



Subdivision and Land Development Ordinance

Borough of East Washington

Washington County, Pennsylvania

Enacted on April 3, 2017



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BOROUGH OF EAST WASHINGTON SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

CHAPTER 295

SUBDIVISION AND LAND DEVELOPMENT

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PART 1
GENERAL PROVISIONS

§ 101. **Short Title.** This Chapter 295 shall be known and may be cited as "The Borough of East Washington Subdivision and Land Development Ordinance."

§ 102. **Authority.** The Borough Council of the Borough of East Washington, by the authority granted pursuant to Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, have adopted these regulations governing the subdivision and development of land within the Borough Limits.

§ 103. **Purpose.** This Chapter 22 is established for the purpose of assuring sites suitable for building purposes and human habitation; to provide for the harmonious development of the Borough, in accordance with the Comprehensive Development Plan; to complement the Borough Zoning Ordinance; for the coordination of existing development, with proposed development within the Borough; and for adequate open spaces, for proper traffic flows, recreation, light, and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens.

§ 104. **Jurisdiction.**

§ 104.1. Borough Council shall, with the recommendation of the Planning Commission, review and act upon as appropriate all subdivision and land development plans as defined in this ordinance which are located entirely or in part of the Borough of East Washington.

A. Subdivision and Land Development. No subdivision or land development of any lot, tract, or parcel of land as defined in Article Two, shall be made, and no street, alley, sanitary sewer, storm drain, water main, gas, oil or electric line, or other improvements in connection therewith, shall be laid out, constructed, or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Ordinance.

B. Sale of Lots, Issuance of Building Permits, or Erection of Buildings. No lot in a subdivision or land development may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been constructed or guaranteed for construction in the form of a bond, escrow, or other means approved by the Borough of East Washington under the advice of the Borough of East Washington Engineer and Solicitor, in accordance with the laws of the Commonwealth of Pennsylvania.

- C. Condominiums. No provision of this Ordinance shall be construed to prohibit condominium ownership as permitted by the applicable enabling legislation of the Commonwealth of Pennsylvania.

- § 105. **Conflicts Between Regulations.** In their interpretation and application, the provisions of this chapter shall be minimum requirements. Wherever the requirements of this chapter are at conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the highest standards, shall govern.
- § 106. **Relationship of Comprehensive Plan.** The layout or arrangement of the subdivision or land development shall conform to the comprehensive plan and to any regulations or maps adopted in furtherance thereof, including but not limited to, the Borough of East Washington Zoning Ordinance.
- § 107. **Effect of Non-Compliance.** Hereafter, except as provided in this Chapter, any plan of any subdivision, street or development of land not approved by the Planning Commission or Borough Council in accordance with the provisions and procedure, as set forth herein, shall be null and void.
- § 108. **Effect on Prior Applications or Approvals.** From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in the subdivision and land development Chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision and land development or other governing ordinance or plan shall affect the decision 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.

- § 109. **Waiver of Requirements.** The Borough of East Washington may grant a modification of the requirements of this ordinance, through a waiver, if strict application of these requirements would be unreasonable or cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, provided that such waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. All requests for modifications shall be provided in writing and

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be part of the application for subdivision and/or land development. In the request for a modification, the applicant shall:

§ 109.1. State the grounds and facts of unreasonableness or hardship on which the request is based or demonstrate that an alternative standard can provide equal or better results;

§ 109.2. List the provision(s) of the Ordinance involved;

§ 109.3. State the minimum modification necessary.

§ 110. **Effective Date.** This ordinance shall become effective on the _____

PART 2
DEFINITIONS

§ 201. **Interpretation.**

§ 201.1. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:

- A. Words in the singular include the plural and these in the plural include the singular.
- B. Words used in the present tense include the future tense.
- C. The words "person," or "subdivision," and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- D. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."
- E. The "watercourse" included channel, creek, ditch, dry run, spring, and stream.
- F. The words "should" and "may" are permissive: the words "shall" and "will" are mandatory and directive.

§ 202. **Definitions.**

§ 202.1. Words and terms used in this Ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

ACCEPTED ENGINEERING PRACTICE - That which conforms to accepted principles, tests or standards of nationally recognized technical, scientific, and/or engineering authorities.

APPLICANT - a landowner or developer, as here in after defined, who has filed an application for development including his heirs, successors and as signs.

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

BLOCK - An area bounded by existing or proposed streets.

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BOND - Any form of surety bond in an amount and form satisfactory to Borough Council. All bonds shall be approved by the Borough Council whenever a bond is required by regulations.

BOROUGH - Borough of East Washington, Washington County, Pennsylvania.

BOROUGH COUNCIL - The Borough Council of the Borough of East Washington, Washington County, Pennsylvania.

BUILDING - Any structure or part thereof, affixed to the land.

BUILDING LINE, BUILDING SET-BACK LINE - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of building and structure and the front lot line.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at intersections defined by lines of sight between points at a distance of seventy-five feet from the intersection of street center lines.

CLERK, BOROUGH CLERK - the Borough Clerk of the Borough of East Washington, Washington County, Pennsylvania.

COMPREHENSIVE PLAN – The adopted Comprehensive Plan for the Borough of East Washington.

COUNTY - The County of Washington, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Planning Commission of the County of Washington.

CROSSWALK (INTERIOR WALK) - A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CUT - An excavation, the difference in vertical elevation between a point on the surface of original ground and a point on the final grade. The material removed in excavation.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development.

DE MINIMIS IMPROVEMENT - Non-residential property improvements which would, by their use, require less than five parking spaces with a maximum footprint of the addition being less than 1,000 square feet of new building.

DRIVEWAY - An improved surface for vehicular circulation or access on a lot or parcel of land.

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EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

ENGINEER - A licensed professional engineer registered as such, in the Commonwealth of Pennsylvania.

EROSION - The removal of surface materials by the action of natural elements.

ESCROW - A deposit of cash with the Borough or escrow agent to secure the promise to perform some future act.

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.

FILL - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, 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.

FLOODPLAIN - The area along a natural watercourse which is periodically overflowed by water therefrom.

GUARANTEE, MAINTENANCE. Any security which may be required from the developer by the Borough after final acceptance by the Borough of improvements installed by the developer. Such security may include irrevocable letter of credit, cash escrow account or surety bond with a bonding company or commonwealth or federally chartered financial institution as further specified in this ordinance.

GUARANTEE, PERFORMANCE. Any security which may be required from the developer by the Borough in lieu of the requirement that certain improvements be made before the Borough approves a developer's subdivision or land development plan. Such security may include irrevocable letter of credit, escrow account or surety bond with a bonding company or commonwealth or federally chartered financial institution as further specified in this ordinance.

IMPROVEMENTS. The physical additions, installations, and changes required to render land suitable for the use proposed, including streets, curbs, sidewalks, utilities, and drainage facilities.

IMPROVEMENTS, PUBLIC. Improvements, including but not limited to those contained in the definition of "improvements," that are intended for dedication to the Borough, or other municipal body or authority, either in fee or in easement.

IMPROVEMENTS, ON-SITE. Improvements, including but not limited to those contained in the definition of "improvements," that are constructed on the applicant's property or along the road frontage of the tract being developed up to the centerline of the road.

LAND DEVELOPMENT – Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure;
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants or landowners by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or
2. A subdivision of land.

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.”

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

MARKER - A metal pipe or pin of at least one-half inch (1/2") diameter, and at least 24" in length.

MONUMENT - A stone or concrete monument with a flat top at least 4" in diameter square, containing a copper or brass dowel (plug), and at least twenty-four inches (24") in length. The bottom, sides or radius should be at least two inches (2") greater than the top, to minimize movements caused by frost.

PLAN, MAJOR STREET - That element of the Comprehensive Plan as adopted, which shall show the general location, alignment and dimensions, and the identification and classification of existing and proposed streets, highways, and other thoroughfares.

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PLAN, OFFICIAL - The Comprehensive Development Plan (Master Plan) and/or Future Land Use Plan and/or Ultimate Right-of-way and/or Official Map or other such plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Borough in which the subdivision or land development will be located.

PLAN, PRELIMINARY - A tentative map or plan of a subdivision or land development (and including all required supplementary data), in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan, said plan shall be prepared by an engineer, architect, landscape architect or surveyor registered in the Commonwealth of Pennsylvania.

PLAN, FINAL - A complete and exact map or plan of a subdivision or land development (and including all required supplementary data), prepared for official recordings as required by statute, to define property rights and proposed streets and other improvements, said plan shall be prepared by an engineer, architect, landscape architect or surveyor registered in the Commonwealth of Pennsylvania.

PLAN OF RECORD - The copy of the Final Plan which contains the required original endorsements and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION OR BOROUGH PLANNING COMMISSION - The Planning Commission of the Borough of East Washington.

"PLAT," the map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC GROUNDS -

- (1) parks, playgrounds, trails, paths and other recreational areas and other public areas
- (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities
- (3) publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body, planning commission, or other municipal agency, intended to inform and obtain testimony and public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act." ("...any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency, held for the purpose of deliberating agency business or taking official action.").

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

RESUBDIVISION - Any replatting or resubdivision of land, limited to changes in lot lines on approved Final Plan or Recorded Plans as specified in these regulations. Other replattings shall be considered as constituting a new subdivision of land.

RIGHT-OF-WAY - A strip of land occupied or intended to be occupied at some future date by roads, railroads, transmission lines, pathways, oil and gas pipe lines, water lines, sewer lines, and other similar facilities.

RUN-OFF - The surface water discharge or rate of discharge of a given area or watershed after the fall of rain or snow, that does not enter the soil but runs off the surface of the land.

SANITARY SEWER – A system of pipes, conduits or other conveyances which carry industrial waste and domestic waste from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, to the sewage treatment plant utilized by the Borough and which storm water, surface water or ground water are not intentionally admitted.

SANITARY SEWAGE DISPOSAL, PUBLIC - A sanitary sewage collection system, managed and operated by a public authority in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SECURITY - A letter of credit, surety bond, certified check, or cash escrow provided by the applicant to secure its promises regarding public improvements associated with an approved subdivision or land development.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is considered sediment.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

SOIL STABILIZATION - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STORM SEWER – A system of pipes, conduits or other conveyances which carry storm water, surface runoff and snowmelt runoff to a discharge point.

STORMWATER MANAGEMENT PLAN – A plan adopted by Washington County pursuant to the Pennsylvania Stormwater Management Act (Act 167 of 1978).

STORMWATER RUNOFF - Water from rainfall or melting snow in a watershed in excess of the natural absorbency of that watershed, which flows over the ground surface to collect in streams and channels.

STREETS AND ALLEYS –

- (1) **Street** - is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
- (2) **Alley** - is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. In the Borough of East Washington, all minor ways formerly designated as "alley" were, by Ordinance §1099 (9-27-71) dedicated as avenue.
- (3) **Arterial Street or Major Thoroughfares or Major Street** - is a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication.
- (4) **Collector Street** - is a street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (5) **Cul-de-Sac or Dead-end Street** - is a minor street with only one outlet.
- (6) **Marginal Access Street** - is a minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
- (7) **Minor Street** - is a street used primarily for access to the abutting properties.
- (8) **Street Width** - is the shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER - (See developer)

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural

purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring a new street or extension of the municipal facilities or the creation of public improvements.

SUBDIVISION, MINOR. Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or other pertinent regulations. Minor subdivisions include lot line adjustments and simple conveyances, as defined herein:

A. **Lot Line Adjustment.** A proposal between two abutting, existing, legally approved and recorded lots in which a lot line between the two lots is proposed to be adjusted in terms of its location or configuration. Reasons for lot line adjustments include:

1. Correcting errors regarding locations of existing improvements (e.g. if the driveway for Lot #1 is located on Lot #2);
2. Relating the line to definitive physical characteristics (e.g. to adjust the line to run along an existing hedgerow);
3. Preferences of the landowners involved.

B. **Simple Conveyance.** A proposal between two abutting, existing, legally approved and recorded lots in which a portion of one lot is being divided off to be conveyed to the owner of the abutting lot. The land area to be conveyed in a simple conveyance generally does not comply with one or more of the dimensional standards of the district in which the lots are located.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant) 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.

SURVEYOR – A land surveyor, registered as such in the Commonwealth of Pennsylvania.

SWALE - A low lying stretch of land which gathers, or carries, surface water run-off.

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WATERCOURSE - A depression which carries the flow of surface water including permanent and intermittent streams, brooks, creeks, channels, ditches, swales, and rivers.

ZONING OFFICER - The person or agency appointed by Borough to administer and enforce the provisions of the Zoning Ordinance. The term "Zoning Officer" shall also include any duly appointed staff or assistants.

PART 3
PLAN FILING, PROCESSING AND REVIEW

§ 301. Applicability.

§ 301.1. The standards, requirements, and procedures contained in this Article shall govern the filing and processing of all applications for subdivision and/or land developments in the Borough of East Washington.

§ 302. Types of Plans.

§ 302.1. All applications for subdivision and/or land development shall be classified as Sketch Plans, Preliminary Plans, Final Plans, or Minor Plans, as further regulated herein. Figure 3.1 graphically presents the general plan processing procedure.

