owners of real estate with principal buildings situate within one hundred fifty feet (150') of the sewer lines to be

installed by the Authority, within the Township of LaPlume along North Turnpike Road and Maple Road, with sewer service.

6. The parties understand and agree that it is and shall remain the obligation of each respective building owner to pay the cost of excavation and installation of sewer laterals from the edge of the public roadway to the building served and it is and shall remain the obligation of such landowner to maintain such sewer lateral lines as well as any grinder pumps required to be installed for proper operation of the sewer collection and treatment system.

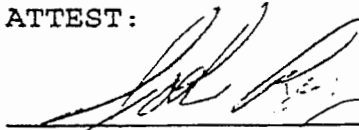
7. Upon completion of the installation of the sewer lines here in question by agents and contractors engaged by the Lackawanna County Community Development Agency in accordance with plans and specifications heretofore approved by the Authority, and the examination and approval thereof by the Authority's engineers, the Township will take whatever necessary action which may be required to transfer full and complete ownership of the sewer lines to the Authority. The Authority agrees to accept such ownership and to maintain such sewer lines in perpetuity in the same manner as all other sewer lines now owned by the Authority.

8. Nothing herein provided shall operate to give the Township any power to determine the areas to be served by the Authority, the rates and charges to be established, or the services to be provided by the Authority.

9. This Agreement shall be binding upon the parties hereto and their respective successors and assigns, and shall not be amended or varied except by a writing duly executed by all three parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused the due execution hereof by their duly constituted officers this 7th day of July, 1994, intending to be effective from and after the 1st day of July, 1993.

ATTEST:



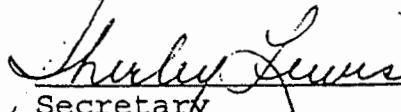
Secretary (Corp.)
(Seal)

DALTON SEWER AUTHORITY

By: 

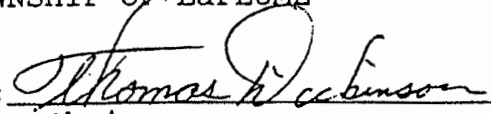
Chairman

ATTEST:



Secretary (Corp.)
(Seal)

TOWNSHIP OF LaPLUME

By: 

Chairman,
Board of Supervisors

RESOLUTION A - 1991

**LAPLUME TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA
RESOLUTION NO. A-1991**

A RESOLUTION ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE PENNSYLVANIA SEWAGE FACILITIES ACT, INCLUDING APPLICATIONS FOR PERMITS TO INSTALL, MODIFY, REPAIR AND REPLACE ON-SITE SEWAGE TREATMENT FACILITIES, AND SITE SUITABILITY EVALUATIONS, MINOR SUBDIVISION REVIEWS, MAJOR SUBDIVISION REVIEWS, SOIL PLACEMENT VERIFICATION AND APPEALS IN THE TOWNSHIP OF LAPLUME.

WHEREAS, the Board of Supervisors of LaPlume Township has enacted an Ordinance establishing procedures in connection with the application for, and issuance of, permits to install on-site sewage facilities and related sewage work in the Township of LaPlume, Lackawanna County;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of LaPlume, and IT IS HEREBY RESOLVED by authority of the same, that the following schedule of fees shall apply from the effective date of this RESOLUTION:

	<u>APPLICANT'S FEE</u>
1. Installation of new system for single family residence.	\$160.00
2. Installation of a new system for multi-family, commercial and other applications (Does not include Institutions).	\$160.00
3. Installation of a new system for Institutions (Hospitals, Churches and Schools)	
A. Fee per Equivalent Dwelling Unit (Maximum of 3).	\$160.00 per EDU

4. Repairs, alterations or replacement of existing systems for single family residence:
 - A. Treatment tank (septic or aerobic) \$50.00
 - B. Drain field replacement or equal addition. \$100.00

5. Repairs, alterations or replacement of existing systems for multi-family, commercial or other applications (Not including Institutions) Fee per Equal Dwelling Unit
 - A. Tank involvement. \$50.00 per EDU
 - B. Drain Field involvement. \$100.00

6. Repairs, alterations or replacement of existing systems for Institutions (Hospitals, Churches and Schools) Fee per Equivalent Dwelling Unit
 - A. Tank involvement. \$50.00 per EDU
 - B. Drain Field involvement. \$100.00 per EDU

7. Site evaluation fee. For those who want written evidence that ground is suitable for on-lot sewage, but do not wish to build on it for more than two years. Includes backhoe test, percolation test and written results which may be transferred to a sewage permit application in the future. \$125.00

8. Soil placement verification - certifying that good mineral soil has been added to a prescribed depth in a marked location in order that area may be tested after a four-year waiting period to determine if it is suitable for on-lot sewage use. The drain field must be located in the same exact area. A new permit application must be applied for and new testing performed, after a minimum four-year interval, to ascertain if replacement area is suitable for on-lot sewage use. \$300.00

