

**Part I: Administrative Legislation**

**Chapter 1**

**GENERAL PROVISIONS**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

**ARTICLE I  
Adoption of Code**

**[An ordinance adopting the Code of the Township of Cross Creek and making certain substantive changes to existing ordinances of the Township is presently proposed before the Board of Supervisors. Upon final adoption, it will be included here as Article I of this chapter.]**

**Chapter 22**

**MANAGER**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 12-21-2010 by Ord. No. 4-10. Amendments noted where applicable.]**

**§ 22-1. Appointment and removal.**

A Manager within the Township (hereinafter referred to as "Manager") may be appointed for an indefinite term by a majority of all the members of the Board of Supervisors (hereinafter referred to as "Board"). The Manager, if appointed, shall serve at the pleasure of the Board and may be removed at any time by a majority vote of the Board. At least 30 days before any removal becomes effective, the Board shall furnish the Manager with a written statement setting forth its intention of removal.

§ 22-1

§ 22-2

**§ 22-2. Powers and duties.**

The powers and duties of a Manager are subject to recall or modification by ordinance or resolution of the Board.

§ 22-2

§ 22-3

**§ 22-3. Disability or absence.**

If a Manager becomes ill or needs to be absent from the Township, the duties of the Manager shall be performed during his or her absence by such person as may be designated by the Board.

§ 22-3  
§ 22-4. **Severability.** § 22-4

Should any section, paragraph, clause or phrase of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said chapter shall not be affected thereby, and shall remain in full force and effect.

§ 22-4  
§ 22-5. **Repealer.** § 22-5

All ordinances or parts of ordinances or resolutions conflicting with the provisions of this chapter are hereby repealed to the extent of such conflict.

§ 22-5  
§ 22-6. **Responsibilities of Manager.** § 22-6

Responsibilities of the Manager:

- A. Administer the day-to-day operations of the Township government, delegating responsibility and authority for performance of assigned functions to Township staff, excluding road department.
- B. Prepare short-term and long-term Township government objectives and recommend them to the Board of Supervisors.
- C. Prepare plans and programs for attainment of the objectives approved by the Board of Supervisors.
- D. Determine priorities of projects to meet objectives approved by Board of Supervisors and program expenditures based on cash flow.
- E. Serve as liaison between Board of Supervisors and all Township authorities, commissions and committees.
- F. Develop and administer Township personnel policies, procedures and programs.
- G. Originate and maintain contacts with federal, state and county agencies, and other organizations, with whom the Township conducts business.
- H. Maintain public relation contacts with Township residents.
- I. Serve as contact with current, and potential, Township business people and land developers to maintain affirmative public/private relationship.
- J. Prepare specifications and bid proposals for all Township projects required to be performed by contract.
- K. Supervise performance and faithful execution of all contracts let by the Township.
- L. Serve as purchasing officer of the Township, excluding Road Department.
- M. Prepare the agenda, and provide all necessary information, for all meetings of the Board of Supervisors and all commissions and committees of the Township.
- N. Prepare and submit to the Board of Supervisors, annual budget including capital improvement program.
- O. ~~With ad hoc approval of the board, participate a representative of the Township before professional and governmental organizations that the township is a member on.~~

§ 22-6 § 22-6

**Chapter 35**  
**PENSIONS**

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§ 22-6  
[Township legislation regarding pensions is on file in the Township offices.]  
**Chapter 46**

**SALARIES AND COMPENSATION**  
[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]

~~§ 46-1~~

**ARTICLE I**  
**Board of Supervisors**  
[Adopted 12-26-1995 by Ord. No. 1-95]

§ 22-6

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**§ 46-1. Compensation.**

Each Supervisor of Cross Creek Township elected or appointed to office on or after the effective date of this article shall receive compensation as a Supervisor in the annual amount of \$1,875.

**§ 46-2. Payment schedule.**

Such compensation shall be paid in monthly or quarterly installments.

**§ 46-3. Effective date.**

This article shall be effective December 26, 1995.

**Part II: General Legislation Chapter 100**

**ALARM SYSTEMS**

[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 4-20-1999 by Ord. No. 2-99. Amendments noted where applicable.]

**§ 100-1. Definitions.**

A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**ACCIDENTAL FALSE ALARM** — Any false alarm which is not intentionally caused and which occurs when an actual intrusion, crime, fire or other emergency has not taken place.

**ALARM** — A communication to the police, fire, EMS Department or 911 Center indicating that a crime, fire or other emergency situation warranting immediate action by the police, fire or EMS Department has occurred or is occurring.

**ALARM DEVICE** — A device designed to automatically transmit an alarm directly to a public safety agency or to a person who is instructed to notify the public safety agency of the alarm.

**AUTOMATIC DIALING DEVICE** — A device which is interconnected to a telephone line and preprogrammed to transmit the coded signal of an alarm to a dedicated telephone trunk line or to dial a predetermined telephone number to an alarm to a public safety agency.

**CENTRAL STATION SYSTEM** — A system, or group or systems, in which the operations of circuits and devices are signaled automatically to, recorded in, maintained, and supervised from an approved central station having competent and experienced observers and operators who shall, upon receipt of a signal, take such action as shall be required under the rules established for their guidance. Such systems shall be controlled and operated by a person, firm or corporation whose principal business is the furnishing and maintaining of supervised signal service, and who does not have interest in protected properties.

**DEDICATED TELEPHONE TRUNK LINE** — A telephone line or lines which serve a public safety agency which is dedicated to receiving transmissions from an automatic dialing service.

**FALSE ALARM** — An alarm to which the police, fire or EMS Department responds when a crime, fire or other emergency has not occurred.

**INDIRECT ALARM DEVICE** — An alarm device designed to transmit an alarm to a person who is instructed to notify the Police or Fire Department, or other emergency service of the alarm.

**INTERMEDIARY** — A central protective system or an answering service as herein defined.

**KEY** — To use a telephone line and equipment for transmitting a message either directly or indirectly by an automatic protection device.

**PERSON** — An individual, corporation, partnership, incorporated association or other similar entity.

**PROPRIETARY PROTECTIVE SIGNALING SYSTEM** — An installation of protective signaling systems which serve contiguous or noncontiguous properties under one ownership from a central supervising station located at the protected property, where trained, competent personnel are in constant attendance. This includes the central supervising station, power supplies, signal initiating devices, initiating device circuits, signal notification appliances, equipment for the automatic, permanent visual recording of signals and equipment for the operation of emergency building control services.

**PUBLIC SAFETY AGENCY** — The Pennsylvania State Police or any municipal police, fire or emergency medical service department or volunteer fire companies and emergency services.

**REMOTE STATION PROTECTIVE SIGNALING SYSTEM** — An installation using supervised dedicated circuits, installed to transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

**SILENT ALARM** — A protective system that does not emit an audible signal or tone when activated at a protected site and is monitored by an intermediary or an **TOWNSHIP** — The Township of Cross Creek, Washington County, Pennsylvania.

- B. In this chapter, the singular shall include the plural; the plural shall include the singular; the masculine shall include the feminine and the neuter.

§ 100-1

**§ 100-2. False alarms.**

§ 100-2

- A. Accidental false alarms as follows: A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.
- B. The charges imposed by this chapter shall not apply to false alarms due to weather conditions.
- C. When an accidental false alarm occurs, the Township shall notify the person responsible for the alarm device from which the false alarm emanated as to a false alarm charge is due and the amount thereof.
- D. The fine shall be paid to Cross Creek Township unless, pursuant to applicable state law, the Pennsylvania State Police is the public safety agency which has responded to the false alarm and prosecution is initiated by the Pennsylvania State Police.

§ 100-2

**§ 100-3. Operational standards.**

§ 100-3

- A. If an alarm device is designed to cause a bell, siren, or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be equipped with a timing mechanism that will discharge the audible alarm after a maximum period of 10 minutes, other than fire alarms. Exceptions shall be made for certified systems requiring longer sounding alarms for insurance purposes, providing that certification and policy requirements are documented with the Township and maintained, and further providing that these devices are equipped with timers to disengage the audible alarm after the minimum time required for certification. All existing audible alarms without such a timing mechanism, other than fire alarms, shall be disconnected by the owner of lessee within 90 days of the effective date of this chapter.
- B. The sensory mechanism used in conjunction with an alarm device must be adjusted to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulse due to transient pressure change in water lines, short flashes of light, wind noises such as rattling or vibrating of doors or windows, vehicular noises adjacent to the premises, or other forces unrelated to genuine alarm situations.
- C. The alarm device must be maintained in good repair to assure reliability of operation.
- D. No person shall conduct or test any alarm device without first notifying the Washington County 911

Communications Center. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the central receiving station.

- E. Automatic dialing devices. A person may not attach or use an automatic dialing device without doing all of the following:
- (1) Providing the disclosure required under § 100-3F.
  - (2) Obtaining prior written approval from a public safety agency to use the automatic dialing device to alert the public safety agency of an alarm condition. The public safety agency shall not be responsible for any costs for the installation and maintenance of any dedicated telephone line or equipment associated with the alarm termination.
- F. Disclosure. A person seeking approval under § 100-3E shall disclose the telephone number of a person to be contacted if the automatic dialing device is activated and all relevant facts concerning the design and layout of the premises to be protected by the automatic dialing device. The person shall inform the public safety agency of any change in the information required by this subsection as soon as practicable.

§ 100-3

§ 100-4

**§ 100-4. Suspension or revocation of approval.**

The public safety agency may refuse, revoke or suspend the approval granted under § 100-3E if the public safety agency determines any of the following:

- A. The request for approval contains a statement of material of fact which is false.
- B. The person failed to comply with this section.
- C. The person has failed to pay any fine assessed pursuant to § 100-2A.

§ 100-4

§ 100-5

**§ 100-5. Severability.**

If any sentence, clause, section, or part of this chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this chapter. It is hereby declared as the intent of the Board of Supervisors of Cross Creek Township that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, provision or part thereof, had not been included therein.

§ 100-5

**Chapter 108**

**ANIMALS**

**§ 100-5**

~~§ 100-5~~ ~~§ 100-5~~  
~~[HISTORY: Adopted by the Board of Supervisors of the Township of Cross-Creek as indicated in article~~  
~~histories. Amendments noted where applicable.]~~

~~§ 108-1~~

~~§ 108-2~~

~~ARTICLE I~~  
~~Noise Nuisances~~  
~~[Adopted 9-21-2004 by Ord. No. 5-04]~~

**~~§ 108 1. Illegal to possess or harbor dog creating noise nuisance.~~**

~~It shall be illegal within Cross Creek Township for any person or persons to own, possess, harbor or control any dog which barks or howls continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated in or upon private property, said noise being a nuisance, provided that at the time the dog is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the dog is situated nor is there any other legitimate cause which justifiably provoked the dog.~~

**~~§ 108 2. Violations and penalties.~~**

~~Any person or other legal entity who shall violate the provisions of this article shall first be given verbal warning by the Code Enforcement Officer. Following verbal warning, upon further complaint to the Township and investigation thereof, the Code Enforcement Officer shall give written warning to the owner or possessor of the offending dog. If, after verbal and written warning, further investigation determines that violation continues, an action shall be brought before the Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and, upon conviction of this article, the owner or possessor of the offending dog shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in the event of default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.~~

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§ 108-2

**Chapter 117**

§ 108-2

**BUILDING CONSTRUCTION**



§ 108-2

§ 108-2

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 117-1

§ 117-6

ARTICLE I  
**Administration and Enforcement of Uniform Construction Codes**  
**[Adopted 4-20-2004 by Ord. No. 3-04]**

**§ 117-1. Election to administer and enforce statutory provisions.**

This municipality hereby elects to administer and enforce the provision of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 to 7210.1103, as amended from time to time, and its regulations.

**§ 117-2. Adoption by reference.**

The Uniform Construction Code, contained in 34 Pa. Code Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of this municipality.

**§ 117-3. Administration and enforcement.**

Administration and enforcement of the code within this municipality shall be undertaken in any of the following ways as determined by the governing body of this municipality from time to time by resolution:

- A. By the designation of an employee of the municipality to serve as the Municipal Code Official to act on behalf of the municipality;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the municipality;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this municipality;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

**§ 117-4. Establishment of Board of Appeals.**

A Board of Appeals shall be established by resolution of the governing body of this municipality in conformity with the requirements of the relevant provisions of the code, as amended from time to time and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

**§ 117-5. Continuation of provisions; amendments for conformity.**

- A. All building code ordinances or portions of ordinances which were adopted by this municipality on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
- B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the code.
- C. All relevant ordinances, regulations and policies of the municipality not governed by the code shall remain in full force and effect.

§ 117-6

**§ 117-6. Establishment of fees.**

§ 117-7

Fees assessable by the municipality for the administration and enforcement undertaken pursuant to this article and

the code shall be established by the governing body by resolution from time to time.

**§ 117-7. Severability.**

If any section, subsection, sentence, or clause of this article is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this article.

§ 117-8

ARTICLE II  
**Construction, Alteration, Occupancy and Use Permits**  
**[Adopted 3-17-2009 by Ord. No. 2-09]**

§ 117-15

**§ 117-8. Township approval required for alterations or additions.**

It is hereby ordained and enacted by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, that it shall be unlawful for any person, firm or corporation, or any agents thereof, to erect a building or to make alterations and additions to the same and/or to construct or use any septic tank or other sewage disposal system in said Township without first securing municipal approval therefor in accordance with the following rules and regulations.

**§ 117-9. Definitions**

As used in this article, the following terms shall have the meanings indicated:

ALTERATION — Any enlargement of any building, or any work or repair, rearrangement, removal or replacement of any exterior or interior wall, or support, or of any part thereof of any building.

PERSON — Any natural person, or persons, associations, partnerships, firm or corporation.

**§ 117-10. Permit required for certain actions.**

The permit shall be required to erect a new building, to make alterations and/or additions, to construct a septic tank or other sewage disposal system, and to use a septic tank or other sewage disposal system.

**§ 117-11. Applications; commencement of work deadline; permit renewals.**

Application for permit shall be made in writing to the Township or their representatives. Permits shall be granted or refused, in writing, within 30 days after receipt of application. Permits shall be invalid if work is not commenced within 180 days. The permits are issued for a six-month period, after which time they can be extended. Permit renewal requests must be made in writing and provide explanation of delay.

**§ 117-12. Required certificates and permits.**

No newly constructed building, alterations and/or additions of present structures shall hereafter be used and/or occupied until the Township representative shall have issued a certificate of residential or commercial use and occupancy permit certifying that it has been inspected and approved according to the plans submitted.

**§ 117-13. Requirement for septic tank or sewage disposal system use.**

No septic tank or other sewage disposal system shall hereafter be used until the Township representatives have issued a compliance letter certifying that it has been inspected and approved.

**§ 117-14. Fees.**

Fees for permits may be required in accordance with the fee schedule to be adopted by resolution of the Board of Supervisors.

**§ 117-15. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person, firm or corporation who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$750 and not more than

§ 117-15  
\$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

## Chapter 123 BUILDINGS, DANGEROUS

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 8-20-2002 by Ord. No. 2-02. Amendments noted where applicable.]**

### § 123-1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BUILDING** — An independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school, or similar structure.

**DANGEROUS BUILDING** — All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering;
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;
- (5) Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin-infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;
- (6) Those which have parts thereof which are so attached that they may fall and injure property or members of the public;
- (7) Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the occupants or the public;
- (8) Those which because of their location are unsanitary or otherwise dangerous to the health or safety of the occupants or the public;
- (9) Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of Cross Creek Township.

**DWELLING** — Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

**DWELLING UNIT** — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

**ENFORCEMENT OFFICER** — The Township Manager, Code Enforcement Officer, Zoning Officer, or other agent that may be later designated by resolution of the Township Board of Supervisors.

**INFESTATION** — Presence within or around a dwelling of any insects, rodent or other pests.

**OWNER** — Person who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

- (2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON — Any individual, firm, corporation, association or partnership, or other legal entity.

PROPERTY — A piece, parcel, lot or tract of land.

STRUCTURE — Anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

TOWNSHIP — Cross Creek Township, Washington County, Pennsylvania.

- B. Whenever the words "dwelling," "dwelling unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

§ 123-1

§ 123-2

**§ 123-2. Dangerous buildings declared nuisances.**

- A. All dangerous buildings within the terms of § 123-1 of this chapter are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.
- B. No person shall build, install, reconstruct, repair or otherwise alter any building within Cross Creek Township, including those which constitute nuisances or dangerous buildings and structures, unless done in conformance with the standards of the Uniform Construction Code, provided that such buildings and structures are subject to the Uniform Construction Code. **[Added 7-19-2005 by Ord. No. 3-05]**
- C. Any person violating any and all of the provisions of this chapter shall be subject to civil and criminal penalties authorized pursuant to § 123-9 of this chapter, in addition to all civil and equitable remedies available to Cross Creek Township under its police powers. **[Added 7-19-2005 by Ord. No. 3-05]**

§ 123-2

§ 123-3

**§ 123-3. Standards for repair, vacation, or demolition.**

The following standards shall be followed in substance by the enforcement officer of Cross Creek Township in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the enforcement officer. The enforcement officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
- D. If a dangerous building is 50% or more damaged or decayed or deteriorated from its original condition, if a dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, or if a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished, provided the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

§ 123-3

§ 123-4

**§ 123-4. Duties of enforcement officer.**

- A. The enforcement officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of § 123-1 above.
- B. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the enforcement officer shall issue a written notice to the person or persons responsible therefor. The notice:
- (1) Shall be in writing;
  - (2) Shall include a statement of the reasons it is being issued;
  - (3) Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure;
  - (4) Shall be served upon the owner, or his agent, or the occupant, as the case may require.
    - (a) Except in emergency cases and except where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the commonwealth.
    - (b) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last-known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.
  - (5) May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with the rules and regulations adopted pursuant thereto.
- C. The enforcement officer shall appear at all hearings conducted by the Board of Supervisors and testify as to the condition of dangerous buildings.

§ 123-4

§ 123-5

**§ 123-5. Hearings.**

- A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the Board of Supervisors, provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why the enforcement notice should be modified or withdrawn. The hearing shall commence not later than 30 days after the day on which the petition was filed.
- B. After such hearing, the Board of Supervisors shall sustain, modify or withdraw the enforcement notice. If the Board of Supervisors sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall inform the owner that it automatically becomes an order if a written petition for a hearing is not filed with the Township Secretary within 10 days after such notice is served.

§ 123-5

§ 123-6

**§ 123-6. Removal of notice prohibited.**

No person shall remove or deface the notice of dangerous building, except as provided in § 123-3C.

§ 123-6

§ 123-7

**§ 123-7. Emergency cases.**

Whenever the enforcement officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this chapter have been complied with, the enforcement officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

§ 123-7

§ 123-8

**§ 123-8. Abatement by Cross Creek Township.**

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the enforcement officer within the time specified in the notice issued by him and no petition for a hearing is filed within 10 days thereafter, or following a hearing by the Board of Supervisors where the order is sustained thereby, the enforcement officer shall cause such building or structure to be repaired, vacated or demolished, as determined by the Board of Supervisors in accordance with the standards hereinabove provided. Except that the Township may not repair, vacate or demolish all or part of the building or structure unless it first holds a hearing upon procedures set forth herein in § 123-5 (regardless of whether the person affected by any order chooses to appear) to hear the evidence regarding whether a building or structure is dangerous and whether the nuisance can be abated by repairing, vacating, or demolishing the structure or building. The Township may collect the cost of such repair, vacation or demolition, together with a penalty of 10% of such cost, in the manner provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the Rules of Civil Procedure.

§ 123-8

§ 123-9

**§ 123-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and, in default of payment thereof, to undergo imprisonment for a term not to exceed 90 days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

§ 123-9

§ 123-10

**§ 123-10. Severability.**

If any sentence, clause, section, or part of this chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared as the intent of the Board of Supervisors that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.



§ 123-10

**Chapter 131**  
**BURNING, OPEN**

§ 123-10

§ 123-10  
[**HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 9-21-1993 by Ord. No. 3-93. Amendments noted where applicable.**]  
§ 131-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BOARD OF SUPERVISORS — The Board of Supervisors of Cross Creek Township.

FURNACE — Any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR — Any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.

OPEN FIRE — A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator, ~~excluding any fire used for recreational or culinary purposes.~~

PERSON — Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE — Garbage, rubbish and trade waste.

RUBBISH — Solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION — Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE — All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials, provided that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

§ 131-1  
§ 131-2. Enforcement.

The Board of Supervisors of the Township of Cross Creek shall have the power and duty to enforce the provisions of this chapter.

§ 131-2  
§ 131-3. Prohibited open fires.

Within the Township limits, no person shall:

- ~~A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building; or~~
- ~~B. Cause, suffer, allow, or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control outside of any building.~~

§ 131-3

§ 131-4

**§ 131-4. Permitted open fires.**

- A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
- (1) The prevention of a fire hazard which cannot be abated by other means; or
  - (2) The protection of public health.
- B. Open fires may be set as follows:
- (1) Paper, boxes, leaves, branches and other nonputrescible vegetable matter only are burned;
  - (2) Rubbish, rubber products, asbestos products, petroleum products, fiberglass, food waste, tar products and furniture shall not be burned;
  - (3) There is no practical available alternative method for disposal of the material to be burned;
  - (4) No hazardous or other objectionable condition will be created by such burning;
  - (5) No such burning is allowed on any street or sidewalk within the Township; and
  - ~~(6) All such burning takes place between the hours of 8:00 a.m. and 7:00 p.m.~~

§ 131-4

§ 131-5

**§ 131-5. Cooking fires.**

Outdoor fires for cookouts or roasting are permitted so long as the same are conducted under the personal supervision or control of the owner, occupier or agent.

§ 131-5

§ 131-6

**§ 131-6. Requirements for open burning.**

Outdoor fires or burning may be permitted upon private property subject to the following conditions and regulations:

- A. Any and all fires set or maintained must be incidental to the personal use or business of the owner or occupier and must be related to the general cleanliness or welfare of the same.
- B. Outdoor fires may be set and maintained by the owner, occupier or agent thereof either with a noncombustible container or under the personal supervision and control of such owner, occupier or agent. In either event, personal supervision must be maintained at the site until the fire is completely extinguished.
- C. No fire shall be permitted closer than 10 feet to any building or dwelling house.
- ~~D. No burning is allowed on legal holidays or on any Sunday or Monday. No open fire shall be permitted except between the hours of 8:00 a.m. to 7:00 p.m., Tuesday through Saturday.~~

D.

§ 131-6

§ 131-7

**§ 131-7. Violations and penalties. [Amended 1-20-1998 by Ord. No. 1-98]**

- A. Upon conviction, the responsible party shall pay a fine of no less than \$500 and no more than \$1,000 per violation plus court costs and, where applicable, attorney's fees. Each day that a violation is found to exist shall be considered a separate violation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The fine shall be in addition to any and all other remedies available at law or in equity, wherein, and not by

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way of limitation, the Township shall have the right to bring an action in equity to abate and/or cause a termination of said violation or violating condition, wherein the party determined to be responsible shall also be subject to the payment of court costs, attorney's fees and the like. This remedy is in addition to and not in limitation of any other remedy or sanction that is available at law or in equity.

- C. Said chapter shall be prosecuted and/or enforced by the Township Zoning Officer, Code Enforcement Officer, or any police officer or any other Township official as previously designated or appointed.

§ 131-7

## **Chapter 144**

§ 131-7

### **CURFEW**

§ 131-7  
[**HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 6-19-2007 by Ord. No. 3-07. Amendments noted where applicable.**]

§ 144-1

**§ 144-1. Purpose.**

The purpose of this chapter is to prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets or public places at night, for the protection of younger children in Cross Creek Township from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incidence of juvenile criminal activity, for the furtherance of family responsibility, and for the promotion of the public good, health, safety, and welfare of the residents of Cross Creek Township.

§ 144-1

**§ 144-2. Definitions.**

§ 144-2

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR — A person under the age of 18 years.

PARENT — Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this chapter, "parent" shall mean one or both parents.

PUBLIC PLACE — Any public or private street, alley, sidewalk, park, playground, public building or vacant lot, or in a parked vehicle at any of said locations in Cross Creek Township.

