

ORDINANCE No. ~~W~~

AN ORDINANCE ADOPTING REGULATIONS FOR THE SUBDIVISION AND DEVELOPMENT OF LAND, THE REVISION OF EXISTING SUBDIVISIONS AND DEVELOPMENT OF LAND, THE LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF ROADS, STREETS, DRAINAGE FACILITIES, SEWERS AND OTHER PUBLIC IMPROVEMENTS INCIDENT TO THE SUBDIVISION AND DEVELOPMENT OF LAND IN CASCADE TOWNSHIP, LYCOMING COUNTY, PENNSYLVANIA, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Township Supervisors are empowered by the Act of July 31, 1968, P.L. _____, No. 247 Art. V, Sec. 501 to adopt a subdivision and land development ordinance.

NOW, THEREFORE, pursuant to said authority it is hereby ordained as follows:

SECTION 1. The following words and phrases, as used in this Ordinance, shall have meanings hereby ascribed thereto unless the context thereof clearly indicates a different meaning:

A. "Subdivision" shall be defined as the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that divisions of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

B. "Lot" shall mean a portion of a subdivision intended for immediate or future building development.

C. "Developer" shall mean a person, persons, partnership, firms, corporation, or cooperative enterprises undertaking or participating in the development of a subdivision.

D. "Approving Authority" for plans for subdivisions shall mean the Board of Supervisors of Cascade Township.

E. "Person" shall mean every natural person, partnership, association, corporation, estate, trust or other form of organization. Whenever used in any clause prescribing and imposing a penalty the term "person" as applied to a partnership shall mean the partners thereof, as applied to an association shall mean the members thereof, as applied to an estate or trust shall mean the fiduciary thereof, and as applied to a corporation shall mean the officers thereof.

SECTION 2. It shall be unlawful for the owner of any land in the Township of Cascade to make a subdivision thereof, or to lay out, construct, open or dedicate for public use or travel, or for the common use of the occupants of buildings thereon, any street, sanitary sewer, storm sewer, water main or other facility in connection therein unless and until a plan thereof shall have been prepared and submitted to the approving authority as hereinafter provided.

SECTION 3. Submission of Plans and Procedure for securing Approval: Any developer contemplating the subdivision of land shall, previous to offering a lot or lots for sale or beginning any construction, make application to the approving authority for approval of plans for the subdivision in accordance with the following procedure:

A. The builder or developer shall submit a plan of the subdivision in triplicate, to the approving authority for review and analysis, which plan must comply with the following requirements:

1. A minimum right of way of fifty feet must be provided abutting all lots.

2. Each lot established must have not less than two hundred feet frontage on a right of way as above provided, and must have not less than 43,560 square feet in area.

3. The developer shall also furnish the results of soil percolation tests conducted on the proposed site by a licensed engineer or qualified sanitarian. A minimum of one test hole per acre shall be made, distributed uniformly throughout the plot so as to indicate clearly the soil conditions of the entire subdivisions. These tests shall be made in the manner prescribed by and the results must meet standards set by Federal Housing Administration and the "Manual of Septic Tank Practice" published by the United States Department of Health, Education and Welfare and designated as Public Health Service Publication No. 526.

4. Road grade levels shall be provided along the center line of the fifty foot right of way at maximum spacing of two hundred feet between each reading.

5. There shall be indicated a method proposed for providing surface water drain pipes at road intersections adequate to carry normal water run off.

6. There shall be indicated a method proposed

for providing an adequate water supply and sewage disposal.

7. Information shall be furnished on ground water table levels if such information is available.

B. The approving authority shall review the plans to determine if they comply with the requirements of this ordinance.

C. If the plans comply with the requirements of this ordinance, the approving authority shall endorse its approval on the plans. Return two copies to the developer and retain one copy for office files.

D. If the plans do not comply, the approving authority shall return all copies of the plan to the developer along with recommendations for changes and that plans be re-submitted after changes have been made.