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|---|--|
| 9. Minor Planning Module review - Five (5) lots or less. | \$35.00 per lot |
| 10. Major Planning Module review - Six (6) lots or more. | |
| A. Per lot fee for percolation tests | \$50.00 |
| B. Per lot fee for pits. | \$25.00 |
| 11. Second percolation test fee - when holes are not properly prepared, or an easily accessible water supply is not available or sufficient, or additional testing is required or requested due to inadequate prior testing results or due to the size of the drain field proposed. | \$75.00 |
| 12. Additional test pit analysis. (Two test pit analyses are allowed per each application). | \$25.00 per test pit |
| 13. Appeals: Appeals from the denial or granting of a sewage permit PLUS costs of advertising, court stenographer and consultants hired by the Township. . . . | \$1,000.00 including costs incurred, the unused portion for costs (up to \$500.00) to be reimbursed. |

IT IS FURTHER RESOLVED that the Board of Supervisors of LaPlume Township is authorized to enter into appropriate employment agreements, from time to time, with Pennsylvania Certified Sewage Enforcements Officer to administer its duties as a local agency.

This Schedule of Fees supersedes the Schedule of Fees adopted July 7, 1988.

RESOLVED by the Supervisors of LaPlume Township on this 10th day of April, 1991, to become effective on and after April 15, 1991.

ATTEST:

/s/ Shirley S. Lewis
Secretary

/s/ Thomas Dickinson
Chairman, Board of Supervisors

/s/ Betty Stanley
Supervisor

/s/ James Pengelly
Supervisor

Chapter 15

SEWAGE COLLECTION AND CONTRACT

Subchapter B - Connection Ordinance

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact and ordain an ordinance requiring owners of improved properties within the Township of LaPlume which are accessible to the sewer system constructed and to be constructed by Dalton Sewer Authority to connect therewith as and when sewer service shall become available; requiring abandonment of cesspools, septic tanks and other sewage facilities; prohibiting the discharge of harmful wastes and roof drainage and other waters into the sewer system; and providing penalties for the violation of this Ordinance, as follows:

15-B-1. Recitals.

- a. WHEREAS, the Dalton Sewer Authority (the "Authority") has undertaken, with the approval of the Township of LaPlume (the "Township"), a sewer project consisting of the construction of a sewage collection system (the "Sewer System") serving certain areas in the Township, in accordance with plans and specifications prepared by Glace Associates, Inc., Consulting Engineers, Harrisburg, Pennsylvania; and
- b. WHEREAS, by Section 1501.1 of the Second Class Township Code, as amended, (53 P.S. §66501.1) the Township is empowered to compel owners of property accessible to a sewer system constructed therein by a municipality authority to make connection therewith, and it is imperative that property owners shall connect with and use the Sewer System promptly after sewer service becomes available thereby; and
- c. WHEREAS, under an agreement between the Township and the Authority providing for sewage treatment, the Township has agreed that the sewage and wastes discharged into the Sewer System shall not contain storm water, roof or surface drainage, or certain injurious or dangerous industrial wastes, chemicals or other matter as herein set forth; and
- d. WHEREAS, the sewerage permit issued by the Department of Environmental Resources, approving the construction of the Sewer System, requires that all occupied buildings on premises accessible to the Sewer System be connected therewith and that privies, cesspools, septic tanks and similar receptacles be abandoned.

15-B-2. Mandatory Connection of Existing Buildings. As and when the Sewer System or parts thereof are completed so that sewer service becomes available to property owners, each and every owner of improved property

within the Township on which sanitary sewage is generated which is accessible to the Sewer System and whose principal building is within one hundred fifty (150') feet from any collection line of any size, installed by the Authority for the transmission of sanitary sewage to the treatment plant constructed by the Authority in the Township (a "Sewer Line"), of the Sewer System shall, upon written notice from the Board of Supervisors of the Township of LaPlume (the "Supervisors") that sewer service is available and that connection is ordered, connect his property with the Sewer System in accordance with the rules and regulations of the Authority, within sixty (60) days from the date of such notice, and shall thereafter use the Sewer System.

15-B-3. Future Mandatory Connections. From time to time, as sewer service becomes available to additional properties within the Township by reason of the improvement of properties accessible to the Sewer System, or by reason of the construction of extensions to the Sewer System; each and every owner of such additional properties on which the principal building shall be within one hundred fifty (150') feet of a Sewer Line shall, upon written notice from the Supervisors ordering connection, connect such principal building to the Sewer System, within sixty (60) days from the date of such notice, and shall thereafter use the Sewer System.

15-B-4. Penalty Failure to Connect. If any owner of improved property within the Township, who is required to connect his property to the Sewer System by Sections 15-B-2 or 15-B-3 of this Ordinance, shall neglect or fail to connect therewith within sixty (60) days after written notice from the Supervisors ordering connection, the Supervisors shall give such owner written notice by certified mail of the provisions of this Ordinance, and upon the neglect or failure of such owner to make the required connection within an additional period of sixty (60) days from the date of such notice, such neglect or failure shall be and hereby is declared to be a violation of this Ordinance, and such owner shall, upon conviction of the same before any District Justice, forfeit and pay to the use of the Township a sum not exceeding Six Hundred Dollars (\$600.00) for each ninety (90) days, or fraction thereof, that such violation shall persist, together with costs of prosecution, which sum shall be collected as prescribed in the Second Class Township Code. Any sum forfeited pursuant hereto shall be considered to be a penalty.