- A. Sketch Plans. The Borough strongly recommends that applicants submit a pre-application Sketch Plan in accordance with the requirements of § 303. A Sketch Plan may be filed in cases where only a portion of the property is currently proposed for subdivision or land development to show how the immediate proposal can fit logically into an overall plan for the entire site.
- B. Preliminary Plans. A Preliminary Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of § 402.
- C. Final Plans. A Final Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of § 501.

§ 303. Sketch Plans (Optional).

§ 303.1. **Purpose.** The purposes served by a Sketch Plan are as follows:

- A. To inform the Borough of an applicant's intent to subdivide and/or develop a property, and graphically show the concepts and extent of the proposal.
- B. To allow the Borough to provide advice and guidance to an applicant so that:
 - 1. Overall layout and circulation issues can be resolved prior to preparation of Preliminary Plans.
 - 2. The Preliminary Plan approval process may then be able to proceed more efficiently.
- C. To show how a tract of land may be further subdivided or developed in cases where only a portion of a property is currently under an active proposal.

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1. This plan shall show a logical and efficient pattern of roads, lots, and/or buildings, as appropriate for the type of plan proposed, and shall not be acceptable if it proposes lotting or development that would adversely impact floodplain, steep slopes, or other important site features.
 2. A sketch plan may be shown on the Preliminary Plan for the subject site in the form of a reduced-scale inset drawing, although larger drawings are encouraged for review and discussion purposes.
- D. Sketch Plans shall have no legal standing with regard to the formal plan approval process mandated by the Pennsylvania Municipalities Planning Code, but are recommended and will be considered as a tool for discussion and guidance regarding future development issues.

§ 303.2. **Sketch Plan Information.** A Sketch Plan should be drawn legibly and to scale of not greater than 1:200, but it need not be a precisely surveyed or engineered plan, and it should show the following information:

- A. The entire tract boundary, total acreage, and acreage of each lot.
- B. Existing and proposed streets, lots, buildings, approximate building envelopes and other improvements.
- C. Significant physical features such as floodplain, steep slopes, woodlands, and existing structures.
- D. Contour lines at five to ten foot intervals, based on U.S.G.S. datum.
- E. Approximate locations for stormwater control facilities, if necessary.
- F. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.
- G. North point and scale.
- H. Name and address of the owner.
- I. Zoning district information.
- J. Name and address of the engineer, surveyor, or architect, if applicable.
- K. Any additional information which the applicant believes will help explain the proposal.

§ 303.3. Sketch Plan Review.

- A. The request for a pre-application conference with the Planning Commission and pre-application conference submission shall be received and accepted by the Borough at least seven (7) days prior to the date of the Commission meeting. Applicants seeking a pre-application conference are encouraged to submit the information stipulated in § 303.2 at the time of request.
- B. The submission of a pre-application conference submission shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended to be advisory only and shall not bind the Borough to approve any application for development.
- C. The Planning Commission shall review Sketch Plans in accordance with the criteria contained in this Ordinance and with other applicable ordinances. The Commission members shall discuss the plan with the applicant and advise them as promptly as possible of the extent to which the proposed subdivision or land development conforms to the Borough's Comprehensive Plan and relevant standards of this Ordinance, and will discuss possible plan modifications that would increase its degree of conformity. The applicant may also choose to submit alternative sketch plans. Aspects of the Sketch Plan that shall be specifically evaluated include, but are not limited to:
 - 1. The location of all areas proposed for disturbance (streets, foundations, yards, stormwater management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's plan.
 - 2. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.
 - 3. The locations of proposed access points along the existing road network.
 - 4. The general location and extent of open space, preserved land, and trail system.
 - 5. The location and extent and configuration of buildings, parking lots, and common areas in multi-family and commercial developments.
 - 6. The proposed building density and impervious coverage.
 - 7. The compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan, the Comprehensive Parks and Recreation Plan, and any other pertinent Borough plans and studies.
 - 8. Consistency with the Zoning Ordinance.

PART 4
PROCEDURE FOR APPROVAL OF PRELIMINARY PLANS

§ 401. Preliminary Plan Application Requirements and Filing Procedure.

§ 401.1. Application Requirements.

- A. Eleven (11) paper copies of the Preliminary Plan shall be filed with the Borough Zoning Officer, in person by the applicant. In addition to the paper copies of the plans required for submission, the applicant shall also provide a digital copy with plan sheets in a .pdf or other acceptable software format.
- B. Plans must be accompanied by:
 - 1. Completed Borough application and administrative forms.
 - 2. Borough filing fee.

§ 401.2. Filing procedure.

- A. Within seven (7) working days of when an application is received by the Borough, the Zoning Officer shall review and certify the preliminary application as substantially complete and accepted or incomplete and rejected. Within said time, the Borough shall notify the applicant in writing if the preliminary application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- B. Failure of the Borough to make a determination of acceptance/rejection shall result in deemed acceptance of the preliminary application for processing. However, deemed acceptance for processing shall not constitute a waiver of any deficiencies in the preliminary application or approval of the preliminary application.
- C. The preliminary plan shall be placed on the agenda of the next regular meeting of the Borough Planning Commission, provided that the application has been filed at least twenty (20) days prior to the next meeting.

§ 401.3. Distribution.

- A. The Borough Zoning Officer shall distribute copies of the prints and pertinent supplementary data to the following agencies for appropriate review and recommendations:
 - 1. Borough Planning Commission.
 - 2. Borough Engineer

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3. Borough Solicitor
 4. Borough staff such as the Public Works Director, Fire Chief, sewer and/or water authorities, and/or other technical consultants as needed.
 5. Other cognizant agencies, such as School Board, if deemed advisable
- B. The applicant is required to submit copies of the application and plan to the Washington County Planning Commission for review, along with the associated fee, in accordance with their subdivision and land development review policy.

§ 402. Preliminary Subdivision or Land Development Plan Requirements

§ 402.1. Drafting Standards. Plans shall be prepared in compliance with the following standards:

- A. Four (4) preliminary plan(s) at 22 inches by 34 inches (22"x34") in size and seven (7) sized at 11 inches by 17 inches (11"x17"), with index for multiple sheets.
- B. The plan for a subdivision of six (6) acres or less shall be drawn at a scale of one inch (1") equals forty feet (40') or less. Plans for a subdivision of over six (6) acres but less than twelve (12) acres may be drawn at a scale of one inch (1") equals forty feet (40') or at a scale of one inch (1") equals one hundred feet (100'). Plan for subdivisions of twelve acres or more shall be drawn at a scale of one inch (1") equals one hundred feet (100').
- C. All sheets shall be the same size, and be numbered relative to the total number of sheets (ie. 1 of 5, etc.)
- D. Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided to show how the sheets fit together. Match lines shall be shown.
- E. Property lines shall be drawn and labeled in conformance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.
 1. Tract boundary lines shall be the heaviest property lines.
 2. Proposed lot lines shall be the next heaviest.
 3. Possible future lots, if shown, shall be the lightest line weight, and may be shown as dashed lines.

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4. Property lines to be eliminated where two (2) or more lots are proposed to be joined in common deed should be properly noted and depicted on the boundary to be removed.

§ 402.2. Basic Information. All Preliminary Plans shall show the following basic information:

- A. Name of the subdivision or land development.
- B. Name, address, email and phone number of the applicant.
- C. Preparation by a professional engineer, surveyor, landscape architect or architect registered in the Commonwealth of Pennsylvania evidenced by the name, address, seal and signature of the professional on the plans and drawings.
- D. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.
- E. North point and scale displayed in graphic and written form.
- F. Location map showing the relationship of the subject tract to the surrounding road network, adjacent properties, and major physical features.
- G. Total tract boundaries of the property being subdivided, sharing bearings and distances, and a statement of total acreage of the property.
- H. Zoning classification(s) of all lands abutting the proposal, including any changes in the existing zoning to be requested by the subdivider or developer (if a zoning district change is being considered or is pending, which might affect the proposed subdivision, the Borough shall so notify the subdivider, or developer).
- I. Names of current owners of adjacent property.
- J. A statement showing:
 1. Number of acres under proposal (net and gross acreage should be indicated in accordance with the zoning ordinance).
 2. Number of lots and/or dwelling units and total building area. If existing buildings are to be reused, the building area should be expressed as existing building area and additional building area.
- K. Description of variances or special exceptions, conditions of their approval, and the dates they were granted, if any.
- L. Description of any deed restrictions, including conservation and environmental, or other covenants affecting development of the tract. This information should contain

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the name of the easement holder or parties in the covenant agreement and a reference to their deed and page book recording location.

- M. The requirements of any other local ordinance which may affect the proposal.
- N. Legend shall be sufficient to indicate clearly between existing and proposed conditions.
- O. Name and address of the owner of record if different from the applicant.
- P. Tax parcel number(s) of all parcels being subdivided or developed.
- Q. Deed book and page numbers for all parcels being subdivided or developed.
- R. A note shall be shown on the plan which states "Preliminary Plan - Not to be Recorded."
- S. Dimensions shall be displayed in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.
- T. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed, and include a description of all symbols used.

§ 402.3. Existing Features Plan. Within the tract proposed for subdivision and/or land development, and within one-hundred (100') feet of the tract boundaries, the following information shall be shown on the Preliminary Plan:

- A. All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including:
 - 1. Locations.
 - 2. Names.
 - 3. Rights-of-way ~~width~~
 - a. Legal.
 - b. Ultimate.
 - 4. Cartway (pavement) widths and approximate grades.
 - 5. Surface conditions.
 - 6. Location of curbs and sidewalks.

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- B. Water Resources, including lakes and ponds; wetlands, swamps or marshes; watercourses and springs; existing well locations – in use, capped and abandoned; floodprone or floodplain areas including data from FEMA studies, supporting hydrologic and hydraulic data for 100-year flood limits, or Washington County Soil Survey when applicable, as determined appropriate by the Borough Engineer for the watercourse(s) affecting the site.
- C. Sanitary Sewers, including pipe locations, pipe sizes and materials, direction of flow, gradient of flow, manholes, invert elevations, septic systems and drainfields.
- D. Storm Sewers, including pipe locations, pipe sizes and materials, direction of flow, gradient of flow, inlets, catch basins and manholes, and invert elevations.
- E. Other existing Stormwater and/or Erosion Control Facilities, including basins, swales, diffusion devices, velocity controls, and related technical data for those facilities.
- F. Other natural features, including:
 - 1. Location, size, species, and condition of trees six (6”) inches in diameter (dbh) or greater, when standing alone or in small groups.
 - 2. Outer limits of woodlands and a general description of their types, sizes, and conditions.
 - 3. Locations and limits of geologic features which may affect the locations of proposed streets or buildings, including rock outcroppings, quarries, sink holes and ravines.
- G. Soil types, including mapped limits, names, and significant limitations, such as, high water table or shallow bedrock.
- H. Contour information including:
 - 1. Contour lines at intervals of two feet (2'), accurately drawn from photogrammetric or on-site survey data.
 - 2. Location and elevation of the datum to which elevations refer; datum used shall be a known, established bench mark;
 - 3. Areas with slopes of fifteen (15%) percent or greater should be adequately depicted, as determined from the contours shown on the plan.
- I. Other man-made features including:

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1. Location, size, character and configuration of ~~All~~ existing buildings and other structures, driveways, parking lots or any type of paved surface, labeled “To Remain” or “To Be Removed” as applicable.
2. Location and description of existing buildings and other structures less than 100 feet (100’) beyond the tract boundaries
3. Location, type and ownership of utilities, both above and below ground, with notes to describe easement or right-of-way dimensions; additional setback or development restrictions imposed by the utility company or other regulations; and the specific type of product transported with pipelines.

§ 402.4. Proposed Features and Lotting Plan. Within the tract proposed for subdivision and/or land development, the following information shall be shown on the Preliminary Plan:

A. Subdivision and/or Land Development Layout

1. Proposed streets, alleys, driveways, and parking areas, including:
 - a. Names or other identification (street names shall neither duplicate names of other streets nor have phonetic similarity to other streets in the Borough or Post Office District);
 - b. Right-of-way widths and lines.
 - c. Cartway widths.
 - d. Centerline courses, distances, and curve data.
 - e. Curb lines.
 - f. Radii at intersections.
 - g. Street location tie-ins to nearest intersection by courses and distances.
 - h. Capacity of parking areas.
 - i. Sight distance at proposed intersections with existing streets.
 - j. Location and type of all traffic control signs, signals, and devices proposed to be installed.
 - k. Rights of way or easements proposed for drainage.
 - l. Plan of street lighting indicating location and type of fixtures to be installed.