REMAIN — To stay behind; to tarry and to stay unnecessarily in or upon a public place, as herein defined, including the congregation of groups or otherwise interacting minors totaling four or more persons, in which any minor is not using the public place for emergency or ordinary and immediate educational, political, religious or business purposes.

§ 144-2

**§ 144-3. Establishment of curfew; exceptions.**

§ 144-3

It shall be unlawful for any minor to remain in or upon any public place within Cross Creek Township Sunday through Thursday between the hours of 10:00 p.m. and 5:00 a.m., and on Friday, Saturday and recognized holidays between the hours of 11:30 p.m. and 5:00 a.m., prevailing time, except as follows:

- A. A minor accompanied by a parent, guardian, or other person having legal care or custody of such minor.
- B. A minor lawfully employed, making it necessary for him to remain on or in a public place and possessing a current letter dated not more than 30 days prior to the date of presentation, certifying the same, signed by an employer or parent.
- C. A minor on an emergency errand.

§ 144-3

**§ 144-4. Parent not to permit violation.**

§ 144-4

It shall be unlawful for any parent, guardian, or person having legal care or custody of a minor to allow or permit such minor to violate the provisions of this chapter without legal justification therefor.



§ 144-4

§ 144-5

**§ 144-5. Police discretion in age determination.**

Police officers, in taking minors into custody, shall use their discretion in determining age and, in doubtful cases, may require positive proof of ages; until such proof is furnished, the judgment of the police officer shall prevail.

§ 144-5

§ 144-6

**§ 144-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$350 for the first such offense; a fine of not more than \$750 for the second offense; or \$1,000 for the third and each succeeding offense.

§ 144-6

§ 144-7

**§ 144-7. Juvenile Act proceedings.**

In addition, an investigating officer may initiate proceedings under the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq., as amended from time to time, against offending juveniles when appropriate under that Act.

§ 144-7

§ 144-8

**§ 144-8. Severability.**

If any sentence, clause, section or part of this chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this chapter. It is hereby declared as the intent of the Board of Supervisors of Cross Creek Township that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included herein.

§ 144-8

§ 144-8

**Chapter 160**

**FLOODPLAIN MANAGEMENT**

§ 144-8

§ 144-8

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 9-15-2015 by Ord. No. 4-15. Amendments noted where applicable.]**

§ 160-1

§ 160-6

ARTICLE I  
**General Provisions**



**§ 160-1. Statutory authorization.**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,<sup>1</sup> delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Cross Creek does hereby order as follows.

**§ 160-2. Intent.**

The intent of this chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

**§ 160-3. Applicability.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Cross Creek unless a permit has been obtained from the Floodplain Administrator.
- B. A permit shall not be required for minor repairs to existing buildings or structures.

**§ 160-4. Abrogation and greater restrictions.**

This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

**§ 160-5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

**§ 160-6. Warning and disclaimer of liability.**

- A. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

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1. Editor's Note: See 32 P.S. § 679.101 et seq.

§ 160-6

- B. This chapter shall not create liability on the part of the Township of Cross Creek or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully

§ 160-6

ARTICLE II  
Administration

**§ 160-7. Designation of Floodplain Administrator.**

- A. The Emergency Manager is hereby appointed to administer and enforce this chapter and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may:
- (1) Fulfill the duties and responsibilities set forth in these regulations,
  - (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or
  - (3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
- B. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Code Enforcement Officer.

**§ 160-8. Permits required.**

A permit shall be required before any construction or development is undertaken within any area of the Township of Cross Creek.

**§ 160-9. Duties and responsibilities of Floodplain Administrator.**

- A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended);<sup>2</sup> and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any development/permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application

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2. **Editor's Note:** See 35 P.S. § 750.1 et seq., 32 P.S. § 693.1 et seq., and 35 P.S. § 691.1 et seq., respectively.

- § 160-9
- § 160-10
- or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator/Manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or the latest edition thereof adopted by the State of Pennsylvania.

**§ 160-10. Application procedures and requirements.**

- A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Cross Creek. Such application shall contain the following:
- (1) Name and address of applicant.
  - (2) Name and address of owner of land on which proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location including address.
  - (5) Listing of other permits required.
  - (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
  - (4) Structures will be anchored to prevent flotation, collapse, or lateral movement;
  - (5) Building materials are flood-resistant;
  - (6) Appropriate practices that minimize flood damage have been used; and
  - (7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have

§ 160-10 been designed and located to prevent water entry or accumulation.

§ 160-10

- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (1) A completed permit application form.
  - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (a) North arrow, scale, and date;
    - (b) Topographic contour lines, if available;
    - (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - (d) The location of all existing streets, drives, and other accessways; and
    - (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - (b) The elevation of the base flood;
    - (c) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC or latest edition thereof adopted by the State of Pennsylvania.
  - (4) The following data and documentation:
    - (a) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
    - (b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
    - (c) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified floodplain area (See § 160-17.) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation. AE Areas adjacent to floodways are exempt.
    - (d) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
    - (e) Detailed information needed to determine compliance with § 160-24F, Storage, and § 160-26, Development which may endanger human life, including:
      - [1] The amount, location and purpose of any materials or substances referred to in §§ 160-24F

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and 160-25 which are intended to be used, produced, stored or otherwise maintained on site.

- § 160-10 [2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 160-25 during a base flood. § 160-15
- (f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- D. Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

**§ 160-11. Review of application by others.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

**§ 160-12. Changes.**

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

**§ 160-13. Placards.**

In addition to the permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and be signed by the Floodplain Administrator.

**§ 160-14. Start of construction.**

- A. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.
- B. The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- C. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

**§ 160-15. Enforcement.**

§ 160-15

A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for its issuance;
- (3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
- (4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
- (5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Township of Cross Creek, of not less than \$25 nor more than \$600 plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

**§ 160-16. Appeals.**

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this chapter may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code<sup>3</sup> and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state including the Pennsylvania Flood Plain Management Act.<sup>4</sup>

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3. Editor's Note: See Municipalities Planning Code, 53 P.S. § 10101 et seq.

4. Editor's Note: See 32 P.S. § 679.101 et seq.

§ 160-17

ARTICLE III  
**Identification of Floodplain Areas**

§ 160-21

**§ 160-17. Identification.**

A. The identified floodplain area shall be:

1:125



- (1) Any areas of Township of Cross Creek, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 30, 2015, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and
  - (2) Any community-identified flood hazard areas.
- B. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Cross Creek and declared to be a part of this chapter.

**§ 160-18. Description and special requirements of identified floodplain areas.**

The identified floodplain area shall consist of the following specific areas:

- A. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- B. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- C. Community-identified flood hazard areas shall be those areas where Township of Cross Creek has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

**§ 160-19. Changes in identification of area.**

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See § 160-22B for situations where FEMA notification is required.

**§ 160-20. Boundary disputes.**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator, and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

§ 160-21

§ 160-21

**§ 160-21. Jurisdictional boundary changes.**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

§ 160-22

§ 160-23

**ARTICLE IV  
Technical Provisions**

**§ 160-22. General requirements.**

A. Alteration or relocation of watercourse.

- (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection regional office.
- (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
- (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. When Township of Cross Creek proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR 65.12):

- (1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- (2) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
- (3) Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

D. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

**§ 160-23. Elevation and floodproofing requirements.**

A. Residential structures.

- (1) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 160-18A of this chapter.
- (2) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401 to 405 as amended) shall be utilized, where they are more restrictive.

B. Nonresidential structures.

- § 160-23
- § 160-24
- (1) In A Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
- (a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
  - (b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
- (2) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.
- (3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401 to 405 as amended) shall be utilized, where they are more restrictive.
- C. Space below the lowest floor.
- (1) Basements are prohibited.
  - (2) Fully enclosed space below the lowest floor (excluding basements), which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - (3) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
    - (b) The bottom of all openings shall be no higher than one foot above grade.
    - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- D. Historic structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this chapter must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

**§ 160-24. Design and construction standards.**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- A. Fill. If fill is used, it shall:
  - (1) Extend laterally at least 15 feet beyond the building line from all points;
  - (2) Consist of soil or small rock materials only – sanitary landfills shall not be permitted;
  - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Floodplain Administrator; and
  - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and sanitary sewer facilities and systems.
  - (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages," and the International Private Sewage Disposal Code shall be utilized.
- D. Other utilities. All other utilities such as gaslines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 160-25, Development which may endanger human life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
  - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the

§ 160-24 regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

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I. Floors, walls and ceilings.

- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and adhesives.

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical components.

- (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform Construction Code coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401 to 405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this chapter, to the extent that they are more restrictive and supplement the requirements of this chapter.

- (1) International Building Code (IBC) 2009 or the latest edition thereof adopted by the State of Pennsylvania: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- (2) International Residential Building Code (IRC) 2009 or the latest edition thereof adopted by the State of Pennsylvania: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

**§ 160-25. Development which may endanger human life.**

Within any identified floodplain area, any structure of the kind described in Subsection A, below, shall be prohibited. If a variance is obtained in accordance with the criteria in Article VII, then the following provisions apply: (§ 160-25B, C, and D).

- § 160-25
- A. In accordance with the Pennsylvania Flood Plain Management Act,<sup>5</sup> and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances, shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
- (1) Acetone.
  - (2) Ammonia.
  - (3) Benzene.
  - (4) Calcium carbide.
  - (5) Carbon disulfide.
  - (6) Celluloid.
  - (7) Chlorine.
  - (8) Hydrochloric acid.
  - (9) Hydrocyanic acid.
  - (10) Magnesium.
  - (11) Nitric acid and oxides of nitrogen.
  - (12) Petroleum products (gasoline, fuel oil, etc.).
  - (13) Phosphorus.
  - (14) Potassium.
  - (15) Sodium.
  - (16) Sulphur and sulphur products.
  - (17) Pesticides (including insecticides, fungicides, and rodenticides).
  - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited within the area measured 100 feet landward from the top-of-bank of any watercourse.
- C. Within any floodway area, any structure of the kind described in Subsection A, above, shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in § 160-25A, above, shall be elevated to remain completely dry up to at least 1 1/2 feet above base flood elevation and built in accordance with §§ 160-22. 160-23 and 160-24.
- D. Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in § 160-25A above, shall be built in accordance with §§ 160-22. 160-23 and 160-24 including:

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5. Editor's Note: See 32 P.S. § 679.101 et seq.

- § 160-25
- (1) Elevated, or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation; and
- (2) Designed to prevent pollution from the structure or activity during the course of a base flood.
- E. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

**§ 160-26. Subdivisions and development.**

All subdivision proposals and development proposals in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

**§ 160-27. Manufactured homes.**

Within any identified floodplain area, manufactured homes shall be prohibited. No variance shall be granted.

**§ 160-28. Recreational vehicles.**

Within any identified floodplain area, recreational vehicles shall be prohibited. No variance shall be granted.



ARTICLE V  
**Prohibited Activities**

**§ 160-29. General prohibitions.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act,<sup>6</sup> the following activities shall be prohibited within any identified floodplain area:

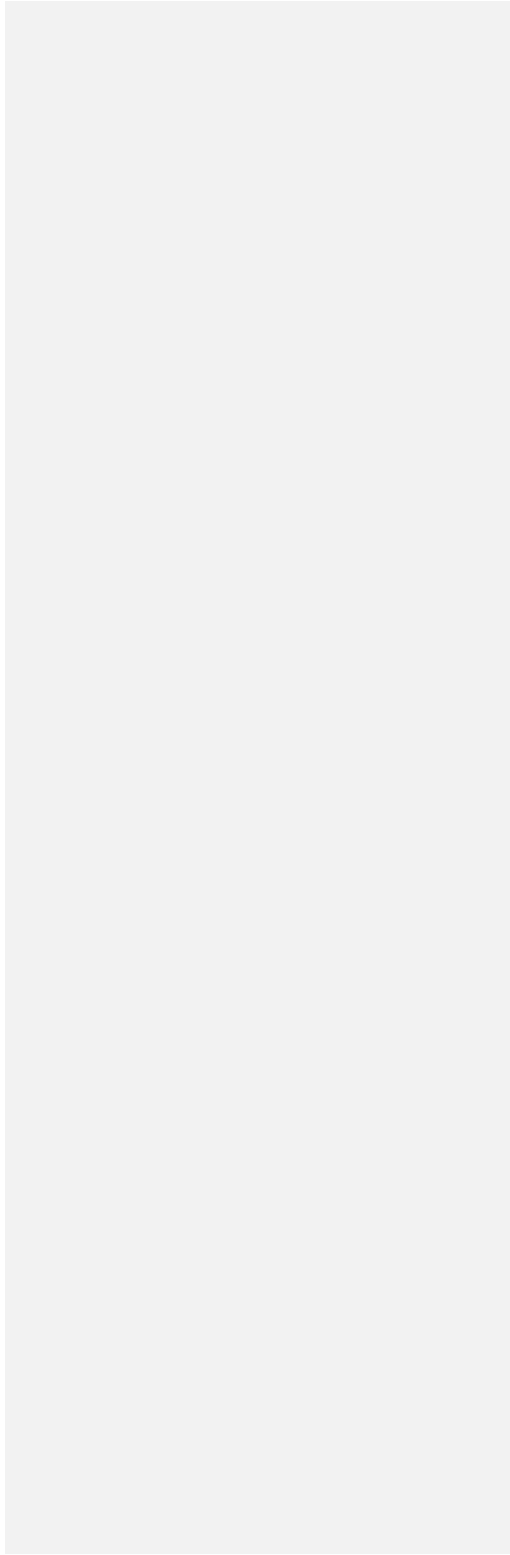
- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals.
  - (2) Nursing homes.
  - (3) Jails or prisons.
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

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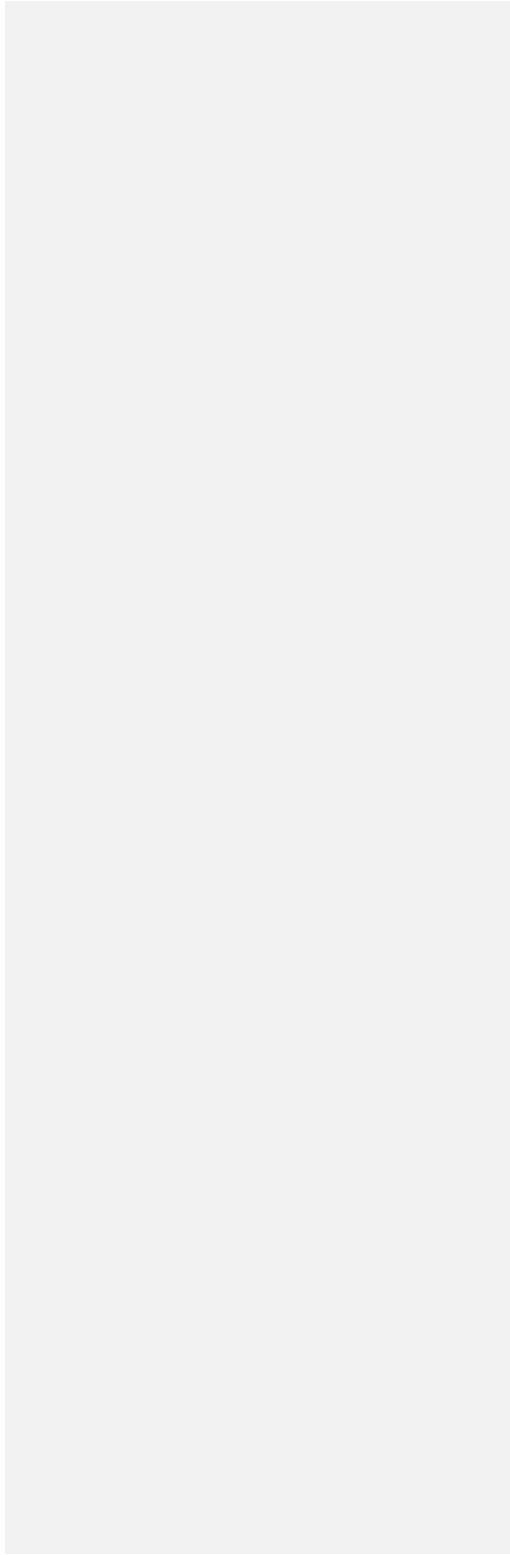
<sup>6</sup> Editor's Note: See 32 P.S. § 679.101 et seq.

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ARTICLE VI  
**Existing Structures in Identified Floodplain Areas**



**§ 160-30. Existing structures.**

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 160-31 shall apply.

**§ 160-31. Improvements.**

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in § 160-18A.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
- C. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC or most recent revision thereof adopted by the State of Pennsylvania.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.

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ARTICLE VII  
**Variances**

§ 160-33

**§ 160-32. Grant of relief.**

If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Cross Creek may, upon request, grant relief from the strict application of the requirements.

**§ 160-33. Variance procedures and conditions.**

- A. Requests for variances shall be considered by the Township of Cross Creek in accordance with the procedures contained in § 160-16 and the following:
- (1) No variance shall be granted within any identified floodplain area that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in § 160-18A.
  - (2) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by § 160-25, Development which may endanger human life.
  - (3) No variance shall be granted for manufactured homes (§ 160-27), recreational vehicles (§ 160-28) and prohibited activities (Article V).
  - (4) If granted, a variance shall involve only the least modification necessary to provide relief.
  - (5) In granting any variance, the Township of Cross Creek shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.
  - (6) Whenever a variance is granted, the Township of Cross Creek shall notify the applicant in writing that:
    - (a) The granting of the variance may result in increased premium rates for flood insurance.
    - (b) Such variances may increase the risks to life and property.
  - (7) In reviewing any request for a variance, the Township of Cross Creek shall consider, at a minimum, the following:
    - (a) That there is good and sufficient cause.
    - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
    - (c) That the granting of the variance will:
      - [1] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
      - [2] Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
  - (8) A complete record of all variance requests and related actions shall be maintained by the Township of Cross Creek. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- B. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent annual chance flood.

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**ARTICLE VIII  
Definitions**

§ 160-35

**§ 160-34. Word usage.**

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

**§ 160-35. Definition of terms..**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY USE OR STRUCTURE** — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BASE FLOOD** — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or "one-percent annual chance flood").

**BASE FLOOD DISCHARGE** — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE)** — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT** — Any area of the building having its floor below ground level on all sides.

**BUILDING** — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD** — A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM)** — The Official Map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOODPLAIN AREA** — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURES** — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See §§ 160-17 and 160-18 for the specifics on what areas the community has included in the identified floodplain area.

**LOWEST FLOOR** — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MINOR REPAIR** — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after September 30, 2015, and includes any subsequent improvements to such structures. Any construction started after February 1,

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1987, and before September 30, 2015, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PERSON** — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**POST-FIRM STRUCTURE** — A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated February 1, 1987, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

**PRE-FIRM STRUCTURE** — A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated February 1, 1987, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

**RECREATIONAL VEHICLE** — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck,
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION** — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

**REPETITIVE LOSS** — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

**SPECIAL FLOOD HAZARD AREA (SFHA)** — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

**START OF CONSTRUCTION** — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** — A walled and roofed building, including a gas or liquid storage tank that is principally above the  
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ground, as well as a manufactured home.

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**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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIAL DAMAGE** — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**UNIFORM CONSTRUCTION CODE (UCC)** — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**VARIANCE** — A grant of relief by a community from the terms of a floodplain management regulation.

**VIOLATION** — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§ 160-36

**ARTICLE IX**  
**Enactment**

§ 160-36

**§ 160-36. Effective date.**

This chapter shall be effective on September 30, 2015, and shall remain in force until modified, amended or rescinded by Township of Cross Creek, Washington County, Pennsylvania.

**Chapter 170 GRADING AND EXCAVATION**

**§ 160-36**

§ 160-36

§ 170-1

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 6-17-2003 by Ord. No. 1-03. Amendments noted where applicable.]**

**§ 170-1. Purpose.**

The purpose of these regulations is:

- A. To provide minimum standards to safeguard persons, protect property, and promote the general welfare by preventing excess erosion, hazardous rock and soil slippage, sediment production, and other soil and water management problems by regulating and controlling the design, construction, quality of materials, use location, and maintenance of grading, excavation, and fills.
- B. To establish performance standards, which insure land use practices, respectful of the natural topography and capabilities of the land.
- C. To encourage maximum retention of natural topography and vegetative features on hillsides.
- D. To prevent earthflow and rockfall landslides.
- E. To encourage imaginative and innovative site development and building design that adapts to and takes advantage of the best use of the natural terrain.

§ 170-1

§ 170-2

**§ 170-2. Scope.**

- A. This section concerns new grading, excavation, and fills; and changes, additions, or alterations made in existing excavations, fills, and embankments, which shall conform to the provisions of this chapter.
- B. The Township Board of Supervisors shall designate an administrator for review, approval, granting of grading permits, and to make inspections of the grading work.
- C. A separate grading permit shall be required for each site. One permit shall cover all grading, excavation, and any fills made on the same site.
- D. Only one permit shall be required for the grading of a large continuous parcel of land for a major planned development, such as a planned subdivision development or a planned commercial development, when the standards for the grading of the entire parcel are satisfactory to and approved by the administrator.
- E. An approved site plan, a building permit or both are prerequisite to the granting of any grading permit.

~~F.~~ All grading, excavation and fills, whether or not a grading permit is required, shall conform to the provisions of this chapter.

~~F.~~ This chapter is not intended to regulate, limit, or restrict agricultural practices or operations.

**§ 170-3. Exceptions.**

A grading permit shall not be required for any of the following:

- A. An excavation which does not exceed three feet in vertical depth at its deepest point, measured from the natural ground surface and covering a surface area of less than 5,000 square feet, provided that the services of such excavation do not have slope at any point steeper than four horizontal to one vertical. However, this subsection shall not be deemed to nullify the application of this chapter, or any requirement for obtaining a grading permit, with respect to any fill made with material from such an excavation, unless otherwise excepted by Subsections B and C of this section.
- B. A fill, which does not exceed 500 cubic yards of material, on any one site.
- C. Fill, which is not intended to support structures and does not exceed three feet in vertical depth at its deepest point, measured from the natural ground surface, and does not cover an area of more than 5,000 square feet, provided that the surface of such fills do not have a slope at any point steeper than horizontal to one vertical and does not obstruct a drainage course.
- D. An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a building permit and an excavation of a driveway between a building site and the street. However, this Subsection D shall not be deemed to nullify the application of this chapter, or any requirement for obtaining a grading permit, with respect to any fill made with the material from such an excavation, unless otherwise excused by Subsections B and C of this section.
- E. Soil excavated under the authorization of a properly issued building permit, which is temporarily stockpiled on the same site as the excavation. If, however, excavated material is stockpiled on a site for a period of longer than 120 days, then a permit shall be necessary when disposing of the fill material.
- F. A building site, improved under authorization of a properly issued building permit, where the maximum natural gradient between property lines or the maximum excavation or fill, exclusive of the situations referred to in Subsection D, above, do not exceed the grades or quantities set forth in the following table:

One-Family House Site (square feet)	Maximum Gradient Without Permit	Maximum Excavation or Fill Without Permit, Exclusive of Basements and Foundations (cubic yards)
Less than 10,000	15 inches 100 feet	100
10,000 to 24,000	15 inches 100 feet	200
24,000 to 44,000	15 inches 100 feet	250
Over 44,000	20 inches 100 feet	250

- G. Exploratory excavations under the direction of a soils engineer or engineering geologist.
- H. Excavations for wells, tunnels, public utilities or cemetery graves.
- I. A permit shall not be required for work performed by the Township, or of contractors employed by the Township in the public street or alley, Township park, playground or recreation area or on other Township property.
- J. Farms, including, plowing, clearing, grading and grubbing activities essential to the farm business activity, or activates used to enhance agricultural operations.
- K. Grading of subdivision and land development sites which were approved previously by the Board of Supervisors and Township Engineer and are subject to the performance and completion bond requirements of the subdivision and Chapter 270, Subdivision and Land Development.

**§ 170-4. Definitions; word usage.**

A. For the purpose of this chapter, certain terms and words are herein defined:

**ADMINISTRATOR** — The person qualified and officially appointed by the Board of Supervisors to manage this chapter, or his authorized representative.