15-B-5. Connection by Township. If any owner of improved property within the Township, who is required to connect his property with the Sewer System by Sections 15-B-2 or 15-B-3 of this Ordinance, shall neglect or fail to connect therewith within sixty (60) days after written notice from the Supervisors ordering connection, the Supervisors may, but shall not be obliged to, enter upon such property and cause such connection to be made and proceed to bill and collect the cost of the construction as a municipal lien as by law provided.

15-B-6. Non-Conforming Systems Unlawful. After the Supervisors shall have given notice to any property owner ordering connection with the Sewer

System pursuant to this Ordinance, it shall be unlawful for such property owner to operate or use any privy, cesspool, vault, septic tank or similar receptacle with the Sewer System, or to discharge sewage into any storm sewer or other outlet other than the Sewer System. No privy, cesspool, vault, septic tank or other similar receptacle shall be constructed or installed on any property which is located within one hundred fifty (150') feet of the Sewer System subsequent to the time when sewer service first becomes available to such property.

- 15-B-7. Prohibitions on Discharges into Sewer System. No person shall discharge, or permit to be discharged, into the Sewer System any storm water, roof or surface drainage. No person shall discharge, or permit to be discharged, into the Sewer System any industrial waste, chemicals or other matter: (a) having a temperature higher than 150° F; (b) containing more than 100 parts per million (ppm) by weight of fat or oil; (c) containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; (d) containing any unground garbage; (e) containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the Treatment Plant; (f) having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the Treatment Plant; (g) containing a toxic or poisonous substance (including wastes containing cyanide, copper and/or chromium ions) in sufficient quantity to injure or interfere with any sewage treatment process constituting a hazard to humans or animals or to create any hazard in the receiving waters of the Treatment Plant; (h) containing total solids of such character and in such quantity that unusual attention or expense is required to handle such materials at the Treatment Plan; or (i) containing noxious or malodorous gas or substance capable of creating a public nuisance, unless otherwise permitted, authorized or approved by the Township and the Commonwealth of Pennsylvania, or by any duly constituted board, commission or department thereof.
- 15-B-8. Penalties for Violations. If any owner of property within the Township, or any other person, shall violate any of the provisions of Sections 15-B-6 or 15-B-7 of this Ordinance, he shall, upon conviction thereof before any District Justice, forfeit or pay to the use of the Township a sum not exceeding Six Hundred Dollars (\$600.00) for each ninety (90) days, or fraction thereof, that a violation of Section 15-B-7 shall persist, and a sum not exceeding Six Hundred Dollars (\$600.00) for each violation of Section 15-B-7, together with costs of prosecution, which sums shall be collected as prescribed by law. Any sum forfeited pursuant thereto shall be considered a penalty.
- 15-B-9. Notices. Notices to property owners under this Ordinance may be given either by personal service or by certified mail sent to the last known address of such owner.

15-B-10.

Severability. The provisions of this Ordinance are severable. If any of its provisions shall be held to be illegal, such illegality shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Township Supervisors that this Ordinance would have been adopted had any such illegal provision not been included herein.

Chapter 16

UTILITIES (Reserved)

Chapter 16

UTILITIES

Subchapter A - Cable Television (Reserved)

Chapter 17

ZONING

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact, reenact and ordain, in its entirety, the Zoning Ordinance of July 1990, originally enacted July 12, 1990, as amended, the complete title of which is as follows:

"An Ordinance to permit, prohibit, regulate, restrict and determine: Uses of land, watercourses and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; protection and preservation of natural resources and agricultural land and activities; especially regulating and restricting the height to which structures may be erected or object of nature grown, and otherwise regulating the use of property in the vicinity of the Seamans Field Airport by creating appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Zoning Map and the Seamans Field Airport Height Limitation and Zoning District Map which are incorporated herein by reference; and providing for: Special exceptions and variances administered by the Zoning Hearing Board; Conditional Uses administered by the Board of Township Supervisors; the administration and enforcement of this Ordinance and penalties for the violation thereof."

The Zoning Ordinance of the Township of LaPlume dated June 4, 1970 is hereby repealed.

Said Zoning Ordinance is hereby enacted, reenacted and ordained and is included in the Ordinance Book of the Township by reference. A complete copy of said Ordinance, as amended, is included in the unofficial, looseleaf copy of the Code, maintained by the Secretary of the Township pursuant to Section 7 of Ordinance No. 2 of 1996, adopting the Code of Ordinances of which this Ordinance is a part.

Copies of the Zoning Ordinance of July 1990 are available to the public from the Secretary of the Township at the cost of reproducing the same.