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2. Layout and dimensions of all lots, including the net and gross lot area as defined within the zoning ordinance.
3. All building setback lines (including existing buildings to be used).
4. All parking setback lines where applicable.
5. Proposed sidewalk or other walkway locations.
6. Proposed buildings, including:
 - a. Locations.
 - b. Configurations.
 - c. Sizes (ground level floor area, total floor area, number of stories, and height).
 - d. Total building coverage (square feet and percentage of site).
 - e. Locations, configuration, and types of accessory structures.
 - f. Ground floor elevations.
7. Parks, playgrounds, and other areas dedicated or reserved for public use, including:
 - a. Any conditions governing such use
 - b. Locations, configurations, size, types of facilities (if applicable), and proposed ownership
 - c. Conformance with the Design Standards of § 718 Public Sites and Open Spaces § 718.
 - d. Grading plan and the location of conservation measures used to minimize erosion and sedimentation.
 - e. Parking, driveway, or road areas when privately owned for common use.
 - f. Notes regarding offers of dedication or retention in private ownership, as applicable.
8. Areas reserved for future uses, including:
 - a. Road extensions.
 - b. Stormwater management facilities.

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- c. Additional subdivision or land development in sketch form, in accordance with the requirements of § 303.2 Sketch Plan Submission Requirements, and in accordance with the intent of § 303.3 Sketch Plan Review Procedure.
- d. Explanatory notes for such future uses.

9. Impervious Coverage Area Calculations

10. Proposed Landscaping Plan including:

- a. Existing vegetation to be removed.
- b. Existing vegetation to be preserved.
- c. A plan of proposed plantings showing the locations of street trees, parking lot landscaping, stormwater facilities landscaping, and any required buffer areas.
- d. Proposed planting schedule, including the number, location, and species and sizes of plantings.
- e. Existing and proposed contours including related landscape features such as mounding and water features.
- f. Other planting areas such as managed meadow or other naturalized settings.

11. Proposed Outdoor Lighting Plan. Proposed fixtures, roadways, parking lots, and other public areas.

- a. A detailed ten-foot grid showing the horizontal maintained foot candle levels at grade, to the boundary of the site or past the boundary until the illumination values reach 0.0 foot candles.
- b. The minimum and average, and maximum maintained illumination levels for the areas being illuminated to demonstrate compliance with lighting requirements in the Borough.
- c. Description of existing and proposed equipment including the mounted height from the lowest point of the fixture to the finished grade; fixture mounting equipment; light shielding angle and device for shielding; and light standard or pole height and type of material.

B. Grading and Drainage Plan. The following information shall be shown on the Preliminary Plan:

- 1. Proposed contours for the entire site.

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2. Approximate limits of site disturbance, including a clear delineation of existing vegetation including trees, hedge rows, wooded areas, scrub growth, meadow, and actively farmed land:
 - a. To be removed.
 - b. To be preserved including method of preservation.
3. Stormwater management and erosion control and sedimentation facilities, including:
 - a. Basins.
 - b. Swales.
 - c. Diffusion devices.
 - d. Velocity controls.
 - e. Pipe locations.
 - f. Pipe sizes and materials.
 - g. Direction of flow.
 - h. Gradient of flow.
 - i. Inlets, catch basins, and manholes including rim and invert elevations.
 - j. Invert elevations.
 - k. Design calculations for these facilities shall be submitted in report form with a note on the plan referencing the report.

C. Infrastructure Plan

1. Sanitary sewer line locations, clearly identifying the following:
 - a. Pipe sizes and materials.
 - b. Direction of flow.
 - c. Gradient of flow.
 - d. Manholes.
 - e. Invert and rim elevations.
2. Sanitary sewage pumping stations.

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- a. Dimensions and material of pumping station.
 - b. Pump type.
 - c. Float and alarm elevations.
 - d. Electrical equipment.
 - e. Force main material, location, size and tie-in.
 3. Approved on-site disposal locations and other locations where soil tests were performed.
 4. Sewage treatment plant locations.
 5. Water supply facilities, including:
 - a. Central water supply lines.
 - b. Pipe sizes and materials.
 - c. Fire hydrant locations.
 - d. Well locations when on lot, including the 100-foot radius clear zone separating wells from sewage disposal locations.
 6. Finished floor elevations of proposed buildings.
 7. Municipal waste disposal facilities.
- D. Cross Sections, Profiles, and Preliminary Structural Designs. The following shall be provided:
1. Cross section and centerline profile for each proposed or widened cartway, driveway, or parking area shown on the Preliminary Plan including:
 - a. Road centerline grades and vertical curvature including road centerline elevations shown at horizontal intervals of twenty-five (25') feet along vertical curves and 50' feet for straight grades.
 - b. Profiles for sanitary sewers, water mains, storm drains, including locations of manholes, inlets, and catch basins.
 - i. Location, size, and type of line with stations.
 - ii. Slope between manholes or inlets.

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- iii. Location of laterals or water services including fire hydrants, valves, tees and fittings.
 - iv. Existing ground surface with elevation of rim/grate and invert elevations.
 - v. Location, size, depth, and type of material of all other utilities in the vicinity of the pipe.
 - vi. Vertical curve data including length, elevations, and stations at the beginning and ending of the vertical curve, including high points and low points, elevations at fifty-foot intervals and minimum site difference.
- 2. Preliminary design of any bridges, culverts, or other structures and appurtenances which may be required.
 - 3. Cross-section (Streets)
 - a. Right of way and cartway width.
 - b. Type, thickness, and crown of paving.
 - c. Type and size of curb.
 - d. Grading of sidewalk area.
 - e. Location, width, type and thickness of sidewalks.
 - f. Grading of stormwater swale adjacent to cartway.
 - g. Typical location of sewers and utilities, street trees, street lights and other improvements along roads.
- E. Supporting Information.
- 1. A new development schedule including the approximate date when the construction is expected to begin and completed.
 - 2. A copy of all restrictions or covenants if any under which lots are to be sold.
 - 3. Copy of the last recorded subdivision or land development plan pertaining to the site.
 - 4. Traffic impact or water resources impact statement if applicable.
 - 5. A plan for the ownership, maintenance, and management of open space areas.
 - 6. Reports or letters regarding availability of sewer and water facilities.

7. Copies of letters and permit applications to all reviewing agencies.
 8. Stormwater calculations and reports.
 9. Wetlands delineation study, if applicable.
- F. Additional Plans. Other plans as required to comply with this Ordinance or other provisions in the Borough's Zoning Ordinance.

§ 403. Preliminary Plan Review Procedure

§ 403.1. Review by Borough Planning Commission.

- A. The Borough Planning Commission shall review all preliminary applications. In order to be considered at a Planning Commission meeting, the complete preliminary application must have been received and accepted by the Borough at least 20 days prior to the Planning Commission meeting.
- B. Upon completion of its review of the Preliminary Plan, which should include consideration of the timely recommendations of the Borough Engineer, Washington County Planning Commission, and other technical advisors when requested, the Borough Planning Commission shall communicate its recommendations to Borough Council.
- C. The Planning Commission shall make a written recommendation to Borough Council for approval, approval subject to conditions, or disapproval of the preliminary application setting forth the reasons for the recommendations.

§ 403.2. Decision.

- A. Borough Council shall have a ninety (90) day time period to act on the plan unless the applicant has agreed in writing to an extension of the time period.
 1. The ninety (90) day time period shall be measured from the date of the Borough Planning Commission meeting following the date the application was filed and accepted as complete by the Borough, provided that the application was filed at least 20 days prior to said meeting. Should the meeting occur more than 30 days following the date the application was filed and accepted as complete, the said 90-day period shall be measured from the 30th day following the date the application was filed.
 2. If an extension of the ninety (90) day time period is applied, it shall be measured from the expiration of the original ninety (90) day period. A time extension shall postpone the deadline and effects of the ninety (90) day time period for the

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additional number of days agreed to in writing prior to the last scheduled Borough Council meeting within the ninety (90) day plan review period.

- B. Borough Council shall consider the Preliminary Plan application at one or more of its public meetings during the 90 day time period, and/or extension thereof if applicable, and shall render a decision on the plan following receipt of the recommendations of the Borough Planning Commission, Borough Engineer, Washington County Planning Commission, and/or other technical advisors as requested.
- C. Borough Council shall not approve a preliminary application until the Washington County Planning Commission report of its recommendations is received, or until the expiration of 30 days from the date the application was forwarded to the County.

§ 403.3. Procedure Following Borough Council's Decision. When Borough Council makes a decision on a Preliminary Plan, one of following procedures will be followed, depending on the type of decision:

- A. Denial. If Borough Council denies a Preliminary Plan, then the written notification to the applicant shall specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.
- B. Approval. If Borough Council approves a Preliminary Plan, as filed by the applicant, then the Secretary will so certify thereon, and a copy of the approved plan will be forwarded to the applicant.
- C. Approval Subject to Conditions. If Borough Council approves a Preliminary Plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within a ten (10) day period. The approval of the plan shall be rescinded automatically without action of Borough Council, at the end of 10 days from the date at which conditional approval was granted or notice received by the applicant regarding the conditional approval, upon either the applicant's failure to execute the written acceptance or upon rejection of such conditions by the applicant. Written notice will be provided to the applicant in the following manner:
 - 1. Specify the conditions of approval and request the applicant's written agreement to the conditions.
 - 2. State that the application will be denied if the applicant does not agree to the conditions, and specify the defects found in the application, describe the

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requirements which have not been met, and cite the provisions of the statute or ordinance relied upon for denial of the plan.

3. State that the plan approval shall be rescinded automatically upon the applicant's failure to accept or reject the conditions within ten (10) days following the decision by the Borough to grant conditional approval.

Following submission of written agreement to the conditions specified by Borough Council the applicant shall submit two paper copies of the Preliminary Plan, which show compliance with the conditions, by plan revision or notation, for Borough seal and signatures.

- D. Notification of Decision. Written notification of Borough Council's decision shall be hand delivered to the applicant or be mailed to the applicant's last known address not later than fifteen (15) days following the decision.
- E. Effect and Duration of Approval. Approval of the preliminary plan by the Commission shall not constitute final acceptance of the subdivision. Preliminary approval shall be deemed to have lapsed unless an application for the final approval of at least a part of the preliminary plan is filed within ~~six (6)~~ twelve (12) months of the date of preliminary approval or an extension is requested in writing by the subdivider and for good cause granted by Borough Council.
 1. 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 approval for a period of five (5) years from the date of plan approval, in accordance with the MPC.
 2. In the case where Preliminary and Final Plan approval are concurrent, the five (5) year period shall be measured from the date of that concurrent approval.
 3. In a case of a Preliminary Plan calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the Preliminary Plan delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.
 - a. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval has been granted to the final section.
 - b. Any modification in the aforesaid schedule shall be subject to approval of Borough at its discretion.

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- c. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% percent of the total number of dwelling units as shown on the Preliminary Plan, unless a lesser percentage is approved by Borough Council in its discretion.
- d. For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial five (5) year period, 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 each subsequent section for an additional term of three (3) years from the date of Final Plan approval of each section.

PART 5
PROCEDURE FOR APPROVAL OF FINAL PLAN

§ 501. Final Plan Application Requirements.

§ 501.1. Application Requirements.

- A. Within twelve (12) months after Borough Planning Commission approval of the Preliminary Subdivision or Land Development Plan, a Final Subdivision or Land Development Plan and all necessary supplementary data shall be delivered to the Borough Zoning Officer. An extension of time may be granted by the Borough Council upon written request. Otherwise, the Plan submitted shall be considered as submission of new Preliminary Plan, if delivered after twelve (12) months.
- B. Eleven (11) paper copies of the Final Plan shall be filed with the Borough Zoning Officer, in person by the applicant. In addition to the paper copies of the plans required for submission, the applicant shall also provide a digital copy with plan sheets in a .pdf or other acceptable software format.
- C. Plans must be accompanied by:
 - 1. Completed Borough application and administrative forms.
 - 2. Borough filing fee.

§ 501.2. Filing Procedure.

- A. Within seven (7) working days of when an application is received by the Borough, the Zoning Officer shall review and certify the final application as substantially complete and accepted or incomplete and rejected. Within said time, the Borough shall notify the applicant in writing if the final application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- B. Failure of the Borough to make a determination of acceptance/rejection shall result in deemed acceptance of the final application for processing. However, deemed acceptance for processing shall not constitute a waiver of any deficiencies in the final application or approval of the final application.
- C. The application for final plan approval shall be placed on the agenda of the next regular meeting of the Borough Planning Commission, provided that the application has been filed at least 20 days prior to the next meeting.

§ 501.3. Distribution.

- A. The Borough Zoning Officer shall distribute copies of the plan to the following for review and recommendations:
 - 1. Borough Council.
 - 2. Borough Planning Commission.
 - 3. Borough Council.
 - 4. Borough Solicitor
 - 5. Borough staff such as Public Works Director, Fire Chief, sewer and/or water authorities, and/or other technical consultants as needed.
- B. The applicant is required to submit copies of the full-sized plan to the Washington County Planning Commission for review, along with the associated County application and fee, in accordance with their subdivision and land development review policy.

§ 501.4. The Borough Planning Commission may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the approved Preliminary Plan.

§ 501.5. Submission of final plan with preliminary plans is discouraged. However, a subdivider or developer may do so at his own risk. The Preliminary Plan must be considered first, but at the discretion of the Planning Commission, both Preliminary and Final Plans can be approved at the same meeting (subject to County and Borough Council approval).

§ 502. Final Plan Requirements.