**APPLICANT** — Any landowner or agent of a landowner who proposes to make or cause to be made any excavation, fill or any combination thereof pursuant to the provisions of this chapter.

**ARCHITECT** — A registered architect licensed as such in the Commonwealth of Pennsylvania.

**BEDROCK** — Natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surficial deposits.

**BUILDING CODE** — Township of Cross Creek Code of Ordinances Building Code, as amended.<sup>7</sup>

**ENGINEER** — A registered professional engineer in the Commonwealth of Pennsylvania, and knowledgeable in civil engineering.

**ENGINEERING GEOLOGIST** — A person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.

**EROSION** — The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

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

**EXCESSIVE SLOPE** — Shall be defined as either of the following: those slopes as identified on the soil group map as steep slopes of 25% or more; or any virgin area where, in a 100-foot horizontal distance, the average slope exceeds 25%.

**FILL AND EMBANKMENT** — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location including the condition resulting therefrom.

**FLOODPLAIN** — Areas designated by the Federal Emergency Management Administration and other areas known to be subject to flooding.

**GEOTECHNICAL ENGINEERING REPORT** — A report prepared by a soils engineer or engineering geologist.

**GRADE** — The elevation of the existing or proposed ground surface at the location of any proposed excavation or fill.

**GRADING** — Excavation or fill, or any combination thereof, including the conditions resulting from any excavation or fill.

**GRADING PERMIT** — Any permit required pursuant to the provision of this chapter.

**GRADING, ENGINEERED** — A grading operation in excess of 5,000 cubic yards and performed in conformance with a grading plan prepared by a professional engineer.

**GRADING, REGULAR** — A grading operation of less than 5,000 cubic yards. Where the site conditions warrant, the administrator may require the submission of a report on the site as prepared by a professional engineer, soils engineer or engineering geologist.

**HAZARD** — Any danger or potential danger to life, limb or health, or any adverse effect of potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers,

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7. Editor's Note: See Ch. 117, Building Construction, of the Code of the Township of Cross Creek.

§ 170-  
including stream pollution.

§ 170-4

**LANDSCAPE ARCHITECT** — A landscape architect licensed as such in the Commonwealth of Pennsylvania.

**LANDSLIDE PRONE SOILS** — Those soil formations whose characteristics are classified as being landslide prone or otherwise sensitive in the soil survey of Greene and Washington Counties.

**PERMIT HOLDER** — Any landowner, agent of said landowner, or tenant with the permission of said landowner who has been granted a grading permit pursuant to the provisions of this chapter.

**RETAINING WALL** — A structure composed of concrete, steel or other approved building material constructed for the purpose of supporting a cut or filled embankment which would otherwise not comply with the requirements of the standards set forth in this chapter, and which is more than two feet in height as measured on the exposed vertical surface of the wall.

**SITE** — A lot, tract or parcel of land, but may be a series of lots, tracts or parcels of land which are adjoining and with respect to which the grading work is to be continuous and performed at the same time.

**SLOPE** — The angle of the existing or proposed ground surface plane to the horizontal expressed as a ratio of the horizontal to the vertical, or in percentage to the slope (rise or fall per hundred feet).

**SOIL SURVEY** — The soil survey of Greene and Washington Counties, Pennsylvania, as prepared by the USDNR Conservation Service et al, and accompanying text, issued September 1983.

**SOILS ENGINEER** — A registered professional engineer in the Commonwealth of Pennsylvania having training and experience in soils and engineering.

**SOLID WASTE** — Any and all parts or combination of ashes, garbage, refuse, radioactive material, combustible demolition material and industrial wastes such as food processed wastes, wood, plastic, metal scrap, and other such materials whose disposal is regulated by the Pennsylvania Department of Environmental Protection.

**STEEP SLOPES or EXCESSIVE SLOPES** — Slopes where, in a 100-foot horizontal distance, the average slope exceeds 25%.

**STORMWATER MANAGEMENT** — The control of the surface water runoff as regulated by Chapter 257, Stormwater Management, of the Code of the Township of Cross Creek.

**SUBDIVISION ORDINANCE** — The Subdivision and Land Development Ordinance as amended, being Chapter 270 of the Township of Cross Creek Code of Ordinances.

**WELL** — The drilling of a hole and/or excavation solely for the purpose of obtaining a water supply, and is not intended to encompass drillings and/or excavations for the purposes of oil, gas, or other types of mineral extraction, which are intended to be subject to this chapter.**[Added 6-15-2010 by Ord. No. 3-10]**

**ZONING ORDINANCE** — The Zoning Ordinance, as amended.<sup>8</sup>

- B. Unless otherwise expressly stated, the terms and words shall, for the purpose of this chapter, have the meaning herein indicated. Words used in the singular number include the plural, and words in the plural include the singular; words in the masculine gender include the feminine and neuter; and the word "building" includes the word "structure" and the word "structure" includes the word "building."

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8. Editor's Note: See Ch. 320, Zoning, of the Code of the Township of Cross Creek.

- A. Every applicant requesting a grading permit shall file a written application, plans, specifications and a soil conservation report therefore with the administrator in a form prescribed by the administrator. The application shall indicate that the proposed grading is to be regular grading or engineered grading and shall:
- (1) Describe the land on which the proposed work is to be done by lot, block, tract, and street address, or similar description which will readily identify and definitively locate the proposed work.
  - (2) State the estimated dates for the starting and completion of the grading work.
  - (3) State the purpose for which the grading application is filed.
  - (4) State whether or not a building, structure, or other improvement, the construction of which will require a building permit pursuant to the provisions of the Building Code, is intended to be erected on the land on which the grading is to be done.
- B. The plans and specification shall accurately portray and describe the site and proposed soil erosion controls. Plans shall be submitted in triplicate, one set of which shall be of a reproducible nature, and shall include:
- (1) The name of the applicant.
  - (2) The name of the owner of the land.
  - (3) The permission and approval of the owner of the property, if the applicant is an agent or tenant.
  - (4) Accurate location by lot, block, tract, street address, a location map or similar information.
  - (5) A contour map showing the present contours of the land and the proposed contours after completion of the proposed grading at two-foot intervals where the average slope is 10% or less and at five-foot intervals where the average slope exceeds 10%.
  - (6) Cross sections of the proposed cut or fill on fifty-foot intervals which show the method of benching, both cut and/or fill; provided, however, that there shall be not less than two cross sections for each site.
  - (7) A plot plan showing the location of the grading boundaries, lot lines, neighboring streets, or ways, building, surface and subsurface utilities and waterways, drainage patterns and sufficient dimensions and other data to show all work.
  - (8) A description of the type and classification of the soil from the soil survey, other standards surveys, or from other methods.
  - (9) Details and location of any proposed drainage, stormwater management structures and pipes, walls and cribbing.
  - (10) Seeding locations and schedules, debris basins, diversion channels.
  - (11) The nature of fill material and such other information as the administrator may require to carry out the purpose of this chapter.
  - (12) The name and seal of the professional engineer who prepared said plans, except that administrator may waive the preparation or approval and signature by the professional engineer, an architect, or landscape architect, only when it is self-evident that the proposed work is simple, clearly shown on the plans submitted, creates no potential nuisance to the adjacent property or hazardous conditions and does not include the construction of a fill on landslide prone soils or upon which a structure may be erected.
- C. An approved erosion and sedimentation plan will be required from the Washington County Conservation District to include existing site description of the topography, drainage, cover and soils; major problems such

as soil limitations, erosions and sediment potential and surface runoff changes; and recommendations to minimize soil limitations, erosion and sediment and surface water disposal problems.

- D. An NPDES Permit from the PA DEP may be required dependant upon the size of the site and amount of land disturbance.
- E. Trees and natural ground cover shall be retained wherever possible to minimize the impact of the development on the site and environment.
- F. Provisions of Chapter 270, Subdivision and Land Development, and Chapter 257, Stormwater Management, are incorporated herein by reference.

§ 170-5

§ 170-6

**§ 170-6. Responsibility of administrator.**

- A. The administrator shall require that a geotechnical engineering report be submitted by the applicant if the site is, has been, or is likely to become hazardous to persons or property. The overlay map such as the Coal Resources Maps prepared by the USGS, 1975, for the Greater Pittsburgh Region shall be used to locate hazardous areas. The report shall contain a detailed description of the geological conditions of the site and shall include conclusions and recommendations that will demonstrate the relationship of the geological conditions to the proposed development, including hazardous conditions, water resources, mineral resources and environmental impact.
- B. In special cases, when grading occurs in areas of landslide-prone soil, or rock-fall-prone areas as recognized by the soil survey, or other standard surveys, the administrator may require special precautions prior to issuing a permit from the applicant. The results of all soil tests and core borings made relative to the site shall be submitted to the administrator.
- C. The administrator may deny a grading permit if the use of land to be graded, either excavating or filling, is not specifically known except for the intent improving the site. The administrator shall review the application, plans, specifications and reports and determine whether the project will improve the site, is in the best interest of the Township, and is not detrimental to the environment. The applicant may appeal the administrator's decision to the Board of Supervisors by preparing a site plan showing the development of the land in accordance with Chapter 270, Subdivision and Land Development.
- D. When the requirements of this chapter for obtaining a permit have been met, the administrator shall approve the application and proposed plan and grant a grading permit to the applicant.
- E. The administrator may waive the requirement of any or all plans and specifications listed in this chapter if he finds that the information on the application is sufficient to show that the work will conform to the provisions of this chapter. The said agreement may be incorporated in the developer's agreement as required in Chapter 270, Subdivision and Land Development.

§ 170-7

**§ 170-7. Special agreement.**

In the event that the applicant will move or grade an area of more than 50,000 square feet, or grade more than 10,000 cubic yards, then the formal agreement may be required by the Board of Supervisors, and said agreement will be prepared by the applicant at his own cost and expense and must be approved as to form by the Township Solicitor. The said agreement may be part of, and incorporated in, a developer's agreement as required by Chapter 270, Subdivision and Land Development.

§ 170-8

**§ 170-8. Expiration of permit.**

Every grading permit shall expire and become null and void if the work authorized by said permit has not been commenced within six months or is not completed within one year from the date of issue, provided that the administrator may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time, and provided further, that the application for the extension of time is made before the date of expiration of the permit.

170-8

**§ 170-9. Denial of permit.**

§ 170-9

- A. If the administrator shall determine that the work proposed by the applicant is likely to endanger any property, or person, or any street or alley, or create hazardous conditions, the grading permit shall be denied. In determining whether the proposed work is likely to endanger property or streets or alleys, or create hazardous conditions, the administrator shall consider, among other relevant factors, the following: possible saturation by rains, earth movements, surface water runoff, and subsurface conditions such as the stratification and faulting of rock, aquifers, mine conditions, springs and the nature and type of the soil and rock.
- B. Any person who is aggrieved by the application of the provisions of this chapter may, within 15 days from the date of the denial of the permit or such other adverse determination by the administrator, file a written appeal therefrom to the Board of Supervisors. The Board of Supervisors shall grant a hearing upon such an appeal within 30 days after the receipt of the written appeal.
- C. If any appeal is taken from the issuance of a building permit where grading permit has also been issued, and if such an appeal shall, pursuant to the provisions of Chapter 320, Zoning, operate as a stay of all proceedings under any such building permit, then such appeal shall also operate to stay all proceedings under any such grading permit.

§ 170-9

**§ 170-10. Inspections.**

§ 170-10

- A. The administrator shall make the inspections hereinafter required and shall either approve that portion of the work which has been completed or notify the permit holder wherein the same fails to comply with the provisions of this chapter.
- B. Grading and drainage plans approved by the administrator shall be maintained at the site during the progress of the grading and drainage and until the work has been approved.
- C. The permit holder shall submit to the administrator an as-built drawing of the project before the issuance of the grading certificate of completion.
- D. The permit holder shall notify the administrator in order to obtain inspections in accordance with the following schedule and such notification shall be made by the permit holder at least 24 hours before the inspection is made:
  - (1) Initial inspection. When work is about to be commenced and stakeout is completed.
  - (2) Rough grading. When all rough grading has been completed.



- (3) **Drainage facilities:**
- (a) All drainage facilities that connect to or shall become public drainage facilities shall be continuously inspected during construction.
  - (b) Other drainage facilities shall be inspected before such facilities are backfilled.
- (4) Additional inspection. When in the opinion of the administrator other inspections are necessary.
- (5) Final inspection. When all work, including the installation of all drainage, landscaping and other structures have been completed.
- E. If at any stage of the work the administrator shall determine by inspection that the nature of this excavation or fills is such that further work is authorized by an existing permit is likely to endanger property, or streets, or alleys, or create hazardous conditions, the administrator may require, as a condition to allowing the work to be done, that such reasonable safety precautions be taken as the administrator considers acceptable to avoid such likelihood of danger.

§ 170-10

**§ 170-11. Plan changes.**

§ 170-11

Any physical changes from the original plan uncovered in the site during the construction, such as surface water drainage, soil and bedrock dislocations, alteration of groundwater discharge or any other natural or man-made modification which would tend to undermine the basis upon which the permit was issued, must be immediately reported to the administrator by the permit holder. If the circumstances dictate, the administrator shall revoke the permit or otherwise modify the conditions upon which the permit was initially issued.

§ 170-11

**§ 170-12. Fees and bonds.**

§ 170-12

- A. At the time of the application, the applicant shall pay an application review fee to cover the Township cost of reviewing application documents. Any additional charges incurred by the Township to review the application of an excavation permit shall be borne by the applicant. Any application fees not expended by the Township shall be returned to the applicant within a reasonable period of time.
- B. Fees for review of application and inspections of regular grading permits shall be in accordance with the schedule set forth in the applicable resolution of the Board of Supervisors.
- C. Fees for review of application and inspections of engineered grading permits shall be in accordance with the schedule set forth in the applicable resolution of the Board of Supervisors. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (1) Inspection fee. An inspection fee equal to 2% of the total estimated cost of the grading work, control facilities and landscaping shall be collected by the administrator prior to the issuance of the grading permit. A minimum fee as set by resolution of the Township Board of Supervisors shall be charged. Inspection costs incurred by the Township in excess of the initial fee collected shall be paid for by the applicant prior to the final inspection of the work.
  - (2) Should a special agreement be required by the Township Board of Supervisors as described in § 170-7 of this chapter, a review fee as set by resolution of the Township Board of Supervisors will be required.
- D. The plan checking fee for an amendment to a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the fee required for the entire project; however, a minimum fee as set by resolution of the Township Board of Supervisors will be charged. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- E. Should the work require the use or occupancy of Township roads or streets for access by heavy construction equipment, or for hauling of spoil or borrow material, a separate bond shall be required to guarantee the repair

of pavements, curbs and sidewalks damaged during the grading operation.

- F. As a condition of approval of an engineered grading permit under this chapter, the applicant shall post a cash or performance bond or other security acceptable to the Township in the amount of 50% of the estimated cost to perform the work. The cost estimate shall include the complete scope of work needed to be performed by the applicant to comply with this chapter and shall be prepared and certified by the applicant's engineer or architect and accepted as reasonable by the administrator. The administrator shall be the final arbiter as to the reasonableness of any cost estimates.
- G. Upon completion of the grading under an engineered grading permit, a maintenance bond in the amount of 15% of the cost estimated shall be posted (payable to Cross Creek Township) for a period of 18 months.
- H. No bond shall be required if another bond or approved security is posted for construction and/or site improvements which already covers the cost of grading and other control facilities.

§ 170-12

§ 170-13

**§ 170-13. Certificate of completion.**

If, upon final inspection of the site for which a permit has been issued, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this chapter, a grading certificate of completion covering such work and stating that the work is approved shall be issued to the permit holder by the administrator.

§ 170-13

§ 170-14

**§ 170-14. Maintenance.**

- A. The owner of any property on which an excavation or fill has been made shall maintain good condition and repair the excavation or fill permitted and also all retaining walls, cribbing, drainage structures, fences, ground cover, and other protective devices as may be a part of the permit requirements.
- B. The continued use of said area shall be contingent upon the proper maintenance and upkeep of all of the above-mentioned items, satisfactory to the Township and subject to such further conditions as the Township may prescribe from time to time to keep the site in proper condition.
- C. The grading certificate of completion may be revoked by the Township Board of Supervisors at any time, upon recommendation of the administrator, where the conditions of the permit are not being observed, the work covered by the permit has been materially extended or altered without a permit to do so, or conditions exist which prejudice the health, safety and welfare of any person, persons or property. Before such revocation, the administrator shall first give written notice to the permit holder and to the owner of the property involved, specifying the defect or unsatisfactory condition involved, and advising that unless such a defect or unsatisfactory condition is remedied, the certificate shall be revoked. If the defect or unsatisfactory condition is remedied within 30 days of notice to the permit holder to correct the same, the certificate shall not be revoked.
- D. If the permit holder shall fail to correct such defect or unsatisfactory condition within such thirty-day period, the Township may undertake the necessary work and the cost thereof shall be borne by the permit holder and collected in any manner authorized by law, including the imposition of a lien against the property.

§ 170-14

§ 170-15

**§ 170-15. Hazardous condition; nuisance.**

- A. Whenever the administrator determines that any existing excavation, embankment or fill has become a hazard, as defined in this chapter, the owner of the property upon which the grading is located, or other person or agent in control of said property, upon receipt of notice in writing from the administrator shall, within the time specified in such notice, repair, reconstruct or remove such excavation, embankment, or fill so as to eliminate the hazard.
- B. If the permit holder shall fail to correct such hazardous or unsatisfactory condition within the specified time

period, the Township may undertake the necessary work and the costs thereof shall be borne by the permit holder and collected in any manner authorized by law, including an imposition of a lien against the property.

- C. Any excavation not completed within 180 days from the date of initial grading shall constitute a nuisance and a hazard.
- D. The property owner shall restore, repair, reconstruct or remove such excavation, embankment or fill as directed by the administrator within 30 days of receipt of said written notice.

§ 170-15

**§ 170-16. Working conditions.**

§ 170-16

The following working conditions apply to all grading sites:

- A. Dust control. During grading operations, acceptable measures for dust control will be exercised.
- B. Protection of public facilities. All public utilities and roadways shall be protected in the design of and during the grading operation. Construction equipment shall not be operated on public roads without the placement of protective mats. Aggregate driveway or roadway surfaces shall be provided to prevent tracking of dirt and mud onto the public roadways.
- C. Cleanup. All soil washed or carried onto public streets during grading operations shall be cleaned up as it accumulates. The owner of the property being graded shall be responsible to protect and clean up lower properties of silt and debris, which have been washed down into the lower properties as a result of the grading work on higher properties.
- D. Workdays. None of the work or activity covered by a grading permit shall be conducted on a Sunday or legal holiday without the approval of the Supervisors.
- E. Work hours. All of the work and activity covered by a grading permit shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., prevailing time, unless time limits are extended, excused or otherwise modified by the Board of Supervisors.

§ 170-16

**§ 170-17. Environmental protection.**

§ 170-17

- A. Live stream crossings. Grading equipment will not be allowed to cross live streams. Provisions will be made for the installation of culverts or bridges for such crossings. Permits shall be obtained from the Pennsylvania Department of Environmental Protection for temporary and permanent encroachments, relocations, enclosures and temporary crossings of streams.
- B. Excessive slopes. Grading on excessive slopes shall be avoided so as to minimize erosion and storm runoff, to protect watersheds, to discourage erosion of soils by maintaining adequate foliage cover on excessive slopes, and to promote the perpetuation of open space on hillsides. The areas considered to have excessive slope may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

§ 170-17  
§ 170-18. **Excavation.**

§ 170-18

- A. All topsoil shall be removed from the area to be graded and stockpiled and preserved for possible reuse on the site.
- B. Maximum slope steepness of a cut shall be no greater than two horizontal to one vertical for minimizing erosion and landslide hazards. However, a governmental review agency, professional engineer, soils engineer or engineering geologist may determine the types of soil on the sites to be graded from the soil survey, geological surveys or core borings. Maximum slopes can then be determined as follows:
  - (1) Landslide-prone solids or unstable rock formations where existing slopes are greater than 25% shall have proposed cut slopes no steeper than three horizontal to one vertical.
  - (2) Landslide-prone soils where existing slopes are less than 25% shall have proposed cut slopes no steeper than two horizontal to one vertical.
  - (3) Soils which are not or have low probability of being landslide-prone shall have a slope no steeper than 1 1/2 horizontal to one vertical.
- C. Cut slopes up to one horizontal and one vertical may be allowed under a grading permit, provided that two or more of the following conditions are satisfied:
  - (1) The material in which the excavation is made is stable to sustain a slope steeper than the slope specified above for the recognized soil conditions on the site. An acceptable geological report, signed and sealed by a soils engineer, certifying that the steeper slope will have sufficient stability, and that it will not endanger any property, or result in property damage and that creation of a hazard will be minimal, shall be submitted to and may be approved by the administrator.
  - (2) A retaining wall of other approved support, designed by the professional engineer and approved by the administrator, is provided to support the face of the excavation or to provide a fall zone at rock faced slopes.
  - (3) The proposed slopes demonstrated on a site plan which is presented to the Planning Commission and the Township Board of Supervisors to be absolutely necessary to permit the reasonable development of the site, subject to other requirements of this chapter.
- D. The administrator may require that the excavation be designed so that a line having a slope of two horizontal to one vertical measured from the bottom of the cut slope will be entirely inside the property lines of the property on which the excavation is made, if conditions exist which, under applicable engineering practice the excavation may not be deemed to be stable or safe.
- E. The administrator may require an excavation to be made with a cut slope flatter than those specified above if he finds the material in which the excavation is to be made is subject to erosion is prone to landslides, or if other conditions exist which, under applicable engineering practices, make such flatter cut slope necessary for stability and safety.
- F. Excavation adjacent to any footing, foundations or structure shall not extend below the minimum angle of repose or natural slope of the soil under the nearest point of same unless such footing, foundation or structure is first properly underpinned or otherwise protected against settlement. Before commencing any excavation which will affect physically in any way an adjoining property or structures thereon, the permit holder shall notify, in writing, the owners of the adjoining property or structures not less than 30 days before such excavation is to be made informing them that excavation has been planned. A copy of such notice(s) shall be submitted to the administrator. Adjoining properties and structures shall be protected as provided in the Building Code and/or as required by the administrator.
- G. The top or bottom edge of final slopes shall normally set back five feet from adjacent property lines or street

§ 170-20 right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property. § 170-20

§ 170-18 § 170-19  
**§ 170-19. Blasting.**

- A. No person, firm or corporation may store, handle or use any explosive in the Township of Cross Creek without first obtaining a special permit from the administrator. The administrator shall have the authority to impose reasonable regulations and restrictions upon the storage, handling and use of explosives. Any violation of any regulation or requirement imposed by the administrator or imposed under any section of this chapter shall be grounds for the revocation of any permit theretofore issued.
- B. All blasting which is conducted in the Township shall be in conformity with state requirements and shall be in compliance with the Act of July 10, 1957, P.L. 685, 73 P.S. § 164 to 168, as amended, and the Department of Labor and Industry rules and regulations promulgated pursuant to the aforesaid statute.
- C. The administrator shall be notified at least 24 hours prior to any blasting.
- D. The administrator has the authority to deny a permit if they feel it is a realistic danger, hazard or environmental concern to the surrounding properties, residents or other entities. The administrator may require that an embankment or fill be constructed with an exposed surface flatter than two horizontal to one vertical if he finds that under the particular conditions such flatter surface is necessary for stability and safety.