E. When upon examination the plans are determined to be not in accordance with the terms of this ordinance in any respect, approval shall be denied.

F. Action by the approving authority approving or disapproving must be taken within forty days from date of submission plans.

SECTION 4. Public Sewers: The approving authority shall grant approval of a plan of subdivision if examination shows the area meets the minimum requirements of this ordinance regarding soil percolation or if the developer applies for public sewer construction in accordance with State Law.

SECTION 5. Lot sizes:

A. Minimum size lots shall be governed by the suitability of soil conditions, topography of land and underground geological formations with respect to private water supply and sewage installations, and by the availability or absence of public water supply and public sewage disposal facilities or both.

B. In the absence of both public water supply and public sewerage facilities and with acceptable soil conditions, lot areas shall be not less than 43,560 square feet with a minimum width of two hundred feet on the public right of way.

C. When public water supply is available and with acceptable soil conditions, but in the absence of public sewerage, lot areas shall not be less than 43,560 square feet with a minimum width of two hundred feet on the public right of way. This requirement shall also apply in the event that public sewerage is available in the absence of public water supply.

SECTION 6. Streets:

A. All streets shall have a minimum right of way of fifty feet.

B. Within thirty days after any particular lot is sold, the developer shall provide a road graded with a six inch crown to a minimum width of twelve feet each side of the center line of the right of way, with a road bed for at least nine feet each side of the right of way center line, containing the following stabilizing materials: a base six inches deep of RC #2 crushed limestone. Where, owing to special conditions, the literal enforcement of these requirements would be unnecessary or result in unnecessary hardship, the approving authority may

make such reasonable exception thereto as will not be contrary to the interests and may permit the sale of a lot subject to such conditions as may be necessary to insure adequate streets and other public improvements. All road work completed shall be subject to the approval of the approving authority, whose approval shall be based on specific conditions prevailing in each instance, and the said work shall be kept and maintained in proper condition by the developer for a continuous period of at least one year.

C. Adequate ditches along each road must be provided and approved cross pipes not less than fifteen inches in diameter shall be provided at cross road intersections.

D. Roads shall be provided as above through the development to and including all of the frontage of each lot sold.

E. Streets which dead end shall have a turning circle at the end thereof with a diameter of at least one hundred feet.

SECTION 7. Before approving any subdivision plan, the approving authority shall require, either that the necessary grading, paving and other street improvements, shall have been installed in strict conformity with standards and specifications of the approving authority, or that the approving authority be assured by a deposit of funds or securities in escrow sufficient to cover the cost to the owner of the required improvements, as estimated by the approving authority, that the said improvements will subsequently be installed by the owner of said subdivided lot, tract or parcel of land, and will be maintained by the developer for a continuous period of not less than one

year. In lieu of the deposit of funds or securities required above, the developer may deliver to the approving authority a bond (in such form as may be approved by the approving authority) made payable to the approving authority in the amount as hereinabove required, provided only said bond shall be signed by the developer and all persons having legal title to the land proposed to be developed and provided the value of the land proposed to be developed is equal to or greater than the estimated cost of making the required improvements.

SECTION 8. No lot in a subdivision may be sold and no building may be erected in a subdivision, unless and until a plan of such subdivision shall have been approved and properly recorded.

SECTION 9. Unconstitutionality Clause: If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, void or invalid the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 10. Penalty: Any person who shall subdivide any lot, tract, or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main, for public use or travel, or for the common use of occupants of buildings abutting thereon, or shall sell any lot or erect any building, without first having complied with all the provisions of this ordinance, shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding \$100.00 and costs of prosecution for each offense or be imprisoned for not more than thirty days, or both. All fines

and penalties collected for the violation of this Ordinance shall be paid over to the Township Treasury.

SECTION 11. This Ordinance shall be effective five days after passage.

Enacted and Ordained this 4 day of September, 1970.

ATTEST:

Mrs. Marion J. Murphy Secretary
Edna T. H. Chairman of the Board of Supervisors