§ 502.1. All Final Plans for subdivisions and/or land developments shall consist of two basic parts, the Improvement Construction Plan and the Record Plan, and shall comply with the requirements of this Section. Information on the Final Plans should reflect the approved Preliminary Plans and any conditions made in the approval of them.

§ 502.2. Improvement Construction Plan.

- A. Drafting Standards. Construction drawings for public and private improvements, prepared by a registered engineer, drawn at a scale no smaller than one (1) inch equals fifty (50) feet. Four (4) sheets shall be 22 inches by 34 inches (22"x34") in size and seven (7) sized at 11 inches by 17 inches (11"x17"). An index shall be provided for multiple sheets.

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- B. Information to be Shown. Construction drawings shall show the following:
1. Horizontal Plan. The horizontal plan shall show details of the horizontal layout as follows:
 - a. Information shown on the approved Preliminary Plan.
 - b. The beginning and end of proposed immediate and future construction.
 - c. Stations corresponding to those shown on the profiles.
 - d. The curb elevation at tangent points of horizontal curves, at road or alley intersections, and at the projected intersections of the curb lines.
 - e. The location and size of sanitary sewers and lateral connections and water mains with distances between manholes, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.
 - f. The location, type, and size of curbs and all paving widths.
 - g. The location of fire hydrants and street lights.
 2. Profiles. The profiles shall show details as follows:
 - a. Profiles and elevations of the ground along the centerlines of proposed streets.
 - b. Profiles of sanitary sewers with a profile over the sewer of the existing and finished ground surface showing manhole locations beginning at the lowest manhole.
 - c. Profiles of storm drains showing catch basins, inlet, and manhole locations, swales, ditches, or related features.
 - d. Profiles of water mains.
 3. Cross Sections. The cross section for each classification of street shall comply with the Borough's standards and specifications as minimum requirements. It shall show a typical cross section across the road with details of grading and construction as follows:
 - a. The ultimate right-of-way width and the location and width of the cartway.
 - b. The type, depth, and crown of paving.
 - c. The type and size of curb.

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- d. When sidewalks are required, grading of the sidewalk area should be carried to the full width of the ultimate right-of-way.
 - e. The location, width, type and depth of sidewalks, when required.
 - f. The typical locations, size, and depths of sewers and utilities.
 - g. Proposed grading to the ultimate right-of-way line.
4. Construction Detail Drawings. Drawings in sufficient detail shall be provided for all site improvements.
5. Additional Information. The following additional information shall be submitted with the Final Plan.
- a. All required Local, State, and Federal Permits shall be submitted. These permits may include: Washington County, PennDOT, or Borough road access permits; PADEP permits for drainage, stream alteration, wetlands encroachment, water quality discharge, dams, erosion, and sedimentation control, air pollution, or sanitary sewage facilities.
 - b. The following statements shall be required on the Final Plan:
 - i. "The Approved Improvement Construction Plan, a copy of which may be inspected at the Borough Office, has been made a part of the Approved Final Plan."
 - ii. "For access to a highway under the jurisdiction of PennDOT, a highway occupancy permit is required, pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law." Access to the State highway shall be only as authorized by the highway occupancy permit."
 - c. All engineering calculations which support the proposed improvements such as drainage calculations, sanitary facility design calculations, or structural calculations.
 - d. Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry, or PADEP standards.
 - e. Developments utilizing public water or sewer facilities should provide proof that those services will be provided.
 - f. Sewage facilities plan approval from PADEP.

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- g. Approval of the erosion and sediment control plan from the Conservation District.

§ 502.3. Record Plan.

- A. Drafting Standards. Four (4) final plan(s) at 11 inches by 17 inches (11"x17") in size and six (6) sized at 22 inches by 34 inches (22"x34"), in accurate and final form for recording meeting the specifications of the Office of the County Recorder of Deeds. The final plat shall be drawn at a scale no smaller than 100 feet equals 1 inch.
- B. Information to be Shown. The plan, which includes all portions of an approved Preliminary Plan, shall also show:
 - 1. Basic Information, as required for a Preliminary Plan, Section 304.5.
 - 2. Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than 1 part in 5,000.
 - 3. Names or identification of the following:
 - a. Abutting owners.
 - b. All dimensional and technical descriptions of roads.
 - c. Easements.
 - d. Rights-of-way.
 - e. Open space, recreation, and/or other common use areas.
 - f. Other public improvements.
 - g. For land development plans, all additional information pertinent to the location and construction of site improvements, including buildings, walks, parking, driveways, and other related facilities.
 - h. Parcel identification number.
 - 4. All lots deeded to the ultimate right-of-way so that a single deed may be drawn to the appropriate body having jurisdiction for the dedication of streets by the applicant.
 - 5. Evidence that the plans are in conformance with the zoning ordinance and other applicable Borough ordinances and regulations. In any instance where

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such plans do not conform, evidence shall be presented that an exception, waiver, or variance has been officially authorized.

6. The location, material, and size of all existing and proposed monuments or pins with reference to them.
7. Building setback lines with distances from the ultimate right-of-way line, and property lines.
8. Appropriate notes and conditions governing the use or development of the proposed property.

§ 502.4. Certifications. When approved, the Record Plan must show:

- A. The signature and seal of the registered Engineer and Surveyor certifying that the plan represents his/her work; that the monuments shown thereon exist as located; that the dimensional and geodetic details are correct and that the survey has been prepared in accordance with the "Pennsylvania Engineer, Land Surveyor, and Geologists Registration Law," PL 913, No. 367.
- B. The signature of the applicant certifying ownership of the property and intent to record the plan.
- C. The signature of the Borough Zoning Officer, certifying that Borough Council approved the Final Plan on the date shown.
 1. Spaces shall be provided for the signatures of Borough Council whose signatures are required.
 2. Space shall be provided for the signature of the Borough Engineer and Chairman of the Borough Planning Commission.
- D. A blank space or appropriate certification language shall be provided for the Signature Block of the Washington County Planning Commission.

§ 503. Final Plan Review Procedure.

§ 503.1. Final Plans shall be reviewed in accordance with the procedure contained in § 403.

§ 503.2. A Final Plan for an application that has been previously granted Preliminary Plan approval shall be approved by Borough Council when it is assured that:

- A. The Final Plan conforms to the approved Preliminary Plan and any conditions made in the approval of it.

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- B. All engineering and other technical details have been resolved to the satisfaction of the Borough Engineer, as evidenced by a letter from the Borough Engineer, and to the satisfaction of other technical advisors, when requested by Borough Council.
- C. A recommendation is received from the Planning Commission if specifically requested by Borough Council.
- D. All financial security and legal agreements, including a development agreement, have been satisfactorily executed by applicant and found acceptable by Borough Council, under the advice of the Solicitor.
 - 1. When requested by the developer, in order to facilitate financing, Borough Council shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security.
 - 2. The Final Plan shall not be signed, released to the applicant, nor recorded until the financial improvements agreement is executed.
 - 3. The resolution of approval contingent upon a financial security agreement shall expire and be deemed to be revoked if the financial agreement is not satisfactorily executed within 90 days unless a written extension is granted by Borough Council.
- E. The plan complies in all respects with applicable Borough ordinances or that appropriate variances or waivers have been granted for features that do not comply.
- F. All necessary permits and other plan approvals have been obtained from the applicable regulatory agencies, authorities, or departments.

§ 503.3. After the Final Plan is approved, the applicant shall present three (3) paper copies of the plan to the Borough Zoning Officer for signature by Borough Council, including the affixing of the official Borough seal. Digital shape files of the appropriate proposed public improvements and record plan, in a form satisfactory to the Borough, shall also be provided at that time.

§ 504. Recording of Final Plan.

§ 504.1. Within ninety (90) days following Final Plan approval or ninety (90) days following the delivery of the signed plans to the applicant by the Borough or following completion of conditions imposed for such approval, the applicant shall record the Final Plan in the Office of the Recorder of Deeds of Washington County.

- A. In accordance with the Pennsylvania Municipalities Planning Code, whenever Final Plan approval is required by a municipality, the Recorder of Deeds shall not accept

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any plan for recording unless it contains the official approval of Borough Council and certification of review by the County Planning Commission.

- B. Prior to recording, the applicant shall present the approved plan to the Washington County Planning Commission for its files.

§ 505. Other Approvals.

- § 505.1. The applicant is responsible for making the appropriate applications for various federal, state, county, and municipality permits or other approvals from governments or private utilities or service providers. These should be sought in a timely manner that fits into the overall plan review and approval process described in this Article. To the extent that the applicant is required to modify the plan as a result of permits or other approvals, the applicant is still required to comply fully with the Borough Subdivision and Land Development and Zoning Codes.

PART 6
PROCEDURE FOR APPROVAL OF MINOR PLANS, RESUBMISSIONS, AND DE
MINIMUS IMPROVEMENTS

§ 601. Minor Plan Filing Requirements and Review Procedure.

§ 601.1. Minor Plans may be filed and processed only for Lot Line Adjustments, Simple Conveyances, Minor Subdivisions, Mortgage Subdivisions, or Minor Land Developments as characterized herein, in accordance with the standards and requirements in this Section.

§ 601.2. Standards for Qualification as a Minor Plan Submission.

A. Lot line adjustment.

1. A proposal between two abutting, existing, legally approved and recorded lots.
2. A common lot line is proposed to be adjusted in terms of its location or configuration or eliminated.
3. The land area of each lot may be different after adjustment, but the total lot area of the 2 lots will be unchanged.
4. No alteration will occur to the perimeter boundary lines of the 2 lots.
5. Neither lot shall violate the applicable dimensional requirements of the zoning ordinance as a result of the lot line adjustment.
6. Possible reasons for lot line adjustments include, but are not necessarily limited to:
 - a. Correcting errors regarding locations of existing improvements (e.g. if the driveway for Lot #1 is located on Lot #2);
 - b. Relating the line to definitive physical characteristics (e.g. to adjust the line to run along an existing hedgerow);
 - c. Preferences of the landowners involved.

B. Simple Conveyance.

1. A proposal between two abutting, existing, legally approved and recorded lots.
2. A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.

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3. The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
4. The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the zoning ordinance, so that after conveyance, it will remain in compliance with those requirements.
5. The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the zoning ordinance, provided that it shall be deed restricted to the extent that it may not be transferred independently, but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

C. Minor Subdivision.

1. A subdivision proposal which would divide one existing lot into not greater than three (3) lots, each of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.
2. The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Borough requirements for lot frontage and access to a public street for both proposed lots.
3. The existing lot has not been a part of an approved subdivision proposal during the five (5) years previous to the current application.
4. The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines.
5. The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Borough Engineer.
6. Disqualification. The Borough may require standard Preliminary Plan submission in place of a Minor Plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

D. Mortgage Subdivision

1. A subdivision established for the sole purpose of granting separate and distinct mortgages on each parcel within a commonly managed and maintained land development. The individual parcels created as a result of the mortgage subdivision may not individually meet the required yard setbacks, ground cover, limitations, or other bulk and area requirements of the zoning district in which

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the property is situate provided that the applicant documents to the satisfaction of the Borough the following:

- a. The responsibility for the construction, control, and maintenance of development shall be carried at by an entity irrespective of parcels to be established through the mortgage subdivision.
 - b. Irrevocable cross easements shall be established in favor of all parcels created through the mortgage subdivision within the land development as respect to the use, control, and maintenance for the facilities and areas to be used in common so that each parcel becomes an integral of the land development.
 - c. Declaration that the interest of any mortgagee and that of any transferee of the mortgage property upon any default of the mortgage, shall be subject to the obligations and responsibilities as to the facilities and areas to be used in common and the requirements of the cross easements so that such a mortgagee or transferee, in the event of such default or transfer of title to the property, shall be bound thereby.
2. In the event of a subdivision for mortgage purposes, the entire area included within the plan shall continue to be treated by the Borough as a single parcel for the purposes of maintaining compliance with the Zoning Ordinance.

E. Minor Land Developments

1. A land development proposal where it is found that the intended development or modification of a site, or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of the Ordinance.
2. Parking lot expansions.
3. Additions to existing non-residential buildings provided that the addition is less than 2,500 gross square feet and involves no more than a 25% in the size of the existing building.
4. The conversion of a residential dwelling that results in the creation of no more than three (3) new dwelling units.
5. The addition of tenants to an existing non-residential building when minimal structural improvements are required.

§ 601.3. Submission Requirements and Review Procedure

- A. All Minor Plans shall be considered to be Preliminary Plans for the purposes of submission for review and approval, and shall comply with the requirements of Preliminary Plan Submission Requirements and Preliminary Plan Review Procedure.
- B. When a Minor Plan qualifies for approval, or for approval subject to conditions, the Minor Plan may be granted concurrent Preliminary and Final Plan approvals, provided that the plan includes the Final Plan Certifications.
- C. A Minor Plan is not required to include an Improvements Construction Plan or a Record Plan.
- D. A Minor Plan which will require access to a State highway shall provide the "highway access" statement on the plan.

§ 602. Resubmission.