**§ 170-20. Fills and embankments.**

- A. All topsoil shall be removed from the area to be graded and stockpiled and preserved for possible reuse on the site.
- B. The site shall be prepared by cutting toe benches and other keyways so as to provide a firm base on which to place the fill. No fill or embankment shall be made on landslide-prone soils without adequate engineered preparation and drainage of the area to be filled.
- C. No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:
  - (1) The fill, in the judgment of the administrator, is located so that settlement, sliding, or erosion of the fill material will not result in property damage or be a hazard to adjoining property, streets, alleys, buildings, storm drains or drainageways.
  - (2) Soils capability and geological report, signed and sealed by the professional engineer, experienced in erosion control and soils analysis, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, and that creation of a hazard will be minimal, shall be submitted to and may be approved by the administrator.
- D. Fills, embankments and finish grading shall be designed in accordance with the following:
  - (1) Where fills are located so that the earth movement may result in personal injury or damage to adjacent property, streets, alleys or buildings, the bearing value and stability of the material under proposed fills and embankments shall be determined by subsurface investigation performed by a soils engineer or engineering geologist.
  - (2) The type of fill material available in each stage of the grading operation shall be determined in order to plan proper filling procedures.
    - (a) Rock may be incorporated in fills and embankments but only layers 24 inches thick, maximum, as per the latest edition of Pennsylvania Department of Transportation Specifications Publication 408, 1:186

- § 170-20 with voids filled and a blanket of compacted fill separating one layer of rock from the next. Rock fill shall not be placed near the bottom of the proposed foundations, building caissons and subsurface utility installations. Suitable earth shall be reserved or provided to cover rock fill under proposed seeded or planted areas. § 170-20
- (b) No unsuitable material, such as coal, boney, red dog, expansive shale and cinders, shall be placed in fill areas.
  - (c) Wood and other solid waste material shall not be placed in fill areas.
  - (3) No fill of any kind shall be placed over topsoil, trees, stumps or other material which would create a nuisance, potential fire hazard, or sanitation problem which would attract rodents, termites or other pests.
  - (4) On major fills or embankments, a toe bench shall be constructed below mantle on bedrock under the toe of fill.
  - (5) Benching of the existing surface shall be required and indicated on the cross sections.
  - (6) A porous drain shall be installed on the bottom and back wall of the toe bench; together with a drain pipe and suitable discharge pipe to the existing nonerosive surface beyond and below the toe of the proposed fill.
  - (7) Overfilling the slopes is desirable to permit the final shaping of the surface to proposed grade without the addition of loose fill over the surface of the slope, provided that no fill shall be higher than 10 feet vertically before the slope is shaped to proper grade.
  - (8) At the end of each workday, the horizontal surface of the fill shall be shaped, compacted and rolled to provide for drainage.
  - (9) All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill (excepting rock) shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted by a sheepsfoot roller or other approved method after each layer is spread. Fill shall be placed at the optimum moisture content for the specified degree of compaction. The administrator may require tests or other information if, in his opinion, the conditions or materials are such that additional information is needed. Where fills are to have streets, structures, or public utilities placed in or on them, a modified proctor density of 95% shall be achieved (ASTM Test Designation D 1557).
  - (10) The top or bottom edge of the final slopes shall be set back five feet from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street and to allow for location of proper drainage facilities and protective devices.

§ 170-20

§ 170-21

**§ 170-21. Erosion and sedimentation control.**

- A. All grading shall be done in conformity with the requirements of the Pennsylvania Department of Environmental Protection (25 Pa. Code Chapter 102). Reports and plans required to be submitted to this agency shall also be submitted to the Township when the area involved is less than 25 acres.
- B. Guidelines for minimizing erosion and sediment contained in the "Erosion and Sediment Control Handbook" for Washington County, Pennsylvania, and the Department of Environmental Protection, Soil Erosion and Sedimentation Control Manual, shall be followed. One or a combination of guidelines shall be used to minimize hazard, depending on site conditions and proposed grading. However, the Township Engineer may approve grading plans not exceeding the guidelines of these handbooks of proposed grading will not constitute a hazard.
- C. All slopes exceeding 3:1 shall be sown with crown vetch or other approved anti-erosion vegetation.
- D. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and/or the sloping surface of fills. Interception and diversion facilities for stormwater and surface water runoff, both above and below the cut area during and after construction, shall be included in the design.
- E. Fill shall be placed and compacted so as to minimize sliding and erosion.
- F. Care shall be taken to prevent sedimentation from entering natural watercourses or existing channels and suitable protection shall be provided for periods of possible flooding. Approved anti-erosion devices shall be installed where directed to achieve this requirement.

§ 170-21

§ 170-22

**§ 170-22. Slope treatment and ground cover.**

- A. In order to prevent erosion, the permit holder shall be required to provide adequate ground covering of such kind and character as may be approved by the administrator.
- B. For slopes steeper than three horizontal to one vertical, the ground covering shall be an approved variety of erosion-resistant vegetation.
- C. The completion of finish grading should be done during a season of the year when turf or ground cover can best be established.

§ 170-22

§ 170-23

**§ 170-23. Retaining walls and fences.**

- A. If a retaining wall is constructed to satisfy a requirement of this chapter, a building permit shall not be required. The grading permit shall include the retaining wall, and the requirements for approvals and inspections, as stated herein, shall be complied with.
- B. The retaining wall shall be designed and constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal and signature of a professional engineer.
- C. The backfilling of retaining walls and the construction of subterranean drainage facilities shall be done in accordance with sound engineering practice.
- D. Retaining walls more than four-foot high require a building permit and that they be designed and a drawing submitted and sealed by a registered professional engineer. Retaining walls may not exceed 15 feet at any

point above finish grade nor be more than eight feet in height, on average, above finish grade.

- E. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be at least three feet from the back of the adjoining property.
  - (1) This requirement may be waived by the administrator if it can be satisfactorily demonstrated that such an exception is necessary to insure normal use of the property.
  - (2) This requirement may also be waived when the proposed retaining wall is a joint venture between adjacent property owners and documents evidencing the same are filed with the application for the permit.
- F. A fence not less than four feet in height, of a design approved by the administrator and meeting requirements of Chapter 320, Zoning, shall be placed at the top of all new cuts and fills made when the cuts or fill slopes are steeper than two horizontal to one vertical and also elsewhere where public safety dictates.

**§ 170-24. Drainage facilities.**

- A. No grading work shall be started prior to the approval of and implementation of a stormwater management plan in conformance with Chapter 257, Stormwater Management, of the Code of the Township of Cross Creek, as amended.
- B. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and/or adjacent properties. Interception and diversion facilities for stormwater and surface water runoff, both above and below the cut and fill slope areas during and after construction shall be included in the design. As a minimum, drainage facilities to proposed detention areas shall be designed to accommodate the severest storm that might occur during a ten-year period.
- C. The drainage pattern prior to construction shall be indicated on the plans. Adequate measures shall be taken to prevent any erosion and water runoff damage to adjacent properties during the construction and after completion of construction.
- D. Storm sewers, catch basins, drainage ditches and swales necessary to protect adjacent properties, whether they be permanent or temporary in nature, shall be constructed before any excavation or filling is started. The storm sewers, catch basins, drainage ditches, and swales shall be maintained, cleaned, cleared and open during construction. If the above is not complied with, the administrator shall stop all clearing and grading on the site until the necessary drainage facilities are completed or the permit will be revoked and the required bond forfeited.
- E. New storm sewers and utilities traversing a proposed fill area shall be buried a minimum of three feet from top of pipe to proposed grade. Fill shall be constructed in that area prior to installation of said sewers and utilities. The minimum size storm sewer, exclusive of toe or bench drains, shall be 15 inches in diameter unless a variation in size is approved by the administrator. All storm sewers located under pavement areas shall be reinforced concrete pipe.
- F. Slopes steeper than two horizontal to one vertical and of more than 20 feet in vertical height shall be separated by a level berm of at least 10 feet in width at intervals of no more than 20 feet vertically if the slope is potentially hazardous due to easily erosive material.
- G. On slopes of two horizontal to one vertical or less steep, the 10-foot level berms will not be required unless deemed necessary by the administrator.
- H. Drainage ditches with a grade of 5% or greater shall be paved with concrete, bituminous mixture, brick, half-pipe, rubble or other hard nonerodable material.
- I. Drainage ditches with a grade of less than 5% shall be grassed and sloped in such a manner that they can be



- J. Drainage structures, storm sewers, detention ponds, sedimentation ponds and appurtenances shall be of proper design and so constructed as to carry surface water and any subsurface water encountered to the nearest practical storm drain or natural watercourse approved by the administrator as a safe place to deposit and receive such waters. Approval by the administrator in no way relieves the owner of his legal responsibilities to adjacent property owners. The owner shall also comply with all state laws and regulations dealing with enclosing or discharging into existing streams, channels or storm sewers.
- K. As a guide for the prevention of damage, grading plans shall follow vegetative control methods and ditch and conduit control methods in the Erosion and Sediment Control Handbook for Washington County, Pennsylvania. The administrator may approve methods and materials recommended by governmental agencies, professional engineers and architects, when they are more suitable to the site in preventing damage. Private drainage facilities of any nature shall be at least designed to accommodate the largest size storm that would occur on the average of every 10 years. The site design shall provide a safe floodway for flows from storms of greater intensity.
- L. No rock fill shall be placed around or over storm sewers or drainage facilities other than that designed as part of the site drainage facilities.

§ 170-24

§ 170-25

**§ 170-25. Floodplain management.**

All grading work within designated or known floodplains shall conform to the requirements and standards of the Floodplain Ordinance, as amended.

§ 170-25

§ 170-26

**§ 170-26. Liability.**

- A. Neither the issuance of a permit under the provisions of this chapter nor the compliance with the provisions hereof or with any condition imposed by the administrator hereunder shall relieve any permit holder from any responsibility for damage to any persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Township, its employees, and its consultants for damages to persons or property.
- B. The permit holder shall be fully responsible for any noncompliance with approved plans. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of grading until released by the Township. The use of the qualified personnel experienced and knowledgeable in the practice of excavation and landscape restoration shall be required.

§ 170-26

§ 170-27

**§ 170-27. Violation and penalties.**

- A. No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause same to be done contrary to or in violation of any provision of this chapter.
- B. When notice of any violation of, or noncompliance with, any provision of this chapter has been given by the administrator, such violation shall be discontinued immediately, unless the administrator has specifically designated a reasonable time limit for compliance. Any violation which continues after such notice shall be subject to the penalties in this chapter.
- C. Penalties.
  - (1) Any person who violates any of the provisions of this chapter may be charged with such violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 for each violation or, alternatively, sentenced to pay a fine of not more than a maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction.

- (2) Whenever any person violating any of the provisions of this chapter is notified of such violation by the administrator by service, summons or any other manner, each day or portion thereof a violation occurs or continues shall constitute a separate violation.
- D. In addition to the above-stated violations and penalties, the Township may seek remedies and penalties under applicable Pennsylvania statutes and regulations.
- E. § 170-28. Action to prevent unlawful work.

In case any work is performed by any person in violation of any of the provisions of this chapter, the proper officers of the Township, in addition to other remedies, may institute in the name of the Township an appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful work and to restrain or abate such violation.

## **Chapter 179**

### **INSURANCE**

§ 170-28 § 170-28  
[**HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.**]

§ 179-1 § 179-3

ARTICLE I  
**Fire Loss Claims**  
[Adopted 9-15-1998 by Ord. No. 2-98]

**§ 179-1. Requirements for insurance companies making payments.**

No insurance company, association or exchange doing business in the commonwealth shall pay a claim of a named insured for fire damage to a structure located within Cross Creek Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurance company, association or exchange is furnished with a certificate pursuant to § 179-2 of this article and unless there is compliance with the procedures set forth in §§ 179-3 and 179-4 of this article.

**§ 179-2. Township Treasurer to notify insurance companies; provide certificates and bills.**

A. The Treasurer of Cross Creek Township shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurance company, association or exchange and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of a loss report of the claim, furnish the insurance company, association or exchange either of the following within 14 working days of the request:

- (1) A certificate or, at the discretion of the Township, a verbal notification which shall be confirmed, in writing, by the insurer to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Treasurer's certificate or verbal notification, the Township has not certified that any costs have been incurred by the Township for the removal, repair or securing of a building or other structure on the property; or
- (2) A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Treasurer's certificate, the amount of the total costs, if any, certified to the Treasurer that have been incurred by the Township for the removal, repair or securing of a building or other structure on the property.

B. Receipt of certificate.

- (1) Upon the receipt of a certificate pursuant to § 179-2A(1) of this article, the insurance company, association or exchange shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insurance company, association or exchange, the insured property owner and the Township shall follow the procedures set forth in §§ 179-3 and 179-4 of this article.
- (2) Upon the receipt of a certificate and bill pursuant to § 179-2A(2) of this article, the insurance company, association or exchange shall return the bill to the Treasurer and transfer to the Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The Township shall receive the amount and apply or credit it to payment of the items shown in the bill.

**§ 179-3. Insurance company to transfer certain funds to Township; estimates.**

When the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the designated officer of Township

§ 179-3 Treasurer in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim, or, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Township shall be disbursed in accordance with the policy terms. The named insured may submit a contractor's signed estimate

of the costs of removing, repairing or securing the building or other structure after the transfer, and the Township Treasurer shall return the amount of the fund in excess of the estimate to the named insured if the Township has not commenced to remove, repair or secure the building or other structure.

**§ 179-4. Receipt of proceeds by Township; transfers to named insured. [Amended 9-19-2006 by Ord. No. 6-06]**

Upon receipt of proceeds by the Township as authorized by this article, the Township Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Township. When transferring the funds as required in § 179-3 of this article, an insurance company, association or exchange shall provide the Township with the name and address of the named insured, whereupon the Township shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this subsection shall be followed. Thereafter, the owner of such building or other structure shall cause the structure to be repaired so as to come into compliance with the Township's Building Code, or in the alternative, razed and removed such that the structure will not continue to exist in a dilapidated, damaged or otherwise dangerous condition within 90 days of the damage occurring to such structure and/or building. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the Township Treasurer if the Township has not incurred any costs for repairs, removal or securing. If the Township has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and, if excess funds remain, the Township shall transfer the remaining funds to the named insured. Nothing in this section shall be construed to limit the Township to recover any deficiency nor to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

**§ 179-5. Filing. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

A certified copy of this article shall be filed with the Commonwealth of Pennsylvania, Department of Economic and Community Development (or such other agency of the commonwealth as may hereafter pertain) together with the name, position and telephone number of the Township official responsible for compliance with this article.

## **Chapter 202**

### **NUISANCES**

§ 179-5

§ 202-1

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 11-18-2002 by Ord. No. 3-02. Amendments noted where applicable.]**

**§ 202-1. Word usage; definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

**ABANDONED OR JUNKED MOTOR VEHICLE** — Any vehicle in nonserviceable condition or without having both a current inspection sticker and current registration plate.

**BOARD OF SUPERVISORS** — Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania.

**NUISANCE** — The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

**OWNER** — Person owning, leasing, occupying or having charge of any premises within the Township.

**PERSON** — Any natural person, firm, partnership, association, corporation, company, club, copartnership, society,

TOWNSHIP — Cross Creek Township which is located within the confines of Washington County, Pennsylvania.

VEGETATION — Any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

§ 202-2

**§ 202-2. Nuisances declared illegal.**

Nuisances, including, but not limited to the following, are hereby declared to be illegal:

- A. Storing or accumulating abandoned or junked motor vehicles that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township or by the Commonwealth of Pennsylvania. All such vehicles must be moved in 60 days or, if at a vehicle repair business, 90 days.
- B. Storing or accumulating more than one antique or collector motor vehicle for restoration which is neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances; or storing or accumulating in a nonorderly fashion one antique or collector motor vehicles for registration.
- C. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, lane or alley; or from any property into or upon any adjoining property.
- D. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- E. As to properties located in a village or residential district, permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this chapter, or permitting to grow to such length as to make likely the presence of snakes, vermin, or other dangerous or offensive conditions.
- F. Permitting or allowing any well or cistern to be, or remain, uncovered.
- G. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania and allowing same to remain thereon.
- H. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- I. Defacing public and private property.
  - (1) It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the Township. Examples of defacing shall include, but not be limited to, the following: application of paint, inks and dyes; affixing or any printed materials such as signs or posters; destruction or removal; defacing in any manner.

~~J. Riding of dirt bikes or all terrain vehicles on public roads, or without appropriate muffler devices such that loud and offensive noises are produced; producing inordinate amount of dust so as to adversely affect adjoining properties; or riding on property of others without express written permission.~~

§ 202-3

**§ 202-3. Written notice to violators required.**

- A. Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause

written notice to be served upon the owner in one of the following manners:

- (1) By making personal delivery of the notice to the owners; or
  - (2) By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
  - (3) By fixing a copy of the notice to the door at the entrance of the premises in violation; or
  - (4) By mailing a copy of the notice to the last-known address of the owner by certified mail; or
  - (5) By publishing a copy of the notice in a local newspaper of general circulation within Washington County, Pennsylvania, once a week for three consecutive weeks. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations, or by fencing or boarding, or in some way confining and limiting the nuisance.
- B. Such notice shall require the owner to commence action in accordance with the terms thereof within 20 days and, thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of § 202-2F, G or H is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

§ 202-4

#### § 202-4. Violations and penalties.

This chapter regulates building, housing, property, maintenance, health, fire, public safety, air ~~or noise~~ pollution, and shall be enforced pursuant to 53 P.S. § 66601(c.1)(2).

- A. Enforcement thereof shall be by an action before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.C.P. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in an amount of up to \$1,000 per violation and the costs of prosecution and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than 90 days, provided further that each day's continuance of a violation shall constitute a separate event. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor; the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations, which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.
- C. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

§ 202-5

#### § 202-5. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

## Chapter 208 OBSCENITY

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 8-19-1986 by Ord. No. 1-86. Amendments noted where applicable.]**

### § 208-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AVAILABLE TO THE PUBLIC** — The matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.

**DISPLAYS PUBLICLY** — Exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen, and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others.

**DISSEMINATE** — To transfer possession of, with or without consideration.

**EXPLICIT SEXUAL MATERIAL** — Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

**KNOWINGLY** — Being aware of the character and the content of the material.

**MASSAGE** — Any process consisting of kneading, rubbing or otherwise manipulating the skin of the body of a human being either with the hand or by means of electrical instruments or apparatus or other special apparatus, but shall not include massages by duly licensed physicians, osteopaths, chiropractors, registered nurses and practical nurses operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction; nor shall this definition include any massage of the face or neck practiced by beauticians, cosmetologists and barbers duly licensed.

**MASSAGE ESTABLISHMENT** — Any building, room, place or establishment where, for any form of consideration or gratuity, manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. The term shall not include a regularly licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

**MATERIAL** — Any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines.

**MINOR** — Any person under the age of 18.

**NUDITY** — The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

**OBSCENE** — To the average person applying contemporary community standards:

- A. The predominant appeal of the matter, taken as a whole, is to prurient interest, i.e., a shameful or morbid interest in sexual conduct, nudity, or excretion; and
- B. The matter depicts or describes sexual conduct in a patently offensive manner; and
- C. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

**PERFORMANCE** — Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

PERSON — Any individual, partnership, firm, association, corporation or other legal entity.

PORNOGRAPHIC FOR MINORS — Any material or device or performance is "pornographic for minors" if it is primarily devoted to description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and:

- A. Its predominant appeal is to prurient interest in sex; and
- B. It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- C. It lacks serious literary, artistic, political or scientific value for minors.

PROMOTE — To cause, permit, procure, counsel or assist.

SERVICE TO PATRONS — The provision of services to paying guests in establishments providing food and beverages, including but not limited to hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertaining.

SEXUAL DEVICE — Any instrument or appliance primarily designed, promoted or marketed for the purposes of artificially causing, simulating, stimulating, or enhancing sexual conduct, except that any such device which is sold, distributed or displayed for bona fide medical purposes shall not be included within this definition.

§ 208-1

§ 208-2

**§ 208-2. Prohibited conduct.**

It shall be unlawful for any person for pecuniary gain or other consideration to:

- A. Knowingly disseminate, distribute or make available to the public any obscene material or objects or sexual devices; or
- B. Knowingly engage or participate in any obscene performance made available to the public; or
- C. Knowingly engage in commerce with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
- D. Knowingly provide service to patrons in such a manner as to expose to public view:
  - (1) His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
  - (2) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (3) Any portion of the female breast at or below the areola thereof; or
- E. Knowingly lease, own, or make available for such purposes a massage establishment, or engage in or offer to engage in for pecuniary gain or consideration the practice of massage as such conduct is defined herein.
- F. Knowingly publicly display explicit sexual material or to fail to take prompt action to remove the display of explicit sexual material from property in his possession after learning of its existence.
- G. Knowingly promote the commission of any of the above-listed acts.
- H. Knowingly to furnish pornographic material to minors.

§ 208-3

**§ 208-3. Notice of obscene material.**

- A. Actual notice of the obscene or pornographic nature of such material, performance, or activity may be given to a person involved in or responsible for such from the Township Manager, Zoning Officer or other duly authorized Township official.
  - (1) Such notice shall be in writing and delivered by mail or in person to the alleged offender;



(2) Such a notice shall state that:

- (a) In the opinion of the Township Manager, Zoning Officer or other duly authorized Township official, the activity engaged in falls within the prohibitions of § 208-2;
- (b) That, if such activity has not ceased within 24 hours, the Township will take appropriate legal action.

B. A person who promotes any activity prohibited in § 208-2 in the course of his business is presumed to do so with knowledge of its content and character.

§ 208-4

**§ 208-4. Enforcement.**

A. The Township may maintain an action of an equitable nature to enjoin any person from owning, leasing, maintaining, managing, conducting or operating a facility which is used for prohibited conduct as specified herein.

B. From and after service of the complaint in equity as provided for in the Rules of Civil Procedure, all money or other valuable consideration thereafter paid as an admission price or for services rendered or as rent to an owner due to the continuation of said prohibited conduct shall be turned over to the Township upon the issuance of an order by the Court of Common Pleas of Washington County enjoining such activities.

C. Injunctions.

(1) Preliminary and permanent injunctions may be issued to prevent the further maintenance of such conduct. The procedures for obtaining such injunctions shall be governed by the Pa. Rules of Civil Procedure.

(2) Upon the trial on the merits of the permanent injunction, if the court finds a facility to be in violation of this chapter, the court may issue an order closing the facility to all uses and purposes for a period of one year. If the offenders or persons owning, in control or in charge of such facility certify that the illegal activity has been abated and that the facility will no longer be used for such illegal conduct, and post a bond in an amount not to exceed the value of the personal property possessed or contained at such place for the maintenance of the illegal activity, the court may release such person or persons from the closure order. The bond shall be deposited with the court prior to the release of any closure order and shall be returned to the person posting said bond, without interest at the expiration of one year, provided that the illegal activity is not maintained or reestablished within that year.

§ 208-5

**§ 208-5. Forfeiture to Township's general fund.**

A. Upon judgment for the Township in legal proceedings brought pursuant to this chapter, an accounting shall be made by such defendant or defendants of all money or valuable consideration received by them after the receipt of the requisite notice set forth herein. The court may issue an order directing that such money or its equivalent and any valuable consideration received shall be turned over to Cross Creek Township for deposit in its general fund.

B. The Township reserves the right to pursue any and all other remedies available to it and all such remedies shall be cumulative.

§ 208-6

**§ 208-6. Violations and penalties [Amended 1-20-1998 by Ord. No. 1-98]**

A. Upon conviction, the responsible party shall pay a fine of no less than \$500 and no more than \$1,000 per violation, plus court costs, and, where applicable, attorney's fees. Each day that a violation is found to exist shall be considered a separate violation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. The fine shall be in addition to any and all other remedies available at law or in equity, wherein, and not by way of limitation, the Township shall have the right to bring an action in equity to abate and/or cause a termination of said violation or violating condition, wherein the party determined to be responsible shall also

be subject to the payment of court costs, attorney's fees and the like. This remedy is in addition to and not in limitation of any other remedy or sanction that is available at law or in equity.

- C. Said chapter shall be prosecuted and/or enforced by the Township Zoning Officer, Code Enforcement Officer, or any police officer or any other Township official as previously designated or appointed.

§ 208-7

**§ 208-7. Occupancy permit revoked.**

After conviction, in addition to any other penalty imposed for violation of this chapter, Cross Creek Township may revoke the occupancy permit of the establishment until such time as it is satisfied that no further illegal conduct as provided in this chapter shall be conducted thereon.

§ 208-8

**§ 208-8. Severability.**

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention that if any provisions of this chapter be declared invalid, all other provisions thereof shall remain valid and enforceable.

§ 208-9

**§ 208-9. Effective date.**

This chapter shall take effect and be in full force and effect the 19th day of August, 1986.