§ 602.1. The Borough may consider changes to plans that are submitted as Preliminary or Final Plans if they are resubmitted in the following manner:

- A. Eleven (11) copies of resubmitted plans must be filed with the Borough Zoning Officer during regular business hours.
- B. The resubmission must be accompanied with a completed resubmission application form.
- C. The applicant shall grant an extension of the ninety (90) day review time as a condition of filing a resubmission that involves substantial changes to the current plan if requested by the Borough.
- D. All plans or other supporting studies or materials being replaced by the resubmission shall be officially withdrawn from the filed application by the applicant and will no longer be considered by the Borough.
- E. Additional review fees may be required by the Borough.

§ 603. De minimis Improvement Process.

§ 603.1. No subdivision or land development approval is needed for a de minimis improvement, as defined in Part 2.

§ 603.2. An applicant who wishes to proceed under these provisions shall submit to the Zoning Officer the following for their review:

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- A. A building permit application setting forth the proposed improvement, the cost thereof, and any changes to be made to the land.
- B. Where the project has a previously recorded land development plan, the applicants must file an amended land development plan for the record.
- C. The Plan, when filed, shall undergo engineering and zoning review to address all zoning issues such as trash enclosures, landscaping, site access, and stormwater management. An escrow shall be established with the Borough to cover appropriate fees for plan review as determined by staff.
- D. Any given building may have no more than three de minimus improvements including the current application, provided that when taken together, they require less than five additional parking spaces and the total footprint of the de minimis additions does not exceed 1,000 square feet.
- E. Upon completion of the appropriate staff review, if the applicant agrees in writing to the conditions, improvements, and/or requirements determined by the review, the application will be approved and the appropriate permits will be issued. In the event that the applicant does not agree with the review conclusions, the application is deemed denied and the applicant may elect to resubmit the application under the standard land development procedures as set forth herein.

PART 7

DESIGN STANDARDS AND IMPROVEMENT SPECIFICATIONS

§ 701. Application and General Standards and Specifications.

§ 701.1. The standards and specifications referenced or contained herein are intended as the minimum for the promotion of the public health, safety and general welfare and to promote the sound development of the Borough. In reviewing and approving all subdivision or land development plans, Borough Council and Planning Commission shall apply them as such.

§ 701.2. Other design requirements as established in the Zoning Ordinance or other Borough ordinances shall be used in addition to the following:

- A. All portions of a tract shall be designated as to its use, such as lots, roads, open space, parking areas, etc.
- B. Applicants shall preserve scenic areas, historic sites, other community assets and landmarks, and natural amenities such as trees and waterways.
- C. Plans shall be designed to avoid excessive disturbance of vegetation and movement of earth.
- D. Development and disturbance of floodplain land areas shall be governed by additional standards contained in this Ordinance, the Borough Zoning Ordinance, and Borough Building Code.
- E. The applicant shall construct, install, and guarantee, at no expense to the Borough or its authorities, all improvements required as part of plan approval, including, but not limited to, streets, curbs, sidewalks, water and sewage facilities, stormwater management facilities, street lights, fire hydrants, road signs, monuments, lot pins, utilities, and shade trees.

§ 701.3. The relationship of the proposed subdivisions or development with previously developed land and undeveloped land in the Borough; the provisions for access to the undeveloped land through any proposed subdivision or, development; the adequacy of existing and proposed sanitary sewers, storm drainage systems, community facilities, park, playground, school and recreation areas; and, conformity to the Comprehensive Plan, to the zoning ordinance, and to other applicable ordinances of the Borough, shall all be considered in the review and approval of any subdivision or Land Development Plan.

§ 701.4. Whenever other Borough regulations, or state laws or statutes, impose more restrictive standards and requirements than those herein, such other regulations shall be observed.

§ 701.5. All subdivision or land development plans shall be prepared to conform to the applicable Design Standards and Improvement Specifications as herein provided and as may be amended from time by the Borough Council of East Washington. In addition, Borough Council reserves the right to require standards in excess of the minimum requirements if warranted to protect the health, safety, and general welfare of the community.

§ 702. Site Organization.

§ 702.1. Proposed land developments and subdivisions shall be designed to address the opportunities and limitations present on a site and its adjacent surroundings. The plan shall use site opportunities to enhance the overall quality of the development and lessen potential negative impacts upon a site and the surrounding community. The physical, social, and psychological needs of the users of the site should be evaluated and appropriately incorporated into the final subdivision layout or site design. The impacts of the proposed development on the natural environment and surrounding land uses shall be given a high priority and made an integral part of the overall design for the land development and subdivision. The following site organization guidelines shall be used:

- A. Site Improvement Layout. The buildings shall be placed in consideration with the site's topography, existing vegetation, and surrounding land uses, taking into account energy conservation, solar access, and pertinent natural features.
- B. Existing Natural Features. Existing natural features should be recognized and integrated into the site layout. Natural features such as streams, hillsides, wetlands, unique habitat, woods, and similar natural resources should be considered strong design determinants and be incorporated into the overall site plan to strengthen the unique quality of the land.
- C. Open Space and Scenic Views. The placement of open space and preservation of scenic views should be a fundamental design decision. Open space lands should provide for a variety of benefits including recreation, natural resource protection, scenic views and vistas, and buffers for site elements and land uses.
- D. Circulation. Movement within a site and access to the site should be designed for the safety and convenience of various types of users. Cross access between properties and joint access are encouraged to improve circulation and improve access safety.
- E. Relationship to Surrounding Uses. The proposed design should complement appropriate surrounding uses through building setbacks, buffers, and separation of uses. Various potential negative impacts upon surrounding land uses including noise, light, and loss of privacy should be mitigated.

- F. Sustainable Development. The development of a site should use methods that reduce energy, water, and fuel consumption needs of the property. Opportunities to utilize renewable energy sources, conserve and reuse water resources, and reduce fuel consumption should be considered.
- G. Health Hazards. The configuration of a subdivision or land development should reduce potential health hazards to the future users of the subdivision or land development and to the community as a whole.

§ 703. Excavation, Grading and Filling.

- § 703.1. No change shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced unless approved in the Preliminary and Final Plan. Such approval shall be based on a plan for minimizing erosion and sedimentation or that a determination has been made that such plans are not necessary.
- § 703.2. Embankments at the sides of streets and cross-section of drainage ditches shall not exceed a minimum slope of one foot (1') horizontally to one foot (1') vertically in a cut section and two feet (2') horizontally to one foot (1') vertically in a fill section. In special cases, the Borough Engineer or Washington County Conservation District may require more rigid standards.
- § 703.3. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Borough Engineer and shall be sufficient to support the street or the adjacent land, as the use may be.
- § 703.4. Where the grade of the street is three feet (3') or more above the grade of the adjacent land, fences or guard rails shall be built to protect travel if required by the Borough Engineer.

§ 704. Standards for Minimizing Erosion and Sedimentation.

- § 704.1. Measures used to control erosion and reduce sedimentation shall, as a minimum meet the standards and specifications of the Washington County Conservation District, the Borough Engineer, or other designated official, shall ensure compliance with the appropriate specifications, copies of which are available from the Washington County Conservation District office.
- § 704.2. The subdivider or developer shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.

§ 704.3. Whenever sedimentation is caused by stripping regulations, grading or other development, the developer shall be responsible for such sedimentation. Such sedimentation shall be removed from all adjoining surface, drainage systems and watercourses and any damage caused thereby shall be repaired at the developer's expense as quickly as possible.

§ 705. Flooded Areas and Drainage.

§ 705.1. Portions of land which are poorly drained or subject to periodic flooding, shall not be developed or subdivided for residential occupancy or for any uses which may involve danger to health, safety, and general welfare of the community. Where flood control studies have been conducted by the U.S. Army Corps of Engineers, such results shall be utilized in determining developable land.

§ 705.2. All lots, tracts, or parcels shall be graded to provide proper drainage away from structures and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding.

§ 705.3. All drainage provisions shall be of such design to adequately handle the surface run-off and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from structures, they shall be sodded or planted as required, and shall be of such slope, shape and size, as to conform with accepted engineering practices.

§ 705.4. Concentration of surface water run-off shall only be permitted in swales or watercourses. In all instances where a plan lays along municipal boundaries, or where drainage may be directed onto a contiguous municipality, due regard must be given to the regulations and property rights of such affected area.

§ 706. Subsidence.

§ 706.1. Land subject to subsidence or underground fires, either shall be made safe for the purpose for which it is to be used, or such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.

§ 707. Streets and Alleys.

§ 707.1. The location and width of all streets shall conform to the "Official Map" or to such parts thereof, as may have been adopted by the Borough.

§ 707.2. All streets shall be constructed in accordance with Borough or Pennsylvania Department of Transportation specifications.

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- § 707.3. The proposed street system shall extend existing or recorded streets at same width, but in no case at less than the required minimum width, and be so located or to allow proper development of surrounding properties.
- § 707.4. Where a subdivision or land development abuts an existing street of improper width or alignment, the Borough Planning Commission may require the dedication of land sufficient to widen the street, or correct the alignment.
- § 707.5. Minor streets shall be laid out so as to discourage through traffic. Connector and collector streets should be provided to adequately provide for the expected flow of traffic from minor streets.
- § 707.6. Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- § 707.7. Proposed streets shall be planned suitable to the contour of the land, to provide buildable lots, to have a suitable alignment and grade, and to be able to drain properly in accordance with the standards hereinafter established or established by other ordinances.
- § 707.8. Half or partial streets will not be permitted.
- § 707.9. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. Where a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
- § 707.10. Streets shall be laid out to intersect as nearly as possible as right angles. In any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two (2) streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety and suitable curbs, barriers, signs and other devices may be required. Streets entering opposite side of another street shall be laid out directly opposite one another.
- § 707.11. Street and driveway intersections with arterial streets shall not be so numerous nor so close to each other as to impede the flow of traffic on the arterial street or as to create a safety hazard on the arterial street.
- § 707.12. Dead-end streets shall be prohibited except as stubs to permit future street extension into tracts or when designed as cul-de-sacs of less than eight hundred feet (800') in length. The terminus of a dead-end street shall be a circular turn-around having a minimum radius to the outside edge of the paving or curb of fifty feet (50') and right-of-way having a minimum radius of sixty (60) feet.

§ 707.13. Alleys may be permitted under special circumstances in residential areas but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots if no other provisions are made for adequate service access or for parking.

§ 707.14. Clear sight triangles shall measure a minimum distance of seventy-five feet (75') along street center lines from their point of junction at all intersections; no structure or other obstructions to vision shall be permitted.

§ 707.15. No vacation of any street or part of a street dedicated for public use shall be approved if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

§ 708. Street Construction Standards.

§ 708.1. Minimum street right-of-way and pavement specification shall be outlined in Table A.

§ 708.2. Additional right-of-way and cartway widths may be required by the Borough Planning Commission for the purpose of promoting the public safety and convenience, or to provide parking in commercial and industrial areas and in areas of high density residential development.

§ 708.3. Bituminous or macadam streets shall crown at the center line to a slope of one-quarter inch (1/4") to one foot (1'); concrete streets shall crown at the center line to a slope of one-eighth inch (1/8") per foot; alleys shall be dishd to the center line at a slope of one-quarter inch (1/4") per foot for bituminous or macadam paving and one-eighth inch (1/8") per foot for concrete paving.

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Table A. Minimum Improvement Standards for Streets and Crosswalks

	Arterial	Collector	Minor	Marginal Access	Alleys	Cross-walks
RESIDENTIAL AREA						
Right-of-way	90’	60’	50’	40’	20’	10’
Paving:						
Width	44’	40’	34’	18’	18’	
Base	8”	8”	8”	8”	8”	-----
Surface	8”	2”	2”	2”	2”	2”
Street name signs:						
Locations	One at each intersection					
BUSINESS AREA						
Right-of-way	80’	70’	-----	40’	20’	
Paving:						
Width	44’	44’	-----	20’	20’	
Base	8”	8”	-----	8”	8”	
Surface	8”	6”	-----	6”	6”	
Sidewalks:*						
Width	10’	10’	-----	4”	-----	-----
Thickness	4”	4”	-----	4”	-----	-----
Street name signs:						
Locations	One at each intersection					
INDUSTRIAL AREA						
Right-of-way	80’	70’	-----	40’	20’	
Paving:						
Width	44’	44’	-----	20’	20’	
Base	8”	8”	-----	8”	8”	
Surface	8”	6”	-----	6”	6”	
Street name signs:						
Locations	One at each intersection					
ALL AREA						
Min. sight distance	550’	305’	200’	200’	100’	-----
Min. center line radius	605’	400’	200’	200’	200’	----
Max. grade	7%	10%	10%	10%	10%	-----

* Sidewalks are included within the right-of-way width above specified for arterial streets in business districts.

§ 708. Street Grades.

§ 708.1. Street grades shall conform as closely as is practicable to the grades specified in Table A.

§ 708.2. Streets shall have a grade not to exceed four percent (4%) for a distance within twenty-five feet (25') of the street right-of-way line of any intersecting street.

§ 709. Horizontal and Vertical Curves.