§ 208-9

§ 208-9

**Chapter 225**

**RENTAL PROPERTY**

ARTICLE I

§ 225-4

**Rental Occupancy Reports**  
**[Adopted 6-15-1977 by Ord. No. 2-77]**

§ 208-9  
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**§ 225-1. Township to be notified of rental property tenants.**

It is hereby ordained and enacted by the Supervisors of Cross Creek Township, Washington County, Pennsylvania, that in order to facilitate the collection of taxes and to keep its census rolls current, that all owners of rental property shall, after the effective date of this article, notify the Supervisors of Cross Creek Township of the names of all persons occupying such rental property and to report such changes as occur in the occupancy of the said premises.

**§ 225-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**OWNER** — Any natural person, or persons, association, partnership, estate, firm or corporation.

**PERSON** — Any natural person, or persons, living within the confines of Cross Creek Township, whether or not there is a lease, and whether or not rent is paid.

**RENTAL PROPERTY** — Apartment buildings, duplex homes, any multiple tenancy structure, rental homes, room and board, mobile homes, and any structure or building used for the purpose of a dwelling by any person or persons.

**§ 225-3. Filing Township forms containing tenant information.**

All owners of rental property shall, immediately after the effective date of this article, submit proper forms provided by the Township, giving the names of all tenants and persons occupying rental property. There will be no charge for the filing of the forms. This form shall contain only the name of the tenant and his or her address. Any changes in the occupancy shall be immediately reported to the Township and a new form filed with the Township.

**§ 225-4. Violations and penalties. [Amended 1-20-1998 by Ord. No. 1-98]**

- A. Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The fine shall be in addition to any and all other remedies available at law or in equity, wherein, and not by way of limitation, the Township shall have the right to bring an action in equity to abate and/or cause a termination of said violation or violating condition, wherein the party determined to be responsible shall also be subject to the payment of court costs, attorney's fees and the like. This remedy is in addition to and not in limitation of any other remedy or sanction that is available at law or in equity.
- C. Said article shall be prosecuted and/or enforced by the Township Zoning Officer, Code Enforcement Officer, or any police officer or any other Township official as previously designated or appointed.

**Chapter 233 SEWERS**

§ 225-4

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 233-1

**ARTICLE I  
Holding Tanks  
[Adopted 9-19-2000 by Ord. No. 2-00]**

§ 233-2

**§ 233-1. Purpose.**

The purpose of this article is to provide for and regulate the use, maintenance and removal of new and existing holding tanks in Cross Creek Township so as to protect the health, safety and welfare of the residents of the Township. This article is also intended to permit the development of lands with the use of holding tanks under carefully controlled and regulated circumstances; to regulate the use and maintenance of holding tanks in conformity with the law, statutes and regulations of the Commonwealth of Pennsylvania, as administered by the Department of Environmental Protection, or its successor agency, and the federal government; to provide a temporary alternative to discontinuing otherwise lawful land use in the Township; and to protect against the harm due to inadequate or malfunctioning on-site septic systems.

**§ 233-2. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

**ACT** — The Pennsylvania Sewage Facilities Act, 35 P.S. § 750.1 et seq., as from time to time amended.

**AGENT** — Any employee of the Township empowered by the Board of Supervisors and/or by the Commonwealth of Pennsylvania to enforce the provisions of this article. The term "agent" shall include, but not be limited to, the Sewage Enforcement Officer and/or his assistants and substitutes, duly appointed by the Board of Supervisors.

**BOARD** — The Board of Supervisors of Cross Creek Township.

**DEPARTMENT** — The Pennsylvania Department of Environmental Protection or its successor agency.

**DISPOSAL SIGHT** — A suitable facility for the final disposition of human and animal sewage and wastes, which facility shall be approved for such purpose by the Department of Environmental Protection.

**HOLDING TANK** — A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**HOLDING TANK CLEANER** — A county, municipality, municipal authority, corporation, partnership, individual or other legal entity, which removes the contents of a holding tank for purposes of disposing of sewage at another site.

**IMPROVED PROPERTY** — Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**LANDOWNER** — The natural person or persons, partnership, corporation, or other legal entity who has legal and/or equitable title to a parcel of land.

**LOT** — A parcel of land regardless of acreage.

**PERSON** — An individual or individuals, corporation, partnership, association or other legal entity.

**SEWAGE** — Any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals or any other noxious or deleterious substances which are harmful or inimical to the public health, safety or welfare or to animal, plant or aquatic life or to the use of water for domestic water supply or recreation purposes or which otherwise constitute pollution under the Clean Streams Law.<sup>9</sup>

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<sup>9</sup> Editor's Note: See 35 P.S. § 691.1 et seq.

**TOWNSHIP** — Cross Creek Township, Washington County, Pennsylvania.

**§ 233-3. Use of holding tanks.**

§ 233-2 § 233-4  
A. Holding tanks may be used in the Township only for the following purposes or in the following situations:

- (1) Temporary use for new construction in any area of the Township for which a revision to the Township's Official Sewage Facilities Plan has been approved by the Department for both a public sewage treatment system and the temporary use of holding tanks and financial security in the form of a bond, letter of credit or similar acceptable security has been provided the Township that such public sewage treatment system will be installed within two years of the application for a holding tank permit; provided, however, that said temporary use for new construction shall be limited to use for single family residences or for multifamily residential use and nonresidential use with sewage flows no greater than 400 gallons per day.
  - (2) Use where a malfunction in an existing system cannot be repaired or replaced based on an on-site investigation by the Sewage Enforcement Officer which reveals that the site is not suitable for the use of an on-site sewage disposal system pursuant to the Pennsylvania Sewage Facilities Act (Act 537), as from time to time amended, and the regulations adopted pursuant thereto.
  - (3) When the Township or the Department of Environmental Protection determine the use is necessary to abate or avoid a nuisance or a public health hazard.
  - (4) When the Sewage Enforcement Officer determines that one of the preferred systems cannot be installed on the site.
- B. A person using a holding tank under Subsection A(2) or (3) above shall use good-faith efforts to minimize the time period during which it is necessary to use a holding tank by taking corrective measures on the property; exploring the possibilities or connecting to an existing or to be constructed public or approved private system and then doing so if and when same is possible; or otherwise taking steps to avoid the prolonged use of a holding tank to dispose of sewage. At all times, a person using a holding tank shall comply with the directives of the Township Sewage Enforcement Officer regarding the use of a holding tank and the measures to be taken to minimize or eliminate such use.

**§ 233-4. Application for permit.**

- A. Any person seeking to use a holding tank for sewage disposal on any lot situated in the Township shall secure a permit therefor from the Sewage Enforcement Officer.
- B. Permit applications shall be submitted on a form to be provided by the Township or its designated agency to the applicant at the applicant's request.
- C. The applicant for a holding tank permit shall submit the completed application to the Township or its designated agency, together with the nonrefundable fee as established from time to time by resolution of the Board.
- D. The applicant shall cooperate with the Sewage Enforcement Officer at all times during the application process. Failure of an applicant to cooperate may, at the discretion of the Sewage Enforcement Officer, result in a delay in the issuance of a permit or a complete denial of a permit until such time as all requirements of the application process have been complied with.
- E. The following shall be submitted with the completed application:
  - (1) A copy of a written contract between the applicant and a holding tank cleaner providing for the timely and regular removal of the contents of the holding tank during the entire term of the permit.

- § 233-4
- § 233-5
- (2) A copy of the written contract between a holding tank cleaner and the operator of a disposal site providing for the disposal of the holding tank contents at a site approved therefor by the Department.
- (3) An agreement prepared by the Township in which the applicant agrees to indemnify and hold harmless the Township for any liability, costs, and expenses (including attorney's fees) incurred by the Township in any action by or against the Township to enforce compliance with the terms hereof; to remove the contents of a holding tank or the holding tank itself; or to abate any nuisance, public health hazard or any violation of this article or any state or federal statutes or regulations. Security in a form and an amount to be determined appropriate by the Township shall be posted with the Township at such time as an agreement is executed.
- (4) The nonrefundable fee as established from time to time by resolution of the Board.
- (5) Evidence of financial security if required under the terms of § 233-3A(1).
- F. Upon receipt of a completed application and the supporting materials and fee as required hereby, the Township Sewage Enforcement Officer shall conduct an investigation to determine compliance with the terms hereof, as well as any applicable state and/or federal regulations. If the applicant complies with the terms hereof and the terms of any applicable state and/or federal regulation and the lot in question qualifies as a site for a holding tank, a permit shall be issued therefor.
- G. All permits shall be valid for a period of one year from the date of issuance, with each application for renewal subject to the relevant provisions hereof. All requests for renewals shall be submitted on an application form made available by the Township or its designated agency and shall be accompanied by supporting materials as required thereby and a nonrefundable renewal fee as established from time to time by resolution of the Board.
- H. Upon receipt of a completed renewal application, any supporting material to be submitted therewith and the renewal fee required hereby, the Township Sewage Officer shall conduct an investigation to determine compliance with the terms hereof, as well as any applicable state and/or federal regulations. If the applicant complies with the terms hereof and the terms of any applicable state and/or federal regulations and the lot in question continues to qualify as a site for a holding tank, the permit shall be renewed therefore for an additional one-year period.

**§ 233-5. Installation of holding tank.**

- A. All holding tanks shall be installed within six months of the issuance of a permit therefor. Should a holding tank not be installed within said time period, the permit therefor shall be automatically revoked and the applicant shall be required to submit a new application, together with supporting materials and a new application fee, prior to the installation of a holding tank.
- B. All holding tanks shall have a minimum of 2,000 gallons capacity and must be installed in accordance with the permit issued hereunder. All installations shall comply with the specifications set forth in applicable state and federal regulations, including, but not limited to, 25 Pa. Code Chapter 73, as amended.
- C. All holding tanks shall be installed in accordance with this and all other applicable Township ordinances and regulations.
- D. All holding tanks shall be installed on a firm and stable soil or subsoil and in such manner as to prevent settlement or movement.
- E. All holding tanks shall be installed at least 50 feet from any water supply source.
- F. No holding tanks or lines shall be covered until the Township's Sewage Enforcement Officer shall have first inspected same in accordance with Subsection G below.

§ 233-5  
G. Upon the completion of installation of the holding tank (except for the covering of the lines and tank) and prior to the use thereof, the permittee shall notify the Sewage Enforcement Officer that the installation has been completed and shall request an inspection thereof. The Sewage Enforcement Officer shall inspect the holding tank within 20 days of being requested to do so to determine that same complies with all of the terms of this article and other applicable federal, state and Township statutes, regulations and ordinances.

§ 233-7

**§ 233-6. Maintenance of holding tanks.**

- A. All holding tanks installed in the Township shall be used and maintained in accordance with the terms of this article and all federal, state and municipal statutes, regulations and ordinances applicable thereto, including, but not limited to, 25 Pa. Code 73, inclusive.
- B. The permittee shall cause the contents of the holding tank to be collected and disposed of as frequently as may be necessary to maintain the contents thereof at a level no greater than 75% of tank capacity. The holding tank shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. The warning device shall create an audible and visual signal at a location frequented by the owner or occupant of the property or other responsible individual charged with the proper maintenance of the tank.
- C. The contents of holding tanks shall be disposed of only at such sites as may be approved by the Department.
- D. The permittee shall provide the Township's Sewage Enforcement Officer with copies of receipts from a holding tank cleaner which verify the collection and disposal of the contents of a permitted holding tank. Said receipts shall be provided to the Sewage Enforcement Officer or other designated agent or employee of the Township immediately following the cleaning of said tank and the disposal of the contents. Said receipts shall also be retained by the permittee for a period of five years.
- E. The Sewage Enforcement Officer shall receive, review and retain copies of said receipts for a period of five years and shall advise the permittee of any problems therewith or corrections that need to be made thereto. The permittee shall insure that the holding tank and all lines, pipes and/or conduits to and from the tank are maintained in a watertight condition at all times.
- F. No increase in the size or a building and no change in the use of a building which will increase sewage flows shall be permitted while the property is being serviced by a holding tank unless a new application is submitted therefor.

**§ 233-7. Inspection of holding tanks.**

- A. The Sewage Enforcement Officer shall inspect each holding tank in the Township at least annually.
- B. Any person who applies for an receives a permit for the installation of a holding tank shall be deemed to have consented to an annual inspection of said tank and related facilities by the Township Sewage Enforcement Officer or his designee at reasonable times with 48 hours' notice. In addition, the permittee shall also be deemed to have consented to inspections of the tank and related facilities by the Sewage Enforcement Officer as determined to be necessary by said officer between the hours of 8:00 a.m. and 8:00 p.m.
- C. The permittee shall grant access to the Township Sewage Enforcement Officer or his designee to the property upon which the tank is located for the purpose of making inspections upon the verbal request of said officer.
- D. At the time that the Sewage Enforcement Officer inspects the holding tank, he shall also have access, upon request, to documentation that the tank has been cleaned in accordance with the terms hereof and the contents thereof disposed of at a disposal site approved by the Department.
- E. Failure of the permittee to allow access or inspection of the premises or to have access to pumping receipts or disposal documentation shall be grounds for the immediate revocation of the permit by the Sewage Enforcement Officer.



- § 233-7
- F. The permittee shall be responsible for the cost of inspections by the Township Sewage Enforcement Officer, or his designee, at a cost to be established from time to time by the Board of Supervisors. § 233-10
- G. The Sewage Enforcement Officer shall prepare an inspection report each time he shall inspect a holding tank and shall note therein any violations or deficiencies discovered. The Sewage Enforcement Officer shall retain copies of said reports for a period of five years from the date of the inspections to which they refer.

**§ 233-8. Removal of holding tank.**

- A. Upon a holding tank no longer being used for waste disposal purposes for any reason, same shall be removed or secured in a manner approved by the Township by the permittee within 30 days of the termination of use.
- B. Should a permittee fail to remove or secure a holding tank once it is no longer being used for waste disposal purposes, the Township shall, at its discretion, have the right to enter upon the premises for purposes of removing or securing said tank. The Township may retain the services of a contractor to physically remove or secure the tank and said contractor shall have the right to enter the property at the direction of the Township to perform said services. All costs resulting from the Township or its agent removing or securing a holding tank shall be borne by the permittee and the Township shall have the right to recover such costs from the security posted with the Township, file a municipal lien against the property, or take such other action as is required at law or in equity so as to recover any costs expended by the Township for remedial action.
- C. In addition to the above, the Township shall be authorized to take whatever legal action it deems necessary and appropriate to correct a malfunction, avoid a health hazard, avert a nuisance or insure compliance herewith.
- D. Failure of a permittee to comply with the terms of this article, including, but not limited to, the failure to permit inspection of a holding tank; the failure to properly maintain and pump out a tank; and the failure to furnish pumping receipts to the Township upon request, shall be grounds for revocation of a permit by the Sewage Enforcement Officer.

**§ 233-9. Appeals.**

- A. Any applicant aggrieved by the denial of a permit application or by any other decision of the Township Sewage Enforcement Officer shall be entitled to appeal to the Board of Supervisors.
- B. Any such appeal shall be processed as a local agency hearing in a fashion similar to appeals from the denial of a sewage permit by the Sewage Enforcement Officer.
- C. All such appeals shall be governed by the provisions of the Local Agency Law.<sup>10</sup>

**§ 233-10. Minimum standards; repealer; severability; when effective.**

- A. The standards set forth herein shall be deemed the minimum standards for the installation, use and removal of holding tanks in the Township. Such installation, use and removal of holding tanks shall also comply with the requirements of the Pennsylvania Sewage Facilities Act<sup>11</sup> and the regulations adopted pursuant thereto and in those cases in which said requirements are more stringent than the standards set forth in this article, the permittee shall comply with the more stringent requirement.
- B. All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed to the extent of any such inconsistency.
- C. If any section, provision or clause of this article is determined to be invalid, unconstitutional or inoperative

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10. Editor's Note: See 2 Pa.C.S.A. § 551 et seq.

11. Editor's Note: See 35 P.S. § 750.1 et seq.

by any court, such adjudication shall not affect the validity of the remaining provisions of this article, which shall be deemed severable therefrom.

D. This article shall become effective five days following the date of adoption by the Board of Supervisors.

## ARTICLE II

### Mandatory Connections

[Adopted 12-20-2005 by Ord. No. 4-05; amended in its entirety 11-18-2014 by Ord. No. 2-14]

#### § 233-11. Requirement to connect and use.

Every owner of property in the Township whose property abuts upon any line of the sanitary sewers of the Independence-Cross Creek Joint Sewer Authority (herein called the "Authority") and upon which a building or other structure has been erected or shall be erected and which generates or is expected to generate sanitary waste shall connect such building or structure at his own cost to such sanitary sewer system unless such building or structure is located more than 250 feet from nearest sanitary sewer line. Upon connection, every property owner shall be required to use the system as its only method of sewerage disposal.

#### § 233-12. Unlawful disposal systems.

It shall be unlawful for any owner, lessee or occupier of any property, who is required to connect to the sanitary sewer system of said Authority to employ any means, either by septic tank or otherwise, for the disposal of sanitary sewage other than into and through the sanitary sewers of said Authority.

#### § 233-13. Notification of requirement to connect.

Where any structure is now or hereafter may be connected to any septic tank or using any method by which sanitary sewage is disposed of or eliminated other than through the sanitary sewer system of said Authority, it shall be the duty of the Authority Secretary, or other authorized person, to notify the owner, lessee or occupier of such structure in writing, either by personal service or certified mail, to disconnect the same and make proper connections for the discharge and disposal of sewage through the sanitary sewer system of the Authority as hereinafter provided within 60 days after receipt of such notice.

#### § 233-14. Failure of owner to connect.

In case any owner of property required to connect to such sewer shall neglect or refuse to connect with and use said sewers for such period of 60 days after notice to do so has been served upon him, either by personal service or certified mail as aforesaid, the Authority or their agents may enter upon such property and construct such connection. In such case, the Authority Secretary or other authorized person on behalf of the Authority shall, forthwith upon completion of the work, send an itemized bill of the costs of construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, a municipal lien for said construction shall be filed within six months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

#### § 233-15. Tapping permit.

Any person or entity required to connect a property with the sewer system of the Authority shall make application for a tapping permit therefor to the Authority on forms furnished by the Authority and shall set forth, in said application, the character of structure and use, the lot number and location, and the name of the person who is to make the connection.

#### § 233-16. Unlawful connection to sewer system.

No privy vault, cesspool, septic tank or similar receptacle for human excrement shall at any time, now or hereafter, be connected with the sanitary sewers of the Authority.

**§ 233-17. Restricted discharge.**

No person shall discharge or permit to be discharged into the sewage system any stormwater, roof or surface drainage; nor shall any person discharge or permit to be discharged into the sewage system any industrial waste, chemicals or other matter:

- A. Having a temperature higher than 150° F.;
- B. Containing more than 100 parts per million by weight of fat, oil or grease;
- C. Containing any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas;
- D. Containing any unground garbage;
- E. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the treatment plant;
- F. Having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the treatment plant;
- G. Containing a toxic or poisonous substance (including waste containing cyanide, copper and/or chromium ions in sufficient quantity to injure or interfere with any sewage treatment process), constituting a hazard to humans or animals or to create any hazard in the receiving waters of the treatment plant;
- H. Containing total solids of such character and in such quantity that unusual attention or expense is required to handle such materials at the treatment plant; or
- I. Containing noxious or malodorous gas or substance capable of creating a public nuisance, unless otherwise permitted, authorized or approved by the Authority and the Commonwealth of Pennsylvania, or by any duly constituted board, commission or department thereof.

**§ 233-18. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided by the property owner when, in the opinion of the Authority or authorized agent, they are necessary for the proper handling of liquid wastes containing excessive amounts of grease or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Authority or authorized agent, and located so as to be readily and easily accessible for cleaning and inspection. Each interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, be equipped with easily removable covers, which when bolted in place shall be gastight and watertight and be maintained continuously in satisfactory and effective operation by the owner at his expense. The owner or operator of any premises containing an interceptor shall be responsible for cleaning the interceptor twice a year and properly disposing of the residue to a sanitary landfill.

**§ 233-19. Construction specifications.**

The construction of all private sewers or laterals and their connections with any lines of the sewer system shall be done in accordance with rules and regulations established by the Authority, and shall be inspected by the Authority Engineer, or his representative, before being covered.

**§ 233-20. Sanitary authority to set charges.**

The Board of Supervisors of Cross Creek Township hereby delegates to the Authority the administration of this article, as well as responsibility to set all charges and fees for tapping permits; however, reserves to itself the right to enforce violations of the article.

§ 233-21

§ 233-24

**§ 233-21. Time of payment.**

Any tap charge established by the Authority shall be payable upon receipt of the Authority's invoice for the same.

**§ 233-22. Unlawful tap-in.**

It shall be unlawful for any person, firm or corporation to tap into said sanitary system before making payment of the charges herein established.

**§ 233-23. Violations and penalties.**

Any person(s), partnership or any agents or executive officers of any corporation violating any provisions of this article shall, upon conviction, be subject a to a fine of not less than \$100 and not more than \$500 for each violation and an equal fine amount for each thirty-day period or fraction thereof, wherein the violation is not corrected to the satisfaction of the Authority. Additionally, if this matter is turned over to an attorney, costs for litigation will be added to the fine amount.

**§ 233-24. Severability.**

The provisions of this article shall be severable and if any of the provisions shall be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any of the remaining provisions of this article. It is hereby declared as the legislative intent that this article would have been adopted had such unconstitutional or invalid provision not have been included therein.

§ 233-25

§ 233-28

ARTICLE III  
**Certifications for Real Estate Sales**  
**[Adopted 12-20-2005 by Ord. No. 5-05]**

**§ 233-25. Sale of real estate without document of certification prohibited.**

- A. It shall henceforth be unlawful for any person or other legal entity selling real estate located as defined by this article that is located within Cross Creek Township on which a building or improvement exists that is connected to the Independence-Cross Creek Joint Sewer Authority (hereinafter "Authority") sewer line without first delivering to the purchaser a document of certification or a temporary document of certification issued by the Authority.
- B. Any person selling real estate located as defined in Subsection A of this section that is located within Cross Creek Township (hereinafter referred to as "applicant") shall make application on a form furnished by the Authority at least 21 days before the date of closing the sale. The applicant shall then cause to have performed a dye test or other tests deemed appropriate by the Authority on the property to be sold. All tests shall be performed by an inspector appointed by the Authority (hereinafter referred to as "inspector").
- C. The inspection fee shall be in an amount set by resolution of the Authority. The inspection fee shall be paid to the Authority at the time of making the application referred to in this section.
- D. Such inspector shall complete the appropriate portions on the form and certify that the property has been tested and certify the results of such test. In the event there are no illegal storm- or surface water connections, the Authority shall issue a document of certification upon payment of such fee as set by resolution of the Authority. When an illegal storm- or surface water connection is discovered by means of the above-mentioned tests, no document of certification will be issued until the illegal connections are removed and certification of such removal by an inspector is received. An additional inspection fee shall be paid by the applicant for each inspection subsequent to the first inspection.
- E. The Board of Supervisors hereby authorizes the Independence-Cross Creek Township Joint Sewer Authority and/or its employees to enter upon private property at all reasonable times for the purpose of conducting inspections and investigations to assure compliance with the rules and regulations of the Authority and this part.

**§ 233-26. Duration of document of certification.**

A document of certification shall be valid for a period of one year from the date of issuance. Real estate may be sold during the one-year effective life of such document without further testing or certification.

**§ 233-27. Instances when document of certification not required.**

A document of certification shall not be required in the following instances:

- A. When property is refinanced but no conveyance takes place.
- B. Individual apartment-type units within a single condominium building may be sold without individual certification provided that the building in which the units are located has been certified no longer than one year previous to the date of the sale of the individual condominium unit.
- C. When the real estate is such that tap-in to the sanitary sewer system is not required by law or ordinance.

**§ 233-28. Temporary document of certification.**

A temporary document of certification may be issued by the Authority at its sole discretion when either:

- A. The applicant proves that weather conditions or other circumstances would pose an undue hardship. In that event, the applicant shall provide a signed, written acknowledgement from the purchaser agreeing to correct, at purchaser's sole cost and expense, any violations that may be discovered as a result of subsequent tests.