§ 709.1. Proper sight distance must be provided with respect to horizontal and vertical alignment. Measured along the center line five feet (5') above grade, horizontal curves shall be provided to permit the following minimum sight distance:

- A. Minor Streets: One hundred feet (100')
- B. Collector and Connector Streets: Two hundred feet (200')
- C. Arterial Streets: Four hundred feet (400')

§ 709.2. Measured along the center line five feet (5') above, grade, vertical curves shall be provided to permit the following minimum sight distances:

- A. Minor Streets: One hundred feet (100')
- B. Collector and Connector Streets: Two hundred feet (200')
- C. Arterial Streets: Four hundred feet (400')

§ 710. Shoulders.

§ 710.1. Street shoulders shall be constructed at the direction of the Borough Engineer on arterial and collector Streets.

§ 710.2. Shoulders, where required, shall be six feet (6') wide and constructed with the same material as specified for the base of the arterial or collector streets in Table A. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the finished grade of the pavement.

§ 711. Intersections.

§ 711.1. Streets shall intersect as nearly as possible at right angles. No more than two (2) streets shall intersect at the same point.

§ 711.2. Intersections with collector or arterial streets shall be located not closer than one thousand feet (1,000') apart, measured from center line to center line, along the center line of the major street.

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§ 711.3. Street curb intersection where curbs are installed, shall be rounded by a tangential arc with a minimum radius of:

- A. Twenty-five feet (25') for intersections involving only minor streets:
- B. Thirty feet (30') for all intersections involving a connector or collector streets; and
- C. Forty feet (40') for all intersections involving an arterial street:

§ 711.4. Intersections shall be separated by a distance of not less than one hundred fifty feet (150') or measured from center line to center line along the street common to both intersections. Minor, collector and connector streets shall not empty into arterial streets at intervals of less than eight hundred feet (800')

§ 712. Street Names and Lot Numbers.

§ 712.1. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.

§ 712.2. In no case shall the name of a proposed street duplicate or be phonetically similar to an existing street name in either the Borough or the postal district in which located. The subdivider or developer shall submit the proposed street names to the Borough Planning Coordinator at the time preliminary discussions are held, prior to filing a Preliminary Plan.

§ 712.3. All street names shall be subject to the approval of the Borough Council.

§ 712.4. All lot numbers shall be assigned and approved prior to filing the Final Plan.

§ 713. Crosswalks.

§ 713.1. Crosswalks within a ten foot (10') easement shall be provided for pedestrian circulation through blocks of over eight hundred feet (800') in length, and shall be paved five feet (5') in width.

§ 713.2. Crosswalks and their transition to adjacent sidewalks shall be designed to facilitate access and use by persons that are physically disabled, in compliance with the American with Disabilities Act.

§ 714. Sidewalks.

§ 714.1. Sidewalks shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas. Sidewalks shall be constructed in accordance with Borough specifications as shown in Table A.

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- A. Sidewalk construction shall conform with standards developed under the Americans with Disabilities Act.
- B. The sidewalk shall be built as to discharge drainage to the street, the grade of which shall be one-fourth (1/4") inch per foot. The finished grade between the outside of the sidewalk to the curb line (edge of the cartway) shall never exceed a total vertical elevation change of one (1') foot.
- C. Expansion joints shall be placed every thirty (30') feet, with contraction joints every five (5') feet at a minimum of one (1") inch in depth. Additional expansion materials shall be placed between any curb and driveway apron and in the sidewalk at drive way limits. A contraction joint shall be cut between the sidewalk and apron.
- D. All sidewalks shall receive a broom finish unless otherwise approved by the Borough.
- E. An access ramp for physically disabled persons shall be placed at all sidewalk intersections with roads.

§ 715. Driveways.

- § 715.1. Driveways on corner lots shall be located at least fifty feet (50') from the point of intersection of the nearest street right-of-way lines and at least two feet (2') from any property line.
- § 715.2. In order to provide a safe and convenient means of access grades of all driveways shall not exceed twelve percent (12%).
- § 715.3. Driveways may extend from the right-of-way of the street to the cartway of the street, but shall not change the grade or contour of the street right-of-way, nor shall any person cut into, fill, or in way alter any gutter, curbing, drainage ditch or storm sewer, within the right-of-way of a street or easement for the purpose of extending a driveway, or for any other purpose, without first obtaining a permit thereof.
- § 715.4. Driveway shall have a minimum paved width twenty feet (20') and a maximum paved width of thirty-five feet (35') in commercial and industrial districts, excluding any parking bay or turn-around.
- § 715.5. Driveways shall have a minimum surfaced width of ten feet (10') and a maximum surfaced width of twenty feet (20') in residential districts, excluding any parking bay or turn-around.
- § 715.6. All curb cuts shall be properly constructed in accordance with State or Local regulations and to the satisfaction of the Borough Engineer when curbing is provided.

§ 715.7. Driveways shall not be constructed in such a way as to create a drainage problem on an adjacent property.

§ 716. Curb Construction.

§ 716.1. Curbing shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas.

§ 716.2. All curbing shall be constructed both as to materials and methods, generally, in conformance with applicable portions of PennDOT Specifications Publication 408, current edition. Curbs shall be vertical profile with a minimum of twenty-four inch (24") structure height, six inches (6") in width, with a seven inch (7") reveal. Expansion joints shall be placed every thirty (30') feet, at structures and at the end of the day's work. Contraction joints shall be saw cut every ten (10') feet at a minimum of two (2") inches. Concrete shall be a minimum 4,000 psi in compression strength. Intersections where sidewalks are to be provided at some point in the future shall have depressions for wheel chair use at each corner and opposite each corner on "T" intersections.

§ 716.3. Handicap accessible curb cuts that meet the requirements of the American Disabilities Act shall be installed at all intersections where sidewalks are provided or proposed.

§ 717. Blocks and Lots.

§ 717.1. The length, width and shape of blocks shall be determined with due regard to:

- A. Provision of adequate sites for buildings of the type proposed;
- B. Zoning requirements; and
- C. Topography

§ 717.2. No block shall be longer than one thousand two hundred feet (1,200') nor less than five hundred feet (500'), except in unusual circumstances. Where a subdivision adjoins a major highway, the greater dimension of the block shall front along such major highway to minimize the number of points of ingress or egress.

§ 717.3. Land shall be suited to the purpose for which it is to be subdivided whether for residential, business or industrial use.

§ 717.4. Land unsuited for development which would entail hazards to life, health or property or would be uneconomic to provide with public services shall not be subdivided. Steep areas having slopes of twenty-five percent (25%) or more and land subject to flooding shall not be subdivided unless such deficiencies can be eliminated.

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- § 717.5. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- § 717.6. All side lines of lots shall be at approximate right angles to straight liner and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Lots with double frontage will be avoided.
- § 717.7. All requirements of the Zoning Ordinance shall be followed.
- § 717.8. Lots shall be laid out so as to provide the possibility of positive drainage away from buildings, water wells and sewage disposal field, (including those located in contiguous municipalities), when developed.
- § 717.9. In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon recommendation of State. County and Borough Health Authorities, the Borough Council may require larger lot widths and lot areas than might otherwise be necessary.
- § 717.10. No corner lot, shall have a width at the building line of less than twenty-five feet (25'). Either of the two (2) sides of a corner lot fronting on a street may be designated the front of a lot, provided the rear yard shall always be opposite the frontage so designated.
- § 717.11. All corner lots, whether they are located at the intersection of the right-of-way of two (2) streets or of any alley and a street, shall have a curve with a minimum radius of twenty-five feet (25') adjoining the two (2) sidelines of said rights-of-way.
- § 717.12. Business or industrial lots shall be of such size and shape as may be suitable for their prospective use and to provide sufficient space for off-street parking and loading, and water supply and sanitary sewage disposal (if either or both are to be provided by individual on-lot facilities). The minimum lot dimensions shall be as approved by the Borough Council, and compatible with the Borough Zoning Ordinance.
- § 717.13. Every lot shall abut on a street, except that a subdivision of not less than five (5) acres divided into not more than three (3) lots served by a private right-of-way of not less than fifty feet (50') in width which private right-of-way shall not serve any other tract of land, may not, in the discretion of the Borough Council, abut on a street.
- § 717.14. If remnants of land exist after subdividing they shall be suitably incorporated in existing or proposed lots, or they may be dedicated to public use if acceptable for such public use, as determined by Borough Council.

§ 719. Public Facilities and Open Space.

- § 719.1. Borough Council shall determine the need for additional community facilities to serve the proposed subdivision or land development.
- § 719.2. Where identified in the Borough's Comprehensive Plan, official map, or otherwise deemed essential by Borough Council upon consideration of the particular type of development proposed, and especially in large-scale residential developments, Borough Council may seek the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks, roads, emergency services, and other facilities to service the community.
- § 719.3. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, related activity areas, landscaping, and off-street parking as appropriate to the use proposed.
- § 719.4. Open space shall protect the environmental, scenic, historical, and cultural features of the Borough and shall be preserved in accordance with the following standards and principles:
- A. Open space shall be consistent with the plans and proposals outlined in the Borough's adopted park and open space plan. Borough Council shall review the consistency of the proposed open space with the recommendation of the Borough Planning Commission.
 - B. Open space shall connect to permanently preserved land on abutting property, if possible, including provisions for access ways for general public use to permit residents safe and easy access to open space.
 - C. Open space areas shall be contiguous, except that two or more separate open space parcels may be connected by other legal public access means.
 - D. Open space shall have frontage on a public or private road or easement capable of providing suitable grade for access to the open space from the roads for maintenance vehicles and equipment traffic.
 - E. Open space may include land within utility corridors only if the utility companies having legal rights to these corridors do not prohibit their use for such purposes.
 - F. Open space shall have the physical characteristics capable of serving the purposes intended for such areas including recreational use.
 - G. Open space shall be visible from dwelling units and roadways.

H. Open space shall protect environmentally sensitive and/or aesthetic features and be landscaped to provide sufficient screening or buffer areas to minimize any negative impacts from or upon adjacent development.

§ 719.5. All land held for open space shall be so designated on the plans. Final plans shall clearly indicate the manner in which open space will be owned and administered. Written notice of any proposed transfer of open space shall be given to the Borough for approval no less than thirty (30) days prior to such event.

§ 720. Easements

§ 720.1. Easements may be required along rear and side lot lines and across lots where engineering design or special conditions may necessitate the installation of water, sewer or other utility service lines. The width of such easements shall conform to requirements as determined by the authorities having jurisdiction and the Borough Council or as herein provided.

§ 720.2. Easements with a minimum width of fifteen feet (15') shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

§ 720.3. To the fullest extent possible, easements shall be centered on, or adjacent to, rear, or side lot lines.

§ 721. Drainage

§ 721.1. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all low points along the line of streets and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

§ 721.2. In the design of storm sewage installation, special consideration shall be given to the avoidance of problems which may arise from concentration of storm water over adjacent properties.

§ 721.3. Drainage ditches or channels within street rights-of-way shall be installed with a consideration for traffic safety; no such ditch or channel shall be installed at an elevation more than three feet (3') below the elevation of the adjacent street paving edge.

§ 721.4. Drainage ditches or channels shall have a minimum gradient of one percent (1%).

§ 721.5. Where existing storm sewers are reasonably accessible, proposed developments or subdivision shall be required, if necessary, to connect therewith.

- § 721.6. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided or developed, but also the anticipated increase in runoff that will occur on property at a higher elevation in the same watershed as fully developed.
- § 721.7. Where land is traversed by a watercourse, drainage-way, channel, or streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage-way shall be subject to the approval of the PA Department of Environmental Protection.
- § 721.8. Appropriate grates shall be designed for all catch basins, storm water inlets and other entrance appurtenances.
- § 721.9. All storm drainage facilities constructed along or crossing State or Borough roads shall conform to the applicable requirements of the Pennsylvania Department of Transportation specifications related to such drainage facilities.
- § 721.10. Fills along or changes to embankments, dams, channel changes, construction and excavations near all natural streams, watercourses, and water bodies, shall be in accordance with the Dam Safety and Encroachments Act, 1978, Nov. 26, P.L. 1375, No. 325, as amended.
- § 721.11. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the line of such water course, and such further width or construction, or both as will be adequate for the purpose.
- § 721.12. Any subdivider or developer who proposes any change or addition to any existing water obstruction, or a change in the course, current, or cross-section of any stream water, shall first have obtained a permit from PADEP in accordance with Chapter 105 of the PA Code.

§ 722. Utilities and Other Improvements.

- § 722.1. Every lot in a subdivision shall be capable of being served by utilities, and easements acceptable to the utility companies shall be provided.
- § 722.2. To the fullest extent possible, under-ground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas and in any case be installed prior to the placement of any paving.

§ 722.3. Trees shall also be planted along the streets and the location and types of trees must meet the approval of the Borough Council.

§ 723. Water Lines and Water Supply.

§ 723.1. The subdivider or developer shall construct a system of water mains and provide connection to public water supply for each lot or new development.

§ 723.2. Sizes of water mains and individual connection lines shall be determined by the Borough Engineer.

§ 724. Disposal of Sewage.

§ 724.1. Each property shall connect with an approved public sewer system. The developer shall install the sewer lines, including lateral connections as may be necessary to provide adequate service to each lot.