§ 233-28

Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse purchaser for any costs incurred; provided, however, that primary liability shall run with the land and no such agreement shall affect Authority's enforcement powers or excuse the current owner from compliance with this part; or

B. When an illegal storm- or surface water connection is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the applicant, applicant may apply to the Authority for a temporary document of certification which may only be issued when the applicant provides the Authority with all of the following:

- (1) A bona fide, executed contract between the applicant and a contractor to complete the necessary remedial work with the Authority listed herein as a third-party beneficiary; and
- (2) Cash security in the amount of said contract is posted with the Authority; and
- (3) A written agreement by the purchaser to be responsible for all cost over-runs and extras related to the remedial work together with a written license to enter upon the property to complete work in case of default of the contractor referred to above. The Authority's Manager or other individual authorized by the Authority's Board of Directors shall determine when such temporary document of certification shall expire. Upon expiration, the security shall be forfeited and the Authority may use the security to have the necessary remedial work completed.

**§ 233-29. Regulations.**

The Authority is hereby empowered to undertake the duties imposed by this article, including but not limited to:

- A. Establishing acceptable forms of security or guarantees.
- B. Establishing the form of:
  - (1) Applications;
  - (2) Purchaser's acknowledgements; and
  - (3) Inspector certifications.

**§ 233-30. Adjustment of fees.**

The Authority may, by resolution, change from time to time the fees authorized in this article.

**§ 233-31. Conflict with general police powers.**

Nothing in this article shall limit in any fashion whatsoever the Authority's or Township's right to enforce its ordinances or the laws of the commonwealth. Nothing in this article shall be a defense to any citation issued by any municipal corporation or the commonwealth pursuant to any other law or ordinance.

**§ 233-32. Violations and penalties; enforcement.**

A. Any person who violates any of the provisions of this article may be charged with such violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 for each violation, plus costs or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed 90 days. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- § 233-32 § 233-33
- B. Whenever any person violating any of the provisions of this article is notified of such violation, in writing, by the Authority, each day or portion thereof a violation occurs or continues to occur shall constitute a separate violation.
- C. In addition to and not in lieu of the foregoing, the Township and/or Authority may seek equitable and legal relief to compel compliance with this article.

**§ 233-33. When effective; severability.**

- A. This article shall become effective five days after its enactment and adoption.
- B. If any provision or part of this article is adjudged to be invalid or unconstitutional, such adjudication shall not effect the validity of this article as a whole or any part or provision not adjudged to be invalid or unconstitutional.

§ 233-34

ARTICLE IV  
**Regulation and Administration of On-Lot Sewage Disposal Systems**  
[Adopted 3-17-2009 by Ord. No. 1-09]

§ 233-35

**§ 233-34. Delegation of administration of regulations.**

The Township reaffirms the delegation to the Washington County Sewage Council to administer the requirements of Act 537 and the Township ordinances governing all aspects of on-lot sewage collection, treatment and discharge.

**§ 233-35. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ACT 537 — The Act of January 24, 1966, P.L. 1535, as amended, 53 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

ALTERNATE ON-LOT SEWAGE SYSTEMS — Any on-lot sewage system so designated as an alternate type by the Department of Environmental Protection.

AUTHORIZED AGENT — A certified Sewage Enforcement Officer, Code Enforcement Officer, professional engineer, plumbing inspector, municipal secretary, or any other qualified or licensed person who is delegated by the municipality to function within the specified limits as the agent of the municipality to carry out the provisions of this article.

BOARD — The Cross Creek Township Board of Supervisors, Washington County, Pennsylvania.

CODE ENFORCEMENT OFFICER (CEO) — An individual employed by or in place as an independent contractor by the municipality to administer and enforce other ordinances in the municipality.

COMMUNITY ON-LOT SEWAGE SYSTEM — Any system, whether publicly or privately owned, for collection of sewage from two or more residences or commercial buildings, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and a single residence or commercial building and collecting and disposing of sewage in whole or part into the soil or into any waters of the commonwealth.

MALFUNCTION — The condition which occurs when an on-lot sewage disposal system or holding tank discharges sewage onto the surface of the ground, into groundwaters of the commonwealth, into surface waters of the commonwealth, backs up into the building connected to the system, or otherwise causes a nuisance hazard to the public health or pollution of groundwater or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

MARGINAL SOIL CONDITIONS — Anytime the Municipality's Sewage Enforcement Officer determines a parcel or lot as having marginal soils after properly testing said parcel or lot.

MUNICIPALITY — Cross Creek Township, Washington County, Pennsylvania.

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the municipality and approved by the Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act.

ON-LOT SEWAGE DISPOSAL SYSTEM — Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual and community sewage systems, including, but not limited to, drip irrigation, AB soil and community systems and any other currently DEP-approved sewage disposal systems or which may be approved by DEP in the future it

being the intent of this article to address all such systems.

PERSON — An individual, association, public or private corporation for-profit or not-for-profit, partnership, firm,



§ 233-35 trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, § 233-38 authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term shall include the members of an association, partnership or firm, and the officers of any local agency or municipality, public or private corporation for-profit or not-for-profit.

**REHABILITATION** — Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

**SEWAGE** — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No 394),<sup>12</sup> known as the "Clean Streams Law," as amended.

**SEWAGE ENFORCEMENT OFFICER (SEO)** — The designated official of the municipality certified by the Commonwealth of Pennsylvania, who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder which includes the WCSC/Council.

**SEWAGE MANAGEMENT DISTRICT** — Any area or areas of a municipality for which a sewage management program is recommended by the municipality's adopted Act 537 Official Sewage Facilities Plan. A sewage management district may, or may not, encompass the entire municipality.

**SEWAGE MANAGEMENT PROGRAM** — A comprehensive set of legal and administrative requirements encompassing the requirements of this article and other administrative requirements adopted by the municipality to effectively enforce and administer this article.

**WASHINGTON COUNTY SEWAGE COUNCIL (WCSC)** — The Washington County Sewage Council, an intergovernmental cooperative organization which provides certain services to member municipalities.

**§ 233-36. Applicability.**

From the effective date of this article, its provisions shall apply to the entire area of the municipality.

**§ 233-37. Replacement area.**

- A. Any supplements, revisions or exemptions to the municipality's Official Sewage Facilities Plan which are prepared pursuant to the applicable regulations of the Pennsylvania Department of Environmental Protection for subdivision or development of land with marginal soils within the municipality shall provide for the testing, identification, and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage disposal system. This requirement is in addition to the testing, identification and reservation of an area for the primary sewage disposal system.
- B. No permit shall be issued for any proposed on-lot sewage disposal system on any newly created or subdivided property in any sewage management district that has any lots designated as marginal soils unless and until a replacement area is approved, identified and reserved for the lots with the marginal soils designation. The replacement area must be identified on the land survey at the time of subdivision approval.

**§ 233-38. Inspections.**

This § 233-38 is only when the Township revises its Official Sewage Facilities Plan and is only applicable to the

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12. Editor's Note: See 35 P.S. § 691.1 et seq.

§ 233-38  
area or areas affected by such revision.

§ 233-40

- A. Any on-lot sewage disposal system may be inspected by the municipality's authorized agent at any reasonable time as of the effective date of this article.
- B. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of the wastewater generated in the structure.
- C. The municipality's authorized agent shall have the right to enter upon land for purpose of inspection described above.
- D. An initial inspection shall be conducted by the municipality's authorized agent within one year of the effective date of this article for the purpose of determining the type and functional status of each on-lot sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected as evidence of said inspection and a copy of said report shall be maintained in the municipal records.
- E. A schedule of routine inspections may be established by the municipality, if necessary, to assure the proper function of the on-lot sewage disposal systems in the sewage management district.
- F. The municipality and its authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipality and its authorized agent shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP, then action by the property owner to mitigate the malfunction shall be required.
- G. There may arise geographic areas within the municipality where numerous on-lot sewage systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a municipality-sponsored revision to the area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the proposal area may be delayed, at the discretion of the municipality, pending the outcome of the plan revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by the municipal officials and DEP, represents a serious public health or environmental threat.

**§ 233-39. Operation.**

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste;
- B. Automobile oil and other nondomestic oil;
- C. Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents; or
- D. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.

**§ 233-40. Additional provisions.**

- A. The provisions of this article are not applicable to conventional leech field and sand mound sewage systems.
- B. The provisions of this article are applicable to all new alternate systems currently listed in the DEP Alternate

Systems Guidance Manual as well as other alternate on-lot systems subsequently approved by the Pennsylvania Department of Environmental Protection (DEP).

- C. The provisions of this article are applicable to community on-lot disposal systems, small stream discharge systems and holding tanks.
- D. The provisions of this article are applicable to on-lot disposal systems located in subdivisions with marginal soil conditions for long term use of on-lot sewage disposal.
- E. The WCSC shall prepare and approve by resolution, rules, regulations and requirements for on-lot sewage disposal systems applicable to this article including permitting approval and maintenance of said systems.
- F. In order to have a permit issued for a new on-lot sewage disposal system covered by this article, the property owner must post a bond and/or security when required as acceptable by the municipality and in the amount set by the municipality at the time the permit is to be issued.

**§ 233-41. Violations and penalties.**

- A. Any person failing to comply with any provisions of this article shall be subject to a fine of not less than \$300 and costs and not more than \$500 and costs or, in default thereof, shall be confined in the County Jail for a period of not more than 30 days. Each day of noncompliance shall constitute a separate offense.
- B. The penalty for actual malfunctions of any on-lot sewage disposal system will come under the rules and regulations of 25 Pa. Code § 73.11(c), and 35 P.S. § 750.14, Nuisances, and 35 P.S. § 750.13, Penalties. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**§ 233-42. Severability.**

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

§ 233-43

§ 233-47

ARTICLE V  
**Building Permit Procedures for Sewage Authorizations**  
**[Adopted 1-20-2015 by Ord. No. 1-15]**

**§ 233-43. Purpose.**

The purpose of this article is to establish the requirement of our Building Permit Issuant to delay issuing a building permit unless he/she has seen one of the following sewage authorizations for the building and property in question.

**§ 233-44. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows.

AGENCY — "Cross Creek Township," Washington County, Pennsylvania, or their designee.

BUILDING — Any structure requiring a building permit that also requires sewage authorization per the rules of the PA DEP Sewage Facilities Act of Pennsylvania<sup>13</sup> and known as "Act 537."

OWNER — Any person vested with ownership, legal or equitable, sole and partial, of any property located in the Township of Cross Creek.

PERSON — An individual, partnership, company, association, corporation or other group or entity.

SEWAGE AUTHORIZATION — Any of the following:

- A. On-lot sewage septic system permit.
- B. Deemed adequate confirmation for connection to an existing system.
- C. Deemed adequate confirmation for the ten-acre exemption system.
- D. Commercial holding tank permit.
- E. Receipt of the tap-in fee for a public sewer line.

**§ 233-45. Rules and regulations.**

The Agency is hereby authorized and empowered to adopt such rules and regulations concerning permit issuing which it may deem necessary; from time to time to affect the purpose herein.

**§ 233-46. Rules and regulations to be in conformity with applicable law.**

All such rules and regulations adopted by the Agency shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws, applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**§ 233-47. Violations and penalties.**

Any person who violates or permits a violation of § 233-45 of this article shall, upon being found liable therefor, in an enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not less than \$300 nor more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township. No judgment shall be commenced or imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable

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<sup>13</sup>. Editor's Note: See 35 P.S. § 750.1 et seq.

§ 233-47 relief, including judgment, to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. § 233-50

**§ 233-48. Repealer.**

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

**§ 233-49. Severability.**

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this article. It is hereby declared as the intent of the Board of Supervisors of the Cross Creek Township that this article would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not be included therein.

**§ 233-50. When effective.**

This article shall take effect on immediately upon adoption.

§ 233-50

**Chapter 250**  
**SOLID WASTE**

§ 233-50

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 250-1

ARTICLE I  
**Garbage and Rubbish Collection**  
**[Adopted 1-15-1991 by Ord. No. 1-91]**

§ 250-2

**§ 250-1. Title.**

This article shall be known and referred to as the "Municipal Solid Waste Ordinance."

**§ 250-2. Definitions; word usage.**

- A. The following words and phrases as used in this article shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).<sup>14</sup>

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).<sup>15</sup>

BULKY WASTE — Large items of solid waste including, but not limited to, appliances, furniture, and large auto parts.

COLLECTOR or WASTE HAULER — Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CONTAINER — A portable device in which waste is held temporarily for storage or transportation. COUNTY — The County of Washington or the Washington County Board of County Commissioners.

DEPARTMENT or DEP — The Pennsylvania Department of Environmental Protection (DEP).**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DISPOSAL — The deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DOMESTIC WASTE or HOUSEHOLD WASTE — Solid waste, comprised of garbage, which normally originates in the residential private household or apartment house.

GARBAGE — Any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms which sufficient rapidity to cause such nuisances as odors, gases, or vectors.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT — Any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

LICENSED COLLECTOR or LICENSED WASTE HAULER — Any municipal waste collector or hauler possessing a current, valid municipal license issued by the Township of Cross Creek pursuant to Article II, Waste Hauler Licensing, of this chapter.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material

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14. Editor's Note: See 35 P.S. § 6018.101 et seq.

15. Editor's Note: See 53 P.S. § 4000.101 et seq.

including solid, liquid, semisolid or contained gaseous material resulting from operation of municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the

§ 250-2 definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional waste supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials. § 250-4

**MUNICIPALITY** — The Township of Cross Creek, Washington County, Pennsylvania.

**PERSON** — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

**SALVAGING** — The controlled removal or recycling of material from a solid waste, as defined, processing or disposal facility.

**SCAVENGING** — The unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

**SOLID WASTE** — Waste, including, municipal, residual or hazardous wastes, including, rubber, rubber materials, asphalt, asphalt materials, solid or semisolid, liquid or containing gaseous material.

**STORAGE** — The containment of waste, as defined, on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**TRANSPORTATION** — The off-site removal of any solid waste at any time after generation.

B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**§ 250-3. Prohibited activities.**

- A. It shall be unlawful for any person to accumulate or permit to accumulate on any public or private property within the municipality any garbage, bulky waste, or any other municipal or residual waste except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
- B. It shall be unlawful for any person to burn any solid waste, as defined, or garbage within the municipality except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101, and in accordance with Chapter 131, Burning, Open.
- C. It shall be unlawful for any person to process and/or dispose any solid waste, as defined, in the municipality except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
- D. It shall be unlawful for any person to collect, haul, transport or remove any solid waste, as defined, from public or private property within the municipality without a current, valid license to do so issued by the Township of Cross Creek.
- E. It shall be unlawful for any person to scavenge any materials from any solid waste, as defined, that is stored or deposited for collection within the municipality without prior written approval from the municipality.
- F. It shall be unlawful for any person to salvage or reclaim any solid waste, as defined, within the municipality except at an approved and permitted resource recovery facility under any applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

**§ 250-4. Standards for storage of solid waste.**



- § 250-4 § 250-10
- A. The storage of all solid waste, as defined, shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
- B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
- C. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter A, Regulations for the Storage of Municipal Waste.

**§ 250-5. Standards and regulations for collection.**

- A. All households, homeowners, commercial, industrial and institutional, establishments within the municipality shall utilize the services of a licensed collector for disposal of their waste, as defined, or garbage.
- B. All licensed collectors and waste haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter B, Regulations for Collection and Transportation of Municipal Waste.
- C. All municipal waste collected within the municipality shall only be conveyed or transported to a transfer station, processing facility, and/or disposal site permitted by the Department of Environmental Protection, and/or other regulatory agencies pursuant to the approved Municipal Waste Management Plan for Washington County.

**§ 250-6. Licensing requirements.**

No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the municipality without first obtaining a license from the Township of Cross Creek pursuant to the requirements of Article II, Waste Hauler Licensing, of this chapter.

**§ 250-7. Injunction powers.**

The municipality may petition the Court of Common Pleas, Washington County, for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this article.

**§ 250-8. Violations and penalties. [Amended 1-20-1998 by Ord. No. 1-98; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$500 and not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

**§ 250-9. Severability.**

In the event that any section, paragraph, sentence, clause, or phrase of this article be declared unconstitutional or invalid for any reason, the remainder of such article shall not be invalidated by such action.

**§ 250-10. Effective date.**

This article shall take effect on January 15, 1991.

ARTICLE II  
**Waste Hauler Licensing**  
[Adopted 1-15-1991 by Ord. No. 2-91]

**§ 250-11. Title.**

This article shall be known and referred to as the "Municipal Waste Hauler Licensing Ordinance."

**§ 250-12. Definitions; word usage.**

- A. The following words and phrases as used in this article shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning;

ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).<sup>16</sup>

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988-101, July 28, 1988).<sup>17</sup>

COLLECTOR or WASTE HAULER — Any person, firm partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

DEPARTMENT or DEP — The Pennsylvania Department of Environmental Protection (DEP). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT — Any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

LICENSED COLLECTOR or LICENSED WASTE HAULER — Any municipal waste collector or hauler possessing a current license issued by Cross Creek Township pursuant to this article.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL — Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DEP for such purposes.

MUNICIPALITY — The Township of Cross Creek.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprises, municipal authority, municipality, state institution and agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation

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16. Editor's Note: See 35 P.S. § 6018.101 et seq.

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**17. Editor's Note: See 53 P.S. § 4000.101 et seq.**

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or other legal entity having officers and directors.

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**PROCESSING** — Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convey part or all of such materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resources recovery facilities.

**RECYCLING** — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanical separation and treatment of municipal waste (other than combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

**SCAVENGING** — The unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** — Materials that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

**TRANSPORTATION** — The off-site removal of any municipal waste at any time after generation.

- B. For the purposes of this article, the singular shall include the plural and the masculine shall include the feminine and neuter.

**§ 250-13. Prohibited activities.**

- A. It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial, industrial or institutional establishment within Cross Creek Township without first securing a license to do so in accordance with the provisions of this article.
- B. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within Cross Creek Township in a manner not in accordance with the provisions of this article and the minimum standards and requirements established in Chapter 285 of the DEP's Municipal Waste Management Regulations.
- C. It shall be unlawful for any person to transport any municipal waste collected from within Cross Creek Township to any processing and/or disposal facility other than those facilities which are properly permitted by the Pennsylvania DEP or other applicable regulatory agency.
- D. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within Cross Creek Township without prior approval from municipality.

**§ 250-14. Standards for collection and transportation.**

- A. All collectors or waste haulers operating within the Township must comply with the following minimum standards and regulations:
- (1) All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including Title 25, Chapter 285, Subchapter B, Regulations for the Collection and Transportation of Municipal Waste.
  - (2) All collection vehicles conveying municipal waste shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
  - (3) All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

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- (4) All collection vehicles conveying nonputrescible municipal waste shall be capable of being enclosed or covered to prevent litter and other nuisances.
- (5) All collection vehicles conveying municipal waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of municipal waste transported by the vehicle. All such signs shall have lettering which is at least six inches in height, as required by Act 101.
- B. All collection vehicles and equipment used by licensed collectors or haulers shall be subject to inspection by the Township or its authorized agents at any reasonable hour without prior notification.

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**§ 250-15. Licensing requirements.**

- A. No person shall collect, remove, haul or transport any municipal waste through or upon the streets of the Township without first obtaining a license in accordance with the provisions of this article.
- B. All collectors and waste haulers shall be licensed by the Township of Cross Creek and designated as a "licensed waste hauler" or a "licensed collector."
- C. The Township of Cross Creek shall reserve the right to designate specific municipal waste processing and/or disposal facilities where all licensed collectors must transport and dispose all municipal waste collected within the Township of Cross Creek.
- D. Any person who desires to collect, haul or transport municipal waste within Cross Creek Township shall submit a license application to the municipality or its designated licensing representative. The municipality shall have a minimum period of 30 calendar days to review any application and take approval or denial action. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- E. All licenses are nontransferable and shall be issued for a period of one calendar year. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- F. The license application form, which will be supplied by the municipality, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste, including, but not necessarily limited to:
- (1) Name and mailing address of the applicant.
  - (2) Name and telephone number of contact person.
  - (3) List of all collection vehicles to be covered under the license, including identification information for each vehicle, such as vehicle license number and company identification number.
  - (4) Type of municipal waste collected and transported.
  - (5) Certificate(s) of insurance to present evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by municipality.
- G. Any collector or hauler with an existing license shall submit a new license application to the Township of Cross Creek at least 60 days prior to the expiration date of existing license, if renewal of the license is desired. New license applicants must submit a license application at least 30 days before beginning collecting and transporting municipal waste in the municipality. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- H. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this article or is in violation of the provisions of this article.

**§ 250-16. Reporting requirements.**

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- A. All licensed collectors shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to the municipality.
- B. All licensed collectors shall maintain current, up-to-date records of the customers serviced within Cross Creek Township. Such records and customer lists shall be subject to inspection and made available to municipality or its authorized agents upon request.
- C. Each licensed collector shall prepare and submit a semiannual report to the Township. The report for the first half of the year (January through June) shall be submitted on or before July 31 and the report for the second half of each year (July through December) shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each report:
- (1) Total weight of each type of municipal waste collected from all sources within municipality during each month of reporting period.
  - (2) Name of each processing/disposal facility used during the reporting period and total weight of each type of municipal waste delivered to each site during each month of the reporting period.

**§ 250-17. Violations and penalties. [Amended 1-20-1998 by Ord. No. 1-98; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- A. Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.
- B. The Township of Cross Creek shall have the right at any time to suspend or revoke the license of any licensed collector or hauler, for any of the following causes:
- (1) Falsification or misrepresentation of any statements in any license application.
  - (2) Lapse or cancellation of any required insurance coverages.
  - (3) Collection and/or transportation of any municipal waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this article.
  - (4) Transportation and disposal of any municipal waste collected within the municipality at any site that is not properly permitted by the Pennsylvania DEP or other applicable regulatory agency.
  - (5) Violation of any part of this article, any other applicable municipal ordinances or any applicable Pennsylvania laws or regulations.

**§ 250-18. Injunctive powers.**

The Township of Cross Creek may petition the Court of Common Pleas of Washington County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this article.

**§ 250-19. Severability.**

In the event that any section, paragraph, sentence, clause or phrases of this article, or any part thereof, shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of this article shall not be affected, impaired or invalidated by such action.

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§ 250-20. **Effective date.**

This article shall take effect on January 15, 1991.

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**Chapter 257**

**STORMWATER MANAGEMENT**

§ 250-20

§ 250-20

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 8-19-2003 by Ord. No. 3-03. Amendments noted where applicable.]**

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ARTICLE I  
**General Provisions**

§ 257-4



**§ 257-1. Findings.**

The governing body of the Township finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the Township and all the people of the commonwealth, their resources, and the environment.

**§ 257-2. Purpose.**

The purpose of this chapter is to promote health, safety, and welfare within the Township by minimizing the damages described in § 257-1A of this chapter through provisions designed to:

- A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
- B. Utilize and preserve the existing natural drainage systems.
- C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- D. Maintain existing flows and quality of streams and watercourses in the Township and the commonwealth.
- E. Preserve and restore the flood-carrying capacity of streams.
- F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Township.
- G. Provide performance standards and design criteria for watershed wide stormwater management and planning.

**§ 257-3. Statutory authority.**

- A. The Township is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code, as amended by Act 170 of December 21, 1988, and Act 131 of December 14, 1992 (and the applicable Municipal Code).<sup>18</sup>
- B. In addition, the Storm Water Management Act of October 4, 1978, P.L. 864, No. 167, 32 P.S. § 680.1 et seq. (as amended by Act 63) provides for the regulation of land and water use for flood-control and stormwater management purposes, imposing duties and conferring powers on the Department of Environmental Protection, municipalities and counties, providing for enforcement and making appropriations.

**§ 257-4. Applicability.**

- A. This chapter shall only apply to permanent stormwater management facilities constructed as part of any of the regulated activities listed in this section. Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this chapter, but shall continue to be regulated

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**18. Editor's Note:** See 53 P.S. § 10101 et seq.

under existing laws and ordinances.

- B. This chapter contains only the stormwater management performance standards and design criteria that are 1:290

necessary or desirable from a watershed wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system details, outlet structure design, etc.) shall continue to be regulated by Chapter 270, Subdivision and Land Development, of the Code of the Township of Cross Creek and Infrastructure Construction and Improvement Ordinance, latest revision.<sup>19</sup>

C. The following activities are defined as regulated activities and shall be regulated by this chapter:

- (1) Land development.
- (2) Subdivision.
- (3) Construction of new or additional impervious or semipervious surfaces (driveways, parking lots, etc.).
- (4) Construction of new buildings or additions to existing buildings.
- (5) Diversion or piping of any natural or man-made stream channel.
- (6) Installation of stormwater management facilities or appurtenances thereto.

**§ 257-5. Severability.**

Should any section or provision of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this chapter.

**§ 257-6. Compatibility with other ordinance requirements.**

Approvals issued pursuant to this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

**§ 257-7. Modifications.**

- A. Modification of these provisions by the Township Supervisors. The provisions of this chapter are intended as minimum standards for the protection of the public health, safety, and welfare. The Township Supervisors may modify or extend said provisions in individual cases as may be deemed necessary in the public interest as set forth hereinafter; provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this chapter. If the literal compliance with any mandatory provisions of these regulations is shown to a majority of the Township Supervisors present at a prescheduled public meeting to be unreasonable as applied to the property to be subdivided or developed, the Township Supervisors may grant a waiver of the requirements of this chapter insofar as they are found to be unreasonable as applied to the particular property for which a modification is sought, all as more fully set forth in the definition of "waiver" in this chapter.
- B. Modification of approved plans. No changes, erasures, modifications or revisions shall be made in any documentation after approval has been made by the Supervisors unless the said documentation is first resubmitted and approved by the Township Supervisors. In all cases, as-built plans must be provided prior to final release of security during the improvements phase.

**§ 257-8. Warning and disclaimer of liability.**

The degree of stormwater protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. This chapter does not imply that areas subject to the stormwater management requirements of this chapter will be free from flooding or flood damages.

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<sup>19</sup>. Editor's Note: Said document is included as an attachment to Ch. 270, Subdivision and Land Development.

ARTICLE II  
**Terminology**

**§ 257-9. Word usage; definitions.**

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The words "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used or occupied."
- F. Terms:

**ACCELERATED EROSION** — The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

**ALTERATION** — As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also, the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

**APPLICANT** — A landowner or developer who has filed an application for approval to engage in any regulated activities as defined in § 257-4 of this chapter.

**BEST MANAGEMENT PRACTICE (BMP)** — Stormwater structures and facilities designed or used to maintain or improve the water quality of surface runoff. BMP's may be structural (basins and seepage pits), nonstructural (vegetation filter strips and buffers) or managerial techniques (maintenance practices) that may be used singly or in combination to achieve water quality.

**CISTERN** — An underground reservoir or tank for storing rainwater.

**CONSERVATION DISTRICT** — The Washington County Conservation District.

**CULVERT** — A structure with appurtenant works which carries a stream under or through an embankment or fill.

**DAM** — An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

**DESIGN STORM** — The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

**DESIGNEE (DESIGNATED REPRESENTATIVE)** — Any person or consultant designated by the Township governing body to administer, review or enforce the provisions of this chapter whether by contract or by memorandum of understanding.

**DETENTION BASIN** — An impoundment structure designed to manage stormwater runoff by temporarily

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storing the runoff and releasing it at a predetermined rate.

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DEVELOPER and/or SUBDIVIDER — A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any PA DEP regulated activity of this chapter.

DEVELOPMENT SITE — The specific tract of land for which a regulated activity is proposed.

DRAINAGE EASEMENT — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PLAN — The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in this chapter; Stormwater Management Plan and Report Package.

ENGINEER — A person, partnership or corporation which shall have a license issued by the Commonwealth of Pennsylvania as a professional engineer and which shall prepare all stormwater management plans and reports required under this chapter and which shall seal with the professional seal all plans and documents submitted under this chapter.

EROSION — The movement of soil particles by the action of water, wind, ice, or other natural forces.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Maps as being a special flood hazard area. Also included are areas that comprise Group 13 soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PA DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

GRADE — The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

GRADE GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE — A surface that prevents the percolation of water into the ground.

IMPROVEMENTS — Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

INFILTRATION STRUCTURE — A structure designed to direct runoff into the ground (e.g., French drains, seepage pits, seepage trench).

LAND DEVELOPMENT —

- (1) The improvement of one lot or two of more contiguous lots, tracts, or parcels of land for any purpose involving a) a group of two or more buildings, or b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the of streets, common areas, leaseholds, condominiums, building groups, or other features;
- (2) Any subdivision of land;
- (3) Any lot improvements regulated under Chapter 320, Zoning.

LAND DISTURBANCE — Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

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

MUNICIPALITY — Cross Creek Township, Washington County, Pennsylvania.

NRCS — U.S. Department of Agriculture Natural Resources Conservation Service. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

OPEN CHANNEL — A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and

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pipes flowing partly full.

**PEAK DISCHARGE** — The maximum rate of stormwater runoff from a specified storm event.

**PERFORMANCE GUARANTEE** — Any security which may be accepted in lieu of a requirement that certain improvements be made before the Township gives final approval of a plan, including performance bonds, escrow agreements, letters of credit, and any other collateral or surety agreements.

**PIPE** — A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

**PLAN, FINAL** — A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording of a major subdivision, to define property rights and proposed streets and other improvements, prepared by a registered surveyor, all as more fully set forth in Chapter 270, Subdivision and Land Development.

**PLAN, PRELIMINARY** — A tentative subdivision or land development plan (including all required supplementary data), in lesser detail than a final plan, showing, among other things, topographical data and approximate proposed street and lot layout as a basis for consideration of a major subdivision prior to preparation of a final plan, all as more fully set forth in Chapter 270, Subdivision and Land Development.

**PMF, PROBABLE MAXIMUM FLOOD** — The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in an area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**REGULATED ACTIVITIES** — Actions or proposed actions that have an impact on stormwater runoff and that are specified in this chapter.

**RETENTION BASIN** — An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

**RETURN PERIOD** — The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall would be expected to recur, on the average, once every 25 years.

**RUNOFF** — Any part of precipitation that flows over the land surface.

**SEDIMENT BASIN** — A barrier, dam, retention, or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

**SEDIMENTATION** — The process of which mineral or organic matter is accumulated or deposited by the movement of water.

**SEEPAGE PIT/SEEPAGE TRENCH** — An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

**SOIL COVER COMPLEX METHOD** — A method of runoff computation developed by the NRCS that is based on relating soil type and land use cover to a runoff parameter called a curve number (CN).

**STORAGE INDICATION METHOD** — A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

**STORM SEWER** — A system of pipes and or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

**STORMWATER** — The total amount of precipitation reaching the ground surface.

**STORMWATER MANAGEMENT FACILITY** — Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

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**STREAM ENCLOSURE** — A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this commonwealth.

**SUBAREA** — The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

**SUBDIVISION** — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

**WAIVER** — Intentional relinquishing of a specific right, claim or privilege by the governing body.

**WETLAND** — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ferns, and similar areas.

ARTICLE III

**Plan Submission Requirements**

**§ 257-10. General requirements.**

For all activities by this chapter, the steps below shall be followed for submission. For any activities that require a PA DEP joint permit application and are regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PA DEP's rules and regulations, require a PennDOT highway occupancy permit, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the plan.

- A. A stormwater management plan and report package shall be submitted by the developer as part of the preliminary plan submission for the regulated activity. This package shall consist, as a minimum, of a stormwater management plan as specified in § 257-11 of this chapter and a stormwater management report as specified in § 257-12 of this chapter.
- B. Four copies of the stormwater management plan and report package shall be submitted.
- C. Distribution of the packages will be as follows:
  - (1) Two copies to the Township accompanied by the requisite municipal review fee, as specified in this chapter.
  - (2) One copy to the Municipal Engineer.
  - (3) One copy to the County Planning Commission.
- D. In addition to meeting the requirements of this article, package submissions must show that all other requirements specified in this chapter are met when applicable, specifically Article IV and V.

**§ 257-11. Stormwater management plan submittal requirements.**

- A. The stormwater management plan shall consist of all applicable maps and plans. A note on the maps shall refer to the associated computations stormwater management report and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and dates. All stormwater management plan materials shall be submitted to the Township in a format that is clear, concise, legible, neat, and well organized; otherwise, the plan shall be disapproved and returned to the applicant.
- B. The following items shall be included in the stormwater management plan:

- (1) Map(s) of the project area shall be submitted on twenty-four-inch-by-thirty-six-inch sheets and shall be prepared in a form that meets the requirements for recording in the offices of the Recorder of Deeds of Washington County. The contents of the map(s) shall include, but not limited to:
- (a) The location of the project relative to highways, municipalities or other identifiable landmarks.
  - (b) Existing contours at intervals of two feet. In areas of steep slopes (greater than 25%), five-foot contour intervals may be used.
  - (c) Existing streams, lakes, ponds, or other bodies of water within the project area.
  - (d) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
  - (e) The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet

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of property lines.

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- (f) An overlay showing soil names and boundaries.



- (g) Proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
- (h) Proposed structures, roads, paved areas, and buildings.
- (i) Final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
- (j) The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
- (k) The date of submission.
- (l) A graphic and written scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, the scale shall be one inch equals no more than 100 feet.
- (m) A North arrow.
- (n) The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree,
- (o) Existing and proposed land use(s).
- (p) A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
- (q) Horizontal and vertical profiles of all piped and open channels, including hydraulic capacity.
- (r) Overland drainage paths.
- (s) A twenty-foot-wide access easement around all stormwater management facilities that would provide ingress from and egress to a public right-of-way.
- (t) A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off site. All off-site facilities shall meet the performance standards and design criteria specified in this chapter.
- (u) A construction detail of any improvements made to sinkholes and the location of all notice to be posted, as specified in this chapter.
- (v) A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the Township.
- (w) The following signature block for the Township: Cross Creek Township, on this date (date of signature), has reviewed and hereby certifies that the drainage plan meets all design standards and criteria required by this chapter.
- (x) All stormwater management facilities must be located on a map and described in detail.

**§ 257-12. Stormwater management report submittal requirements.**

The stormwater management report shall consist of all applicable calculations, maps, and plans. All materials shall be submitted to the Township in a format that is clear, concise, legible, neat, and well organized; otherwise, the

§ 257-12 stormwater management report shall be disapproved and returned to the applicant. The following items shall be included in the stormwater management report: § 257-12

A. General.

- (1) General description of project.
- (2) General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
- (3) Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities as specified in Article IV of this chapter.

B. A written description of the following information shall be submitted.

- (1) The overall stormwater management concept for the project.
- (2) Stormwater runoff computations as specified in this chapter.
- (3) Stormwater management techniques to be applied both during and after development.
- (4) Expected project time schedule.

C. Confirmation of soil erosion and sedimentation control plan approval, as required by the PA DEP and the Washington County Conservation District.

D. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.

E. A declaration of adequacy ad highway occupancy permit from the PennDOT district office when utilization of a PennDOT storm drainage system is proposed.

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ARTICLE IV

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**Stormwater Calculations Methods and Requirements**

**§ 257-13. Submission of materials.**

The stormwater management submission shall include, but not be limited to, the following:

- A. A plan indicating the pre-developed drainage areas and time of concentrations and flow paths used. This plan shall indicate the pre-developed contours of the site in such detail as to be capable of being field verified.
- B. A plan indicating the post-developed drainage areas, time of concentration and flow paths, and all drainage facilities. This plan shall indicate the post-developed contours of the site. All facilities shall be labeled in an easily understandable manner consistent with the stormwater management report.
- C. A stormwater management report including all assumptions, methods, references, and calculations for all stormwater drainage facilities.

**§ 257-14. Stormwater calculations.**

The stormwater calculations shall be performed as specified in the current edition PA DEP Erosion and Sediment Pollution Control Program Manual, including the following:

- A. The methodology for calculating stormwater runoff shall be the rational method or other method as approved by the Township Engineer.
- B. All pre-developed calculations shall be based upon existing land use features. The conditions of the existing land uses shall, however, be considered "good" in all instances regardless of actual conditions.
- C. Pre-developed and post-developed runoff shall be calculated for the two-, ten-, twenty-five-, fifty-, and one-hundred-year storm events.
- D. All stormwater conveyance facilities shall be designed based on the twenty-five-year storm event peak discharge to the facility.
- E. All stormwater pipes shall be smooth flow polyethylene pipe (ADS N-12) reinforced concrete pipe, with a minimum diameter of 15 inches. Changes in horizontal or vertical direction of pipes shall be accomplished by installing a catch basin or a manhole. The minimum slope of pipe shall be 0.35%. The crown of the pipe shall be at least six inches below the subgrade elevation. Pipes under roads shall meet with requirements set forth in PennDOT Design Manual Part 2 or any successor PennDOT document on this subject. No riprap-lined areas shall be permitted within existing Township right-of-way areas unless specifically authorized by the Township.
- F. Catch basins shall be utilized at all inlet ends of pipes and shall have bicycle-proof inlet grates.
- G. All catch basins, manholes, endwalls, etc., shall be as shown in PennDOT Standard Details for Roadways.
- H. All swales shall be at least one foot deep, and the bottom of the swale shall be at least six inches below subgrade elevation.
- I. Stormwater velocities in swales shall be calculated for both the prestabilized and stabilized conditions. The type of swale lining to be utilized shall be specifically indicated. Verification that the velocity in the swale does not exceed the permissible velocity for the design swale lining (prestabilized and stabilized) shall be provided.
- J. Stormwater velocities at pipe outlets shall be calculated. Outlet protection consisting of a riprap apron or other suitable control measure shall be provided.

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K. The apron dimensions and riprap size shall be calculated and provided.

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L. The capacities and spacing of the catch basin inlets shall be indicated to assure that they are capable of intercepting the design runoff.

M. Post-developed runoff shall be restricted as follows for each pre-developed drainage area:

- (1) The post-developed peak discharge for the ten-, twenty-five-, fifty-, and one-hundred-year storm events shall not exceed 90% of the peak discharge for the corresponding pre-developed storm events.
- (2) In order to achieve this, it is recommended that methods be considered that will direct runoff from impervious areas to pervious areas or infiltration trenches that will retain/detain the runoff, or, by some other means suitable to the Township Engineer.
- (3) The post-developed twenty-five-year storm event peak discharge shall not exceed the capacity of downstream stormwater facilities.

N. Retention/detention facilities shall be designed such that the post- to pre-development requirements set forth herein are met. Further, the facility shall be designed with any emergency spillway, capable of handling the entire one-hundred-year post-developed flow without causing property damage. The emergency spillway shall be at an elevation of at least two feet below the top of the impoundment embankment and at least six inches above the highest principal outlet. Adequate evidence that the facility(ies) will not present a public safety or health hazard problem must be submitted in detail. This shall include, but not be limited to the following:

- (1) Compaction requirements for the impoundment embankment.
- (2) Pond retention times which shall not exceed 24 hours after the end of the design storm events.
- (3) Protection around the perimeter of ponds that have depths which exceed two feet.

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ARTICLE V  
**Additional Requirements**

§ 257-15

**§ 257-15. General requirements.**

- A. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this chapter.
- B. The existing points of concentrated drainage that discharge onto adjacent property shall not be relocated and shall be subject to any applicable release rate criteria specified in this chapter.
- C. Diffused drainage or flow.
  - (1) Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas.
  - (2) If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
  - (3) Where a development site is traversed by watercourses other than permanent streams, a drainage easement shall be provided conforming substantially to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures. And any alteration that may affect adversely the flow of stormwater within any portion of the easement. Also, maintenance and mowing of vegetation within the easement shall be required.
- D. Any stormwater management facilities regulated by this chapter that would be located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- E. Any stormwater management facilities regulated by this chapter that would be located in or adjacent to waters of the commonwealth or potential wetlands shall be subject to approval by PA DEP through the joint permit application process, or, where deemed appropriate by PA DEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.
- F. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP, through the joint permit application process or, where deemed appropriate by PA DEP, through the general permit process.
- G. Sinkholes. Stormwater resulting from land development activities shall not be discharged into sinkholes.
- H. Proposed stormwater development shall not increase the one-hundred-year flood water surface elevation for floodplain areas within or affected by such development.
- I. Erosion and sedimentation plan approval must be obtained from the Washington County Conservation District.
- J. Any additional state, federal, or other governing authority or approvals not specifically mentioned in this chapter required as a result of the proposed stormwater developments must be obtained.

ARTICLE VI  
**No Harm Analysis**

**§ 257-16. Required analysis of post-development runoff.**

- A. For any development site, the developer has the option of discharging post-development runoff at a higher rate than pre-development runoff if the developer can prove that no harm would be caused to any person or property located upstream or downstream of the development site. The developer must assume that the entire subarea in which the site is located is developed. The type and amount of development that the developer must consider shall be either based on current zoning or established by the Township, whichever results in a greater amount of imperviousness. Proof of no harm must demonstrate conformance with the hydraulic capacity criteria specified in this chapter. Areas that drain through documented drainage problem areas would be precluded from any no harm based peak runoff increases, except where hydraulic capacity improvements would be provided, consistent with this chapter.
- B. A "no harm analysis" must be submitted as part of a stormwater management plan and report package.

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ARTICLE VII  
**Maintenance and Performance Responsibilities**

§ 257-20

**§ 257-17. Performance guarantee.**

The applicant shall provide a financial guarantee to the Township for the timely installation and proper construction of all stormwater management controls required by the approved stormwater plan and this chapter equal to the full construction cost of the required controls.

**§ 257-18. Maintenance responsibilities.**

- A. The stormwater management plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the Municipal Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
- B. The stormwater management plan for the development site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals:
  - (1) If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Township, stormwater control facilities should also be dedicated to and maintained by the Township.
  - (2) If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of the stormwater control facilities should be the responsibility of the owner or private management entity.
- C. The governing body, upon recommendation of the Township Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The Township reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

**§ 257-19. Maintenance agreement for privately owned stormwater facilities.**

- A. Prior to final approval of the site stormwater management plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:
  - (1) The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.
  - (2) The owner shall convey to the Township easements and or right-of-way to assure access for periodic inspections by the Township and maintenance, if required.
  - (3) The owner shall keep on file with the Township the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the Township within 10 days of the change.
  - (4) If the owner fails to maintain the stormwater control facilities following due notice by the Township to correct the problem(s), the Township may perform the necessary maintenance work or corrective work and the owner shall reimburse the Township for all costs.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Municipal Solicitor and governing body.

**§ 257-20. Municipal stormwater maintenance fund.**

- A. Persons installing stormwater storage facilities shall be required to pay a specified amount to the municipal stormwater maintenance fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:



- (1) If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of the periodic inspections and maintenance performed by the Township for a period of five years, as estimated by the Municipal Engineer and approved by the Township. After that period of time, inspections will be performed at the expense of the Township.
  - (2) If the storage facility is to be owned and maintained by the Township, the deposit shall cover the estimated costs for maintenance and inspections for five years. The Municipal Engineer will establish the estimated costs to be approved by the Township utilizing information submitted by the applicant.
  - (3) The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipal Engineer shall determine the present worth equivalents which shall be subject to the approval of the governing body.
- B. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.
- C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

**§ 257-21. Financial acceptance.**

Financial guarantees as required by this chapter shall be provided in the form of:

- A. Bonds;
- B. Escrow accounts; or
- C. Irrevocable letters of credit.

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ARTICLE VIII  
**Accessibility and Required Easements**

§ 257-23

**§ 257-22. Access easement required.**

A twenty-foot-wide access easement around all stormwater management facilities that would provide ingress from and egress to a public right-of-way shall be provided.

**§ 257-23. Existing water bodies or watercourses.**

Where a subdivision or land development is traversed by or contains a pond, lake, watercourse, drainageway, channel, storm drainage system, or stream, where shall be provided a drainage easement that conforms substantially with the line of such pond, lake, watercourse, drainageway, channel, storm drainage system, stream, of such width as will be adequate to preserve the unimpeded flow of drainage and to provide for widening, deepening, relocating, improving or protecting such features or drainage facilities. Minimum easement width shall be 10 feet from each side of the watercourse, water body, stream, pond or lake, but the Township may require a greater easement when necessary.

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ARTICLE IX  
**Authority of Township Engineer**

§ 257-24

**§ 257-24. Township authorizations.**

- A. The design of all stormwater management facilities shall incorporate sound engineering principals and practices. The Township shall reserve the right to disapprove any design that would result in the occurrence or perpetuation of an adverse hydrologic or hydraulic condition within the watershed.
- B. The Township Engineer reserves the right to request additional information and/or calculations necessary for its review and may approve methods of calculation not specified in this chapter.
- C. The Township or its designated representative shall be afforded access to inspect all phases of the installation of the permanent stormwater management facilities.
- D. During any stage of the work, if the Township determines that the permanent stormwater management facilities are not being installed in accordance with the approved stormwater management plan, the Township shall revoke any existing permits until a revised drainage plan is submitted and approved, as specified in this chapter.

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ARTICLE X

§ 257-27

**Stormwater Management Plan/Report Approval and Plan Modification Requirements**

**§ 257-25. Drainage plan review.**

- A. The Township shall review the stormwater management plan and report package for consistency with the requirements of this chapter and any other applicable municipal requirement. The Township shall require receipt of a complete plan, as specified in this chapter.
- B. The Township shall not approve any subdivision or land development for regulated activities of this chapter if the stormwater management plan and report package has been found to be inconsistent with this chapter, as determined by the Township, or without considering the comments of the Township Engineer. All required permits from the PA DEP must be obtained prior to approval.
- C. The Township Building Permit office shall not issue a building permit for any regulated activity of this chapter if the stormwater management plan and report package has been found to be inconsistent with this chapter, as determined by the Township, or without considering the comments of the Township Engineer. All required permits from PA DEP must be obtained prior to issuance of a building permit.
- D. The developer shall be responsible for completing an as-built survey of all stormwater management facilities included in the approved stormwater management plan and report package. The as-built survey and an explanation of any discrepancies with the design plans shall be submitted to the Township for final approval. In no case shall the Township approve the as-built survey until the Township receives a copy of an approved declaration of adequacy, highway occupancy permit from the PennDOT district office, and any applicable permits from PA DEP.
- E. The Township's approval of a stormwater management plan and report package shall be valid for a period not to exceed one year. This one-year time period shall commence on the date that the Township signs the approved stormwater management plan and report package. If stormwater management facilities included in the approved stormwater management plan and report package have not been constructed, or of an as-built survey of these facilities has not been approved within this one-year time period, then the Township may consider the stormwater management plan and report package disapproved and may revoke any and all permits. Stormwater management plan and report package that are considered disapproved by the Township shall be resubmitted in accordance with Article III of this chapter.

**§ 257-26. Modification of plans.**

- A. A modification to a submitted stormwater management plan and report package for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the stormwater management plan and report package (as determined by the Township or the Township Engineer), shall require a resubmission of the modified stormwater management plan and report package consistent with this chapter and be subject to review as specified in this chapter.
- B. A modification to an already approved or disapproved stormwater management plan and report package shall be submitted to the Township, accompanied by the applicable review fee. A modification to a stormwater management plan and report package for which a formal action has not been taken by the Township shall be submitted to the Township, accompanied by the applicable review fee.

**§ 257-27. Resubmission of disapproved drainage plans.**

A disapproved stormwater management plan and report package may be resubmitted, with the revisions addressing the Township's concerns documented, in writing, to the Township in accordance with this chapter and be subject to review as specified in this chapter. The applicable review fee must accompany a resubmission of a disapproved

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stormwater management plan and report package.

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ARTICLE XI  
**Enforcement and Penalties**

**§ 257-28. Right of entry.**

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this chapter.

**§ 257-29. Notification.**

In the event that a person fails to comply with the requirements of this chapter, or fails to conform to the requirements of any permit issued hereunder, the Township shall provide written notification of this violation. Such notification shall set forth the nature of the violation (s) and establish a time limit for correction of these violations(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and resort by the Township from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this chapter.