§ 724.2. All plans submitted for approval must show sanitary drains separate from all other drains. All plans, designs and data of any new sewer system, or for extension of or tapping into any existing sewer system, shall be submitted to the Pennsylvania Department of Environmental Protection, for its approval before the same are constructed, erected or acquired. All construction will be in accordance with the Clean Streams Law, P.L. 1987, Act 394 of 1937, as amended, and/or as specified and detailed by the Borough.

§ 725. Monuments.

§ 725.1. Permanent monuments shall be accurately set and established at the intersections of all outside boundary lines of the plan; at intersections of these boundary lines with all street lines at diagonally opposite corners of each street intersection; at the beginning and end of all curves; at all points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plan except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. Monuments shall consist of one inch (1") iron pins or other approved type of monuments. Monuments of substantial design, such as pipe encased in concrete filled six inch (6"), or larger vitrified clay or concrete drainage sections; shall be installed at critical locations as prescribed by the Borough Engineer.

PART 8
ACCEPTANCE OF IMPROVEMENTS

§ 803. Applicability.

§ 803.1. Before the Final Plan is signed and made ready for recording or prior to the issuance of any permits needed for construction or occupancy of any subdivision or land development, all applicants are required to complete to the satisfaction of Borough Council or ensure the completion of all required public improvements in manner set forth in this Part.

§ 804. Completion or Guarantee of Required Improvements.

§ 804.1. Prior Installation. Complete all of the improvements required by Borough Council for Final Plan Approval, in compliance with the requirements of this Ordinance; or

§ 804.2. Bond Requirements.

- A. Provide proper financial security in a manner acceptable to the Borough to ensure the completion of all improvements, as required by this Article, in compliance with the Pennsylvania Municipalities Planning Code.
 1. The work completed or guaranteed shall be in strict accordance with the conditionally-approved plans and the requirements of this Ordinance.
 2. No lot in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been completed or guaranteed for completion as required herein.
 3. The applicant shall also guarantee that no lot will be sold or building constructed in any floodplain area except in compliance with the floodplain management requirements of this Ordinance, the Zoning Ordinance, and the Borough Building Code.
 4. Borough Council may defer at the time of Final Plan approval, subject to appropriate conditions, the provision of any or all required improvements, as in its judgment, are not requisite in the interests of public health, safety and welfare, or which are inappropriate due to the inadequacy or nonexistence of connecting facilities. A separate public improvement agreement may be executed by Borough Council guaranteeing completion of any deferred improvement at some later date.

- B. Such guarantee will be held subject to the condition that all the improvements will be completed within twenty-four (24) months after the approval of the final plan, and in the event they are not completed, the Borough shall proceed with the work and hold the owner and the bonding company responsible for the costs thereof.

§ 805. Financial Security.

- § 805.1. In lieu of the completion of improvements required for Final Plan approval, financial security, in an amount required, shall be guaranteed to the Borough in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code. Such financial security shall assure the complete installation of all the required improvements to be completed on or before the date fixed in the conditional plan approval, subdivision agreement, and/or development agreement for completion of such improvements.
- § 805.2. The amount of such security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the required financial security by comparing the actual cost of improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after the original scheduled date for completion or a rescheduled completion date.
- § 805.3. Determination of the cost of the completion of improvements used for setting the amount of financial security shall be based upon an estimate of the cost of completion of required improvements submitted by the applicant or developer, and prepared by a professional engineer and certified to be fair and reasonable. The Borough under recommendation of the Borough Engineer may refuse to accept the estimate for good reasons provided to the applicant. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer which is mutually chosen by the Borough and the applicant. The estimate certified by the third engineer shall be presumed to be fair and reasonable and shall be the final estimate.
- § 805.4. When requested by the applicant in order to facilitate financing, the Borough Council shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security. Final Plans will not be signed or recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by Borough Council .
- § 805.5. The Borough at its option, may accept financial security in the form of cash escrow placed with the municipality, irrevocable letter of credit, escrow account, or surety bond

with a bonding company or chartered lending institution chosen by the party posting financial security provided said institution or company is authorized to conduct such business in the Commonwealth of Pennsylvania.

§ 806. Release of Financial Security

§ 806.1. Release from Improvements. Release from improvement bond or other guarantee of completion of improvements shall be by the following procedure:

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of required improvements and shall send a copy thereof to the Borough Engineer.
- B. Within ten (10) days after receipt of such notice, the Borough Council shall direct and authorize the Borough Engineer to inspect all required improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council and shall promptly mail a copy of the same to the developer, by certified or registered mail. Said report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- C. The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing, by certified or registered mail, of the action of said body with relation to said report. If the Borough Council or Borough Engineer fails to comply with time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond.

If any portion of required improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure as outlined herein shall be followed. Nothing herein, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Borough Council or Borough Engineer.

- D. Partial Release of Security. As the work of the installation of the required public improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for the payment of the contractor or contractors

performing the work. Any such request shall be done in writing addressed to the municipality. Upon receipt of the request for release of a portion of the improvement security, the municipality shall within forty-five (45) days allow the Borough Engineer to certify, in writing, that such portion of the public improvements has been completed in accordance with the approved plan at which time the Borough shall authorize the release to the applicant or his designee by the bond company or lending institution of an amount of funds that the Borough Engineer feels fairly represents the value of the work completed. If the municipality fails to act upon a request for release of security within forty-five (45) days, the Borough shall be deemed to have approved the full release of security as requested.

- E. Incomplete Improvements. If the required improvements are not completely installed within the period fixed or extended by Borough Council, Borough Council may take one or more of the following actions:
1. Declare the financial security in default and require that all improvements be installed regardless of the extent of the building development at the time the agreement is declared in default;
 2. Suspend Final Plan approval until the development improvements are completed and record a document to that effect for the purpose of public notice;
 3. Obtain funds under the security and complete improvements;
 4. Assign the right to receive funds under the security to any third party, including a subsequent owner of the property wherein improvements were not completed in exchange for that subsequent owner's promise to complete improvements;
 5. Exercise any other available rights under the Pennsylvania Municipalities Planning Code.
- F. Post-Completion Security. The applicant shall be responsible for maintenance of all improvements for a period of eighteen (18) months after final acceptance and certification of project completion.
- G. Landscaping Security. The applicant shall be responsible for the full replacement of all dead or diseased trees or shrubs for eighteen (18) months after final acceptance and certification of project completion. Final inspection of landscaping shall be performed while trees are fully leafed out— typically May 1 through November 1.

§ 807. Inspection of Work and Materials.

§ 807.1. Inspection Procedure During Construction. No improvements shall be made or approved by the Borough Council except in accordance with the following procedure:

- A. Forty-eight (48) hours before the developer is ready to prepare the subgrade of the road, he shall notify the Borough Engineer, in writing.
- B. Forty-eight (48) hours before the developer is ready to lay the slap or ban of a road, he shall notify the Borough Engineer, in writing, so that the Engineer can make periodic inspections during the course of installation.
- C. The developer shall notify the Borough Engineer, in writing, after the water lines and sanitary sewers are laid but forty-eight (48) hours before they are covered over for the Engineer's inspection.
- D. Forty-eight (48) hours before the developer is ready to put the top or final coat on the road, he shall notify the Borough Engineer to make his final inspection. No final paving shall be permitted until such inspection has been made and approval to proceed has been granted.
- E. The Borough Engineer shall make an inspection of the completed road, sewers drains, fire plugs, drainage facilities, and other required improvements.
- F. If the installations conform to the requirements under the ordinances of the Borough and to the agreement specified in §104(4), the Borough Engineer, after his inspection, shall furnish to the Solicitor and Council, a written statement to that effect.
- G. The Borough Engineer shall furnish to the Solicitor a description of the road and of the grade at center line, and the Solicitor will thereupon, or upon request of the developer, prepare an ordinance or resolution for the adoption of the road as a Borough road.
- H. Where it is contemplated that any street in a partially completed plan of lots may be extensively used by heavy vehicles hauling building materials and equipment, and where such street, if completed, may be damaged during the course of construction of a number of houses, the Borough may require the developer to complete the homes or a substantial number of them, prior to the final paving of the street.
- I. The inspection of sanitary sewer installations shall be in accordance with the procedures of the applicable sanitary authority with any required notices also being submitted to the Borough Engineer.

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§ 807.2. Inspection Fees. The applicant, developer, or builder shall pay the reasonable and necessary expenses for inspections in accordance with the fee schedule established by resolution of Borough Council.

§ 807.3. Improvement Specifications. All required road improvements should be constructed in accordance with the applicable provisions of the PADOT, Form 408, current edition, including the latest revisions and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in Articles Four, Five, and Six of this Ordinance. If the appropriate standards are not provided in this Ordinance, the following procedures shall be used.

- A. Specifications. The specifications will be furnished to the applicant by the Borough. If any of the specifications are unavailable at the Borough Office, the Borough Engineer shall provide the applicable specifications.
- B. Sample of Materials. During or after construction of any required improvement, if the Borough requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Borough Engineer.

§ 807.4. Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a Borough right-of-way or easement or in areas proposed for future dedication to the Borough shall be supplied to the Borough.

§ 808. Conditions of Acceptance

§ 808.1. Conditions. The Borough shall have no obligation to accept dedication of any street or other improvement unless:

- A. The required improvements, utility mains and laterals, and monuments, shown on the approved plan or plans have been constructed to meet all requirements, and are free of defects or deterioration.
- B. It is established to the satisfaction of Borough that there is a need for the dedication of improvements.

§ 808.2. Acceptance. The Borough shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by the Borough through the passage of an ordinance (or resolution) adopted by Borough Council.

§ 808.3. Offer of Dedication

- A. The applicant shall submit a written offer of dedication to the Borough for the streets or other improvements, including the following:
 - 1. A Deed of Dedication covering the improvements.
 - 2. A copy of a title insurance policy establishing the applicant's clear title to the property.
- B. The items required above shall be submitted to the Borough Engineer and Solicitor for their review and recommendations.
- C. Borough Council may accept dedication of the streets or other improvements by passing an ordinance (or resolution) to that effect.

§ 809. **Guarantee of Completed Improvements.**

- § 809.1. When Borough Council accepts dedication of required improvements following their completion or certifies project completion, Borough Council may require posting of financial security by the applicant to secure the structural integrity and functioning of these improvements in accordance with the design and specifications as depicted on the approved Final Plan.
- A. Said financial security shall be of the same type as otherwise required by Section 805, herein.
 - B. The amount of financial security shall be fifteen (15 %) percent of the actual cost of installation of the improvements.
 - C. The term of the guarantee shall be eighteen (18) months from the date of acceptance of dedication or certification of project completion.

§ 810. **Private Maintenance of Improvements.**

- § 810.1. Where the maintenance of improvements is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, Borough Council shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable manner.

§ 811. Required Contracts.

§ 811.1. Before Borough Council shall cause its approval to be endorsed upon the Final Plans of any subdivision or land development (except in the case of minor subdivisions wherein Borough Council may impose no condition or conditions for the approval of the plan), and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Borough in the manner and form set forth by the Borough Solicitor which shall include but not be limited to the following:

- A. To construct or cause to be constructed or installed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, street lights, stormwater facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, landscaping, line painting, and other improvements shown the Final Plan when required to do so by Borough Council in accordance with the standards and specifications of the Borough.
- B. To maintain at the owners' expense all streets, curbs, sidewalks, stormwater facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, street lights, capped sewers, line painting, landscaping, and other improvements, until the same are accepted or condemned by the Borough for public use, and for a period of eighteen (18) months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by Borough Council as necessary by reason of faulty construction, workmanship, or materials, or the structural integrity or functionality of the improvements are not satisfactory as determined by the Borough or Borough engineer.
- C. To pay all costs, charges, or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Borough by ordinance (or resolution) , and to indemnify and hold harmless the Borough from and against all suit, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Borough in the manner hereinabove set forth.
- D. Pay the inspection fees required by the Borough.
- E. To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or other-wise, of the street,

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drainage facility or other improvements and such releases shall insure to the benefit not only of the owner of the subdivision but to the Borough as well.

- F. To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.
- G. To promptly reimburse to the Borough reasonable Solicitor's and Engineers' fees.
- H. To provide in a timely manner, all construction and shop drawings and plans including a full set of "as built" plans in paper and in appropriate electronic format as specified by the Borough Engineer.
- I. Such other provision(s) as deemed necessary or desired by Borough Council.

PART 9
ADMINISTRATION AND ENFORCEMENT

§ 901. General Administration.

§ 901.1. All provisions of this ordinance shall be administered by Borough Council or their officially designated representatives. All matters relating to this ordinance shall be submitted to the Borough Zoning Officer who will handle the matter in accordance with current Borough policies, procedures, and guidelines established by Borough Council.

§ 902. Records.

§ 902.1. The Borough shall keep a public record of its correspondence, findings, recommendations, and actions relating to plans filed for review, in accordance with the policies, procedures, and guidelines established by Borough Council and Planning Commission.

§ 903. Fees.

§ 903.1. No application for preliminary or final plan approval shall be filed and processed until the fees and/or escrow deposit, as set forth below, shall have been paid.