**§ 257-30. Public nuisance.**

- A. The violation of any provision of this chapter is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

**§ 257-31. Liability disclaimer.**

- A. Neither the granting of the approval nor the compliance with the provisions of this chapter or with any condition imposed by the Township, its officials, employees or designated representatives hereunder shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Township, its officials, employees or designated representatives to the maximum extent permitted by law.
- B. The granting of any permit which includes any stormwater management requirements shall not constitute a representation, guarantee or warranty of any kind by the Township, the officials, employees or designated representatives thereof, of the practicability or safety of any stormwater structure or facility, use or other plan proposed, and shall create no liability or cause of action upon the Township, its officials, employees, or designated representatives for any damage that may result in pursuant thereto to the maximum extent permitted by law.

**§ 257-32. Violations and penalties.**

- A. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. All fines shall be paid to Cross Creek Township for its use. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. In addition, Cross Creek Township may institute injunctive, mandamus of any other appropriate action or proceeding action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent

jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions,

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mandamus or other appropriate forms from remedy of relief.

**§ 257-33. Appeals.**

- A. Any person aggrieved by the decision of the Township, its officials, employees or any designated representative thereof may appeal to the Cross Creek Board of Supervisors within 30 days of the decision.
- B. Any person aggrieved by a decision of the Cross Creek Board of Supervisors may appeal to the Washington County Court of Common Pleas within 30 days of the decision.

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**ARTICLE XII  
Fees and Expenses**

**§ 257-34. General.**

The fees required by this chapter are the application fee and the Township review and inspection fees. The fees shall be established by the Township to defray costs incurred by the Township and the Township Engineer. All fees shall be paid by the applicant.

**§ 257-35. Drainage plan review fee.**

The Township shall establish a review fee schedule based on the size of the regulated activity and based on the Township's costs for reviewing the drainage plan. The Township shall periodically update the review fee schedule to ensure that review costs are adequately reimbursed.

**§ 257-36. Expenses covered by fees.**

The fees required by this chapter shall at a minimum cover:

- A. Application fee to cover administrative costs.
- B. The review of the drainage plan by the Township and the Township Engineer.
- C. The site inspection.
- D. The inspection of stormwater management facilities and drainage improvements during construction.
- E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the drainage plan.
- F. Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.

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**Chapter 264**

**STREETS AND SIDEWALKS**



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**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 264-1

§ 264-6

ARTICLE I

**Driveways and Entrances onto Private Properties**

**[Adopted 9-17-1975 by Ord. No. 3-75]**

**§ 264-1. Permit required for construction or alteration.**

It is hereby ordained and enacted by the Supervisors of Cross Creek Township, Washington County, Pennsylvania, that it shall be unlawful for any person, firm or corporation, or any agents thereof, to construct or alter any entrance leading from a Township road, street or alley in the Township of Cross Creek without first having obtained a permit therefor.

**§ 264-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ENTRANCE** — Any way of ingress or egress leading from the Township road, street or alley to private property and which way of ingress or egress includes driveways and other means of ingress or egress as used by vehicular traffic where it is necessary to grade, fill or excavate any portion that connects the private property with the Township road, street or alley.

**PERSON** — Any natural person, or persons, associations, partnerships, firm or corporation.

**§ 264-3. Applications; fees; granting or refusal of permits.**

Applications for permits shall be made, in writing, to the Supervisors of Cross Creek Township together with the plans for the construction of said entrance. Permits shall be granted or refused within seven days after the receipt of the application. Remit fees to be established by Supervisors.

**§ 264-4. Required pipe size and type.**

No drain pipe used in connection with said entrances shall be less than 12 inches in diameter and shall be of adequate construction or type.

**§ 264-5. Curb replacement requirements.**

Any curbing that must be removed, altered or replaced shall be in accordance with the curb specifications of Cross Creek Township, and all work in connection with said curbs aforesaid shall be constructed only under the supervision of the Supervisors of Cross Creek Township or their representatives.

**§ 264-6. Violations and penalties. [Amended 1-20-1998 by Ord. No. 1-98]**

- A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$250 and not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The fine shall be in addition to any and all other remedies available at law or in equity, wherein, and not by way of limitation, the Township shall have the right to bring an action in equity to abate and/or cause a termination of said violation or violating condition, wherein the party determined to be responsible shall also be subject to the payment of court costs, attorney's fees and the like. This remedy is in addition to and not in limitation of any other remedy or sanction that is available at law or in equity.

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- C. Said article shall be prosecuted and/or enforced by the Township Zoning Officer, Code Enforcement Officer, or any police officer or any other Township official as previously designated or appointed.

§ 264-7

ARTICLE II  
**Street Naming and Building Numbering**  
**[Adopted 5-17-1994 by Ord. No. 1-94]**

§ 264-11

**§ 264-7. Street names.**

The Supervisors of Cross Creek Township, pursuant to the Second Class Township Code, are hereby authorized and empowered to name any and all of its streets, roadways, alleys, or other thoroughfares within Cross Creek Township whether it be a state or Township road, alley or street. The Supervisors of Cross Creek Township should have the exclusive power and authority to name and designate the name of any such street, alley or roadway which herewith will come into existence be it state or Township. The names of all such streets, roadways, alleys or other thoroughfares should be recorded in the official minute book of Cross Creek Township.

**§ 264-8. Street numbers.**

Each structure to which a street number has been assigned by the Supervisors of Cross Creek Township, the United States Postal Service or Post Office shall have the number that is assigned displayed in a position which is easily observed and readable from the public right-of-way. All numbers shall be in Arabic figures which shall be at least three inches (76 millimeters) high and 1/2 inch (13 millimeters) wide. If said structure to which a street number has been assigned is so situate that its distance from the public right-of-way is such that said numbers would not be visible from the same, then and in that event, said numbers shall, in fact, be so placed on said structure and the same shall also be placed or displayed on the mailbox or postal facility that services said property, if there is one in existence or later comes into existence. Therein, said numbers shall be in Arabic figures at least three inches (76 millimeters) high and 1/2 inch (13 millimeters) wide.

**§ 264-9. Responsibility.**

It shall be the responsibility of the titled owner and occupant or occupants of said structure to comply with the provisions of this article.

**§ 264-10. Maintenance requirements.**

The titled owner and occupant or occupants of said structure shall be required to maintain said designation in a legible condition on a continuing basis.

**§ 264-11. Violations and penalties. [Amended 1-20-1998 by Ord. No. 1-98; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

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ARTICLE III  
**Openings and Excavations**  
**[Adopted 2-19-2008 by Ord. No. 1-08]**

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**§ 264-12. Definitions.**

For the purposes of this article, the following terms shall have the meanings set forth below:

**DEGRADATION FEE** — A fee charged for the premature excavation/opening of a road that has been constructed or resurfaced within seven years.

**EMERGENCY SITUATION** — A situation or event such as breakage of a utility line, which presents an imminent hazard to the public health, safety and welfare. Not included in this definition are the routine placement or replacements of service facilities which are being constructed or replaced as part of normal expansion or routine maintenance activities.

**FRANCHISED ORGANIZATIONS** — An organization providing a service under the authority of a franchise granted by the Township of Cross Creek.

**NOTIFICATION** — This may be done by normal mail, registered letter or personally delivered written notice.

**PERFORMANCE BOND** — Security submitted to the Township which guarantees that all work required as part of an approved permit will be satisfactorily completed. An acceptable security at the option of the Township can be a letter of credit, certified check or escrow agreement with institutions authorized to provide such securities in Pennsylvania. Said security must be made payable to Cross Creek Township.

**PUBLIC STREET** — Any street, avenue, boulevard, road, right-of-way, lane alley, court or walkway used or intended for use by vehicular or pedestrian traffic, which has been dedicated to and accepted for public purposes by the Township of Cross Creek; provided, however, that this term shall not include streets, roads, highways, walkways, or rights-of-way owned, maintained or under control of other governmental agencies, or any privately owned streets.

**PUBLIC UTILITY** — A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water and communications.

**TUNNEL** — To perform work which utilizes equipment that tunnels or bores beneath the cartway, sidewalk, driveway, driveway apron or other areas of the Township road or right-of-way. Not included and not permitted for use in tunneling unless specifically authorized is use of pneumatic mole.

**§ 264-13. Permit required.**

After the effective date of this article, it shall be unlawful to open, cut, trench, bore or dig in any public street or right-of-way without having first obtained a permit in accordance with the provisions of this article, and that all work performed which relates to such activities shall be performed in compliance with the provisions hereof; provided, however, that nothing contained in this section shall prevent a public utility from making cuts or openings in public streets or public easements in emergency situations threatening the health or safety of any person, and in such case, said permit shall be secured as soon as practicable after the repair necessitated by the emergency has commenced.

**§ 264-14. Permit application.**

An application for the required permit shall be made, in writing, on a form prescribed by the Township. The public utility or owner of the facility to be installed, repaired or replaced, shall make such application and such applicant shall be solely responsible for compliance with the terms and conditions of this article. Contractors or subcontractors may be permitted to make application for a permit required by this article on behalf of the owner of a property.

**§ 264-15. Completion of work.**

A permit issued under the terms of this article shall expire and be of no further force or effect if work authorized by such permit shall not be commenced within 30 days from the date of issuance, and further, that such authorized work be completed and restored within 60 days of the start of such work. Exceptions to those provisions may be

§ 264-15 granted by the issuing authority when unusual circumstances can be demonstrated. Failure to comply with any such conditions shall be cause for revocation of such permit and shall constitute a violation of this article. If road opening is during a season not practical for permanent repairs, temporary repairs satisfactory to the municipality will be required. Temporary repairs must be maintained within 48 hours of notification by the Township. The Township reserves the right to make emergency repairs if deemed required for public safety. The cost of those repairs shall be borne by the permit holder and if not paid will be taken from the performance bond.

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**§ 264-16. Fee schedule.**

Fees for street excavation permits shall be in accordance with the schedule set forth in the applicable resolution of the Board of Supervisors.

**§ 264-17. Financial security. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

No permit shall be issued until the applicant shall have first furnished the Township with cash security for the proper restoration of the work authorized by such permit in an amount as set by resolution of the Township Board of Supervisors. In lieu of providing security with each application, an applicant may post with the Township a performance security in an amount as set by resolution of the Township Board of Supervisors, the validity of such security shall be reviewed annually at the beginning of each calendar year. In cases of anticipated projects of unusual magnitude, the Township may require security as set by resolution of the Township Board of Supervisors as a condition of permit issuance. Bonding and permit fees for franchised organizations shall be governed by their franchise agreement, but are subject to all other requirements of this article.

**§ 264-18. Notification of work.**

The permit holder shall coordinate his activities with the Cross Creek Township Public Works Department. The Department will regulate time of the opening or work, barricades, lighting and flagmen. If, during the course of construction, any Township-owned or maintained sewer, underdrain, manhole, catch basin, curb, guardrail, or other facility or appurtenance is damaged, destroyed or disturbed, such condition shall be reported immediately to the Township, which shall then prescribe, direct, supervise, and inspect the necessary corrective action, with inspection costs being borne by the applicant.

**§ 264-19. Rectification of defects; cost of rectification.**

All restoration work involving any public street shall be performed in accordance with approved the standards provided in Pennsylvania Department of Transportation Publication 408 or as hereafter revised and amended. When notice requiring repair or maintenance is given by the Township concerning permit work, and the applicant shall fail or neglect to make repairs within 14 calendar days of such notice, such action shall constitute grounds for the Township to use available cash securities to perform such work. Further, this shall constitute a violation of this article.

**§ 264-20. Additional provisions.**

- A. Where a proposed opening involves less than 100 feet of improved surface, the person requesting a permit shall first be required to photograph the area proposed for opening such that the area to be affected by the proposed work shall be adequately depicted. Such photographs shall be delivered to the Township along with permit application.
- B. Where a proposed opening involves more than 100 feet of improved surface, the person requesting a permit

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shall first be required to videotape the area proposed for opening such that the area to be affected by the proposed work shall be adequately depicted. Such videotape shall be delivered to the Township along with the permit application.

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**§ 264-21. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

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**SUBDIVISION AND LAND DEVELOPMENT**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 7-15-2003 by Ord. No. 2-03. Amendments noted where applicable.]**

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ARTICLE I  
**General Provisions**

§ 270-5



**§ 270-1. Title.**

This chapter shall be known and may be cited as the "Township of Cross Creek Subdivision and Land Development Ordinance," or just the "Subdivision Regulations."

**§ 270-2. Statutory authority.**

This chapter is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. § 10101 et seq.).

**§ 270-3. Purpose.**

The purpose of this chapter is to regulate all subdivision, resubdivision, consolidation and land development activities in the Township by providing for a uniform method for the submission of preliminary and final plats to ensure:

- A. The proper layout or arrangement of land and buildings;
- B. The proper design of streets to accommodate projected traffic and facilitate fire protection;
- C. The provision of adequate easements or rights-of-way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities; and
- D. The proper design of land developments in accordance with the requirements of this chapter and Chapter 320, Zoning.

**§ 270-4. General intent and community development objectives.**

This chapter is made in accordance with the community development objectives set forth in Chapter 320, Zoning, and are intended to achieve the following goals:

- A. To promote, protect and facilitate one or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of recreation, open space and harmonious design; the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and
- B. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

**§ 270-5. Word usage; definitions.**

- A. Interpretation. All words used in this chapter shall carry their customary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. The word "person" includes a corporation, association, partnership or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. The word "building" includes structure or any part thereof. Words used in the present tense include the future tense. Words in the masculine gender shall include the feminine gender. The singular number shall include the plural, and the plural shall include the singular.

- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, and is located on the same lot with the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use and located on the

same lot with the principal use.

ALLEY — See "street, service."

AMENITIES BOND — Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania-licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development plan which are required by this chapter or are voluntarily proposed by the developer.

APPLICANT — A landowner or developer who has filed an application for development, including his or her heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for the approval of a subdivision or land development.

ARTERIAL STREET — See "street, arterial."

BLOCK — A tract of land bounded by streets, public lands, railroad rights-of-way, waterways or municipal boundary lines.

BUFFER AREA — A strip of land required by Chapter 320, Zoning, which is planted and maintained in shrubs, bushes, trees, grass or other ground cover material and within which no structure or building shall be authorized except a wall or fence which meets Township requirements.

BUILDING — Any structure having enclosing walls and roofs and requiring a permanent location on the land.

BUILDING LINE — See "front building line."

CARTWAY — That portion of the street right-of-way which is surfaced for vehicular use, excluding shoulders and curbs.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersections of center lines of streets.

COLLECTOR STREET — See "street, collector."

CONDOMINIUM — A building where each unit in the structure is individually owned and the owner of each unit has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

CONSOLIDATION — The combination of two or more lots, tracts or parcels of land into one lot, tract or parcel for the purpose of sale, lease or development of a building or lot.

CONSTRUCTION STANDARDS — See "Infrastructure Improvement and Development Specifications."

COUNTY — Washington County, Pennsylvania.

COUNTY PLANNING COMMISSION — Washington County Planning Commission.

CROSSWALK — A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street cartway.

CUL-DE-SAC — A street having one end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

DECLARATION PLAN — A survey of property prepared in accordance with the requirements of the Uniform Condominium Act<sup>20</sup> which describes the unit boundaries and the common elements.

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20. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.

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

DOUBLE FRONTAGE LOT — A lot having two or more of its nonadjoining property lines abutting a street or streets, usually having front and rear street frontage.

DRIVEWAY, PRIVATE — A vehicular access route serving only one parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership.

DWELLING UNIT — Two or more rooms designed for the use of one family with cooking, living, sanitary and sleeping facilities and, in a separate room, a toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

DWELLING, MULTIFAMILY — A residential building containing three or more separate dwelling units, including garden apartments, mid-rise apartments, high-rise apartments, townhouses, triplexes and quadruplexes.

DWELLING, SINGLE-FAMILY — A detached residential building designed exclusively for occupancy by one family which contains one dwelling unit and which is the only principal building on the lot.

DWELLING, TOWNHOUSE — A dwelling unit located in a residential building which contains three or more dwelling units, each of which are separated from the adjoining unit or units by a continuous unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

DWELLING, TWO-FAMILY — A detached residential building designed exclusively for occupancy by two families which contains two dwelling units and which is the only principal building on the lot, including duplexes and double houses.

EASEMENT — A grant of one or more property rights by the property owner to and for use by the public, a corporation or any other person, the use of which shall not be inconsistent with the rights of the grantee and in which no permanent structure shall be erected.

ENGINEER — A registered professional engineer licensed as such by the Commonwealth of Pennsylvania. The use of the word "engineer" shall not exclude those professionals such as land surveyor or landscape architects licensed by the commonwealth, provided those professions only engage in that work in which they are authorized to perform under the Engineer, Land Surveyor and Geologist Registration Law and the Landscape Architects' Registration Law.<sup>21</sup>

EVIDENCE OF PROPRIETARY INTEREST — Any contract, whether subject to any condition or not, or a certificate of title or other legal document whereby a person shall have the legal or equitable rights of the landowner in all matters relating to an application filed under this chapter.

FAMILY — One or more persons who live together in one dwelling unit and maintain a common household, which may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption and may also include domestic servants and gratuitous guests.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

FEE — The required charge payable to the Township which is established from time to time by resolution of Township Supervisors to defray the costs of processing an application, reviewing an application or inspecting the installation of improvements.

FINAL APPLICATION — The written and graphic materials specified by this chapter to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

FINAL PLAT — The map or plan of a proposed subdivision or land development containing all the information required by this chapter and the Washington County subdivision regulations for final plat approval and in a form acceptable for recording in the office of the Washington County Recorder of Deeds.

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21. Editor's Note: See 63 P.S. § 148 et seq. and 63 P.S. § 901 et seq., respectively.

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**FRONT BUILDING LINE** — A line parallel to, or concentric with, the front lot line, at a distance there from which is equal to the depth of the front yard required by Chapter 320, Zoning, for the zoning district in which the lot is located.

**IMPROVED SURFACE** — Pavement comprised of bituminous concrete or cement concrete of the thickness specified by this chapter or the Infrastructure Improvement and Development Specifications.

**INFRASTRUCTURE IMPROVEMENT AND DEVELOPMENT SPECIFICATIONS** — A document entitled "Cross Creek Infrastructure Improvement and Development Specifications" prepared by the Township Engineer, adopted and amended from time to time by resolution of Township Supervisors upon recommendation of the Township Engineer, copies of which are on file in the office of the Township Secretary.  
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**INSPECTOR** — The Township Engineer or his/her authorized representative assigned by Township Supervisors to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to complete the improvements required by this chapter.

**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;
  - (b) A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration of a nonresidential building or other improvement to the land which results in additional land coverage by principal nonresidential structures and/or paving or the construction of stormwater management facilities; or
  - (c) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- (2) A subdivision of land; and
- (3) Developments authorized to be excluded from the regulation of land development by § 270-8 of this chapter.

**LAND DEVELOPMENT PLAN** — A plan which encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities, if any. The land development plan shall include all of the written and graphic information required by this chapter.

**LAND DEVELOPMENT, MAJOR** — See "major land development."

**LAND DEVELOPMENT, MINOR** — See "minor land development."

**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 or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

**LOT** — A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

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22. Editor's Note: Said document is included as an attachment to this chapter.

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**LOT AREA** — That area measured on a horizontal plane bounded by the front, side and rear lot lines, excluding any portion of the lot within a street right-of-way.

**LOT DEPTH** — The mean horizontal distance between the front lot line and the rear lot line.

**LOT FRONTAGE** — The portion of the lot which abuts the street measured along the front lot line.

**LOT LINE, FRONT** — That lot line which is contiguous with the street right-of-way line.

**LOT LINE, REAR** — That lot line which is opposite and most distant from the front lot line.

**LOT LINE, SIDE** — Any lot line which is not a front lot line or a rear lot line.

**LOT WIDTH** — The straight line distance between the points of intersection of the front building line with the side lot lines.

**LOT, CORNER** — A lot at the intersection of and fronting upon two or more street rights-of-way.

**LOT, DOUBLE FRONTAGE** — See "double frontage lot."

**MAINTENANCE BOND** — Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or corporate bond from an approved surety company which guarantees the repair or maintenance of the public improvements required by this chapter for a specified period following their completion and acceptance by the Township.

**MAJOR LAND DEVELOPMENT** — Any land development which proposes the improvement of a lot comprised of 1,500 square feet or more of lot coverage by building or structure; or 1,500 square feet or more of paving; or a combination of lot coverage by building or structure and paving which totals 1,500 square feet or more.

**MAJOR SUBDIVISION** — A subdivision, containing four or more lots or any subdivision, regardless of the number of lots, which involves the creation, extension or improvement of any public street.

**MEDIATION** — A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINOR LAND DEVELOPMENT** — Any land development which proposes the improvement of a lot comprised of less than 1,500 square feet of lot coverage by building or structure; or less than 1,500 square feet of paving; or a combination of lot coverage by building or structure and paving which totals less than 1,500 square feet.

**MINOR SUBDIVISION** — A subdivision containing not more than three lots, all of which have frontage on an improved public street or will have frontage on a public right-of-way, and which subdivision does not involve the construction or improvement of any public street, but which may or may not involve the extension or creation of any other public improvements and which does not adversely affect the future development of the remainder of the parcel or any adjoining property.

**OFFICIAL DATE OF FILING** — The date of the regular meeting of the Planning Commission at which the application is accepted by the Planning Commission as complete in content and properly filed in accordance with the requirements of this chapter.

**PARCEL** — A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the commonwealth which is intended to be used as a unit for development or transfer of ownership.

**PERFORMANCE BOND** — Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania-licensed surety company which guarantees the satisfactory completion of the public improvements required by this chapter.

**PLANNING COMMISSION** — Cross Creek Township Planning Commission.

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**PLAT** — A map or plan, either preliminary or final, indicating the subdivision, consolidation or redivision of land or a land development.

**PRELIMINARY APPLICATION** — The written and graphic materials specified by this chapter to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

**PRELIMINARY PLAT** — The map or plan of a proposed subdivision or land development which contains all of the information required by this chapter for approval of a preliminary plat.

**PRINCIPAL BUILDING** — The building or portion thereof housing the principal use of the land.

**PRINCIPAL USE** — The primary or predominant use of a lot or structure.

**PRIVATE DRIVEWAY** — See "driveway, private."

**PRIVATE IMPROVEMENTS** — All roads, streets, walkways, gutters, stormwater management facilities (including retention or detention facilities), curbs, sewers and other facilities to be owned, maintained or operated by a private entity such as an individual, partnership, corporation or homeowners' association and constructed in accordance with the Infrastructure Improvement and Development Specifications.

**PRIVATE STREET** — See "street, private."

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by Township Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC IMPROVEMENTS** — All roads, streets, walkways, gutters, stormwater management facilities (not including retention or detention facilities), curbs, sewers and other facilities to be dedicated to or maintained by the Township for which plans and specifications shall comply with the Infrastructure Improvement and Development Specifications.

**PUBLIC MEETING** — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84, as now or hereafter amended), known as the "Sunshine Act."<sup>23</sup>

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

**RIGHT-OF-WAY** — An area of land reserved or dedicated for public or private purposes.

**RIGHT-OF-WAY, STREET** — An area of land reserved or dedicated as a street for public or private purposes.

**SEWER AUTHORITY** — The Independence-Cross Creek Joint Sewer Authority, or the Local Cooperative Sanitary Council, or any other appointed or elected body having jurisdiction in sanitary sewer matters in the Township.

**STREET** — A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place or the like.

**STREET, ARTERIAL** — A public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region. Arterial streets shall include SR0050, Avella Road; and, SR4029, Cross Creek Road.

**STREET, COLLECTOR** — A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and

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23. Editor's Note: This Act was repealed 10-15-1998 by P.L. 729, No. 93. See now 65 Pa.C.S.A. § 701 et seq.

arterial streets. Collector streets shall include SR4031, Atlasburg Road; SR4027, Cedar Grove Road; SR4035, Old Ridge Road; SR4033 Rea Road; and, SR4023, Stroupe Road.

**STREET, HALF** — One side of a street divided longitudinally along the center line of the right-of-way.

**STREET, LOCAL** — A public street designed to provide access to abutting lots and to discourage through.

**STREET, PRIVATE** — A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to no more than three lots or parcels which do not have access to a public street and which require access to a public street through the private street.

**STREET, PUBLIC** — A street including the entire public right-of-way, which has been dedicated to and accepted by the Township or which has been devoted to