§ 903.2. Borough Council shall adopt and amend by resolution a schedule of fees, payable by the applicant to the Borough for the filing of preliminary and final plans.

§ 903.3. Borough Council shall adopt and amend by resolution a schedule of escrow deposits to be paid by the applicant to the Borough at the time of the filing of an application, sufficient to pay all Borough expenditures anticipated in the course of its review and disposition of plans.

A. Costs incurred by the Borough in excess of the escrowed amount shall be paid by the applicant prior to the granting of approvals or permits.

B. If costs incurred by the Borough are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.

§ 903.4. Borough expenditures subject to escrow as in Section 903.3, above, include but are not limited to the following:

A. Engineering and other technical services performed by landscape architects, geologists, planners, and other professionals during the plan review.

B. Construction inspection and the testing of materials.

C. Services of the Borough Solicitor in reviewing and/or preparing documents related to the plan reviews.

- D. Actual costs of recording
- E. An administrative charge of fifteen (15%) percent of the total costs described in the previous four subsections.

§ 903.5. Escrow accounts for fees to conduct the necessary inspection and review services provided by the Borough during the construction of improvements approved in the final plan shall be established as part of the developers agreement required in 0.

§ 903.6. Disputes. In the event that the applicant disputes the amount of any such review fee, the applicant shall, within forty-five (45) days of the billing date or the notice of withdrawal by the Borough of an amount held in escrow, notify the Borough and their consultant that the fees are disputed. In such case the Borough shall not delay or disapprove a subdivision or land development due to the applicant's request regarding disputed fees. The applicant shall within thirty (30) days after the transmittal date of a bill for inspection services or forty-five (45) days of the date of transmittal of a final bill for inspection services, notify the Borough and their professional consultant that the fees are disputed. The fee dispute process established in the Pennsylvania Municipalities Code generally includes following steps:

- A. In the event that the Borough and the applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the Borough and applicant shall jointly by mutual agreement, appoint another professional consultant serving as arbitrator to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within fifty (50) days.
- B. Appropriate payments or reimbursements shall be made within 60 days following the decision by the arbitrator.
- C. If the Borough and applicant cannot agree on an independent professional consultant to serve as arbitrator within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located shall appoint an engineer who shall be neither the Borough engineer or any professional engineer who has been retained by, or performed services for the Borough or applicant within the preceding five (5) years.
- D. The fee of the appointed arbitrator shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment is less than the original bill by \$5,000 or more, the arbitrator may require part or full payment from the applicant or professional consultant. In all other cases, the consultant and Borough should each pay one half of the fees of the professional engineer.

§ 904. Modifications.

§ 904.1. Upon review and recommendation by the Borough Planning Commission, Borough Council may grant a modification of the requirements of one or more provisions of this ordinance, if the literal enforcement of them would exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification(s) will not be contrary to the public interest and that the purpose and intent of this ordinance is observed. All requests for modification(s) shall:

- A. Be in writing and part of an application for subdivision and/or land development;
- B. State the grounds and facts of unreasonableness or hardship on which the request is based or the public benefit of an alternative design standard;
- C. List the provision(s) of the Ordinance involved; and
- D. State the minimum modification necessary.

§ 904.2. In any instance where the Borough Council is required to consider a modification to the Subdivision and Land Development Ordinance, Borough Council shall, among other things:

- A. Determine that there are special circumstances or conditions fully described in the finding applying to the land or buildings for which the exception is sought, which circumstances or conditions are such that the application of the provisions of this Part 1 would deprive the applicant of the reasonable use of such land or building.
- B. Be guided in its study, review and recommendation by sound standards of subdivision and land development practice.
- C. Determine that the proposed exception will serve the best interest of the Borough of East Washington, the convenience of the community, and the public welfare.
- D. Impose such conditions, in addition to those required, as are necessary to assure that the intent of this Article is complied with, which conditions may include, but are not limited, to harmonious design of buildings, planting and its maintenance as a sight or sound screen the minimizing of noxious, offensive or hazardous elements, adequate standards or parking, and sanitation.
- E. Determine that the unique circumstances for which the exception is sought were neither created by the owner of the property, nor were due to or the result of general conditions in the Zoning District in which the property is located.
- F. Not consider financial hardship as the basis for granting an exception.

§ 904.3. Council shall keep a written record of all action on all requests for modifications.

§ 905. Appeals and Challenges.

§ 905.1. Reconsideration. Any subdivider or land developer aggrieved by a finding, decision, or other action of Borough Council regarding this Article, may request and shall receive an opportunity to appear before Council, to present additional relevant information and request, in writing reconsideration of the original finding, decision or action.

- A. Appeals shall be decided within a reasonable time, not to exceed thirty (30) days after the hearing, or if said hearing is continued, within thirty (30) days after the continued hearing.
- B. Written notice of decisions shall be given to all parties in interest citing the ways in which the decision conforms to the standards outlined above.

§ 905.2. Appeals from Decisions, Findings, or Actions.

- A. The decisions, findings, or actions of the Borough Council with respect to the approval or disapproval of plans, or the granting of exceptions, may be appealed directly to the County of Washington Court of Common Pleas by any person aggrieved.
- B. Appeals shall be filed not later than thirty (30) days after issuance of notice of the action of Borough Council.

§ 906. Enforcement.

§ 906.1. Preventative Remedies.

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises.
- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this Article.

§ 906.2. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated any provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500

plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

- B. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice.
- C. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of the civil procedure.
- D. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- E. All fines collected for such violations shall be paid to the Borough.

§ 907. Amendment Procedure.

§ 907.1. This Part may be amended from time to time in accordance with the procedure established by Section 505 of the "Pennsylvania Municipalities Planning Code," Act No. 247, as follows:

- A. Amendment shall become effective only after a public hearing(s) held by the Borough Council pursuant to public notice, as defined in this Part 1.
- B. Public notice shall include a brief summary setting forth the principal provisions of the proposed amendment and a reference to the place(s) within the Borough where copies of the proposed amendment may be secured or examined.
- C. Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the proposed amendment to the Borough Planning Commission and Washington County Planning Commission at least thirty (30) days prior to the hearing of such proposed amendment to provide the Planning Commission an opportunity to make recommendations.
- D. After enactment, if the advertisement of any amendment is required by other laws respecting advertisement of amendment, such advertisements may consist solely of a reference to the place or places, within the Borough where copies of such amendment shall be obtainable for a charge not greater than the cost thereof, and available for examination without charge.

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- E. Whenever a proposed amendment affects a particular property, there shall be posted upon said property or premises at such place or places as Borough Council may direct, notice of said proposed amendment.

§ 908. Validity.

- § 908.1. Should any section of this Ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

§ 909. Repealer.

- § 909.1. All Ordinances and parts of Ordinances inconsistent herewith are repealed upon the legally effective date of this Ordinance.

Appendix "A"
Required Certificates. Affidavits or Approvals

The following certificates, affidavits and approvals shall be inscribed on the Final Plan:

I. Dedication of Public Streets

Know all men by these presents, that (I, We)_____ of the (City, Township, Borough)_____, County of _____, and (State, Commonwealth) of for (myself, ourselves), (my, our) successors and assigns, do hereby adopt this as my, our) Plan of Lots of (my, our) property, situate in the Borough of East Washington, County of Washington, Commonwealth of Pennsylvania, and for divers advantages accruing to (me, us), do hereby dedicate forever, for public use for highway purposes, all drives, roads, streets, lanes and ways and other public highways shown upon the Plan, with the same force and effect as if the same had been opened through legal proceedings and (I, we), hereby release and forever discharge said Borough of East Washington, their successors and assigns, from any liability for damages arising and to arise from the dedication of said ground for public highways and the physical grading thereof to any grades that may be established, and any slope required for the dedication and maintenance therefor according to such established grades. This dedication and release shall be binding upon _____ (my, our) heirs, executors, administrators and assigns and purchasers of lots in this Plan.

In witness whereof (I, We), hereunto set (my, our) hand(s) and seal(s) this _____ day of _____, 20____.

ATTEST:

Notary Public

(Seal)

or

Know all men by these presents, that the _____, a corporation of the Commonwealth of Pennsylvania, by virtue of a resolution of the Board of Directors thereof, does hereby adopt this as its Plan of Lots of its property situate in the Borough of East Washington, County of Washington, and Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway purposes, all drives, roads, streets, lanes and ways and other public highways shown upon the Plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan, _____ forever discharge said Borough of East Washington, its successors, and assigns from any liability for damages arising and to arise from the appropriation of mid ground for public highways and the physical grading thereof to any grades that maybe established, and any slopes required for the support and maintenance thereof established, and any

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slopes required for the support and maintenance thereof according to such established grades. This dedication and release shall be binding upon _____, its successor and assigns and purchasers of lots in this plan.

In witness whereof, the said corporation has caused its corporate seal to be affixed by the hand of its president and same to be attested by its secretary, this _____ day of _____, A.D., 20____.

ATTEST:

(Name of Corporation)

Secretary

(President)

II. Certification by Notary Public

Commonwealth of Pennsylvania:

County of Washington :

SS:

Before me, the subscribed, a Notary Public in and for said Commonwealth and County, personally came the above named _____ (owner), and acknowledged the foregoing release and dedication and Plan to be (his, hers, their) act and deed and desired the same to be recorded as such.

Witness my hand and notarial seal this _____ day of _____, 20_____.

Notary Public

My Commission Expires

The _____ day _____, 20_____.

The foregoing adoption and dedication is made by _____ (individual) with full understanding and agreement that the approval of the Washington County Planning Commission, Borough Council of the Borough of East Washington, and Borough of East Washington Planning Commission, if hereto attached, will become null and void unless this Plan is recorded in the recorder of deeds' office of Washington County, Pennsylvania, within ninety (90) days of date of said approval.

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or

Commonwealth of Pennsylvania:

County of Washington : SS:

On this _____ day of _____, A.D. 20____, before me, a Notary Public in and for said County and Commonwealth, personally appeared _____ (Name and Title of Office), of the _____ (Name of Corporation), who being duly sworn, depose and saith that he was personally present at the execution of the adoption, release and dedication and saw the common and corporate seal of the said corporation duly affixed and that the above release and dedication was duly signed and sealed by and as for the act and deed of the said _____ (Corporation), for the uses and purposes therein mentioned and that the name of this deponent subscribed to the said release and dedication as _____ (Title of Officer) of said corporation, in attestation of the due execution and delivery of said release and dedication of this deponent's own proper and respective handwriting.

(Title of Officer)

Sworn to and subscribed before me the day and date above written.

Witness my hand and notarial seal this _____ day of _____, 20_____.

Notary Public

My Commission Expires

The _____ day of _____, 20_____.

The foregoing adoption and dedication is made by _____ (corporation) with the full understanding and agreement that the approval of the Washington County Planning Commission and the Borough Council and the Borough Planning Commission, if hereto attached, will become null and void unless this Plan is recorded in the recorder of deeds' office of Washington County, Pennsylvania, within ninety (90) days of date of said approval.

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III. Certification by Engineer

I _____, a registered professional engineer (or registered surveyor) of the Commonwealth of Pennsylvania, do hereby certify that this Plan correctly represents the lots, land, streets, alleys and highways as surveyed and plotted by me for the owners or agents.

I further certify that this Plan meets with the requirements of all provisions of the Pennsylvania Municipalities Planning Code, Act No. 247, and other ordinances, including zoning and subdivision and land development, existent under the law of the Borough of East Washington in which this (subdivision, land development) is located affecting this Plan.

(Engineer)

(registration No.)

IV. Approval by Borough of East Washington Planning Commission

Approved by the Borough of East Washington Planning Commission this _____ day of _____, 20____.

ATTEST:

Secretary

Chairman

V. Approval by the Washington County Planning Commission

Reviewed by the County of Washington Planning Commission this _____ day of _____, 20_____.

Chairman

Director

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VI. Approval by Borough Council

Approved by the Borough Council this _____ day of _____, 20____.

(SEAL)

President

ATTEST:

Secretary

VII. Recording of Plan

Commonwealth of Pennsylvania:

County of Washington : SS:

Recorded in the recorder's office for the recording of deeds, plans, etc., in said county, in
Plan Book Vol. _____, Page _____.

Given under my hand and seal this _____ day of _____, A.D., 20____.

Recorder

VIII. Certification of Title

Date _____

(I, We), _____ (owner, owners) of the _____ (Name of Plan or
Subdivision) shown hereon, do hereby certify there is no mortgage, lien or encumbrance against
this property.

(Owner)

Witness

or

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(I, we), _____ (owner, owners) of the _____ (Name of Plan or Subdivision) do hereby certify that the title of this property is in the name of _____ as recorded in Deed Book Vol. _____ Page _____, Recorder of Deeds' Office.

Mortgagee

Witness

or

(I, We), _____ mortgagee of the property embraced in this Plan of subdivision _____ (Name of Plan) do hereby consent to the recording of said plan in the recorder of deeds' office of Washington County, Pennsylvania, and to the dedication and covenants appearing thereon.

(Mortgagee)

Witness

Date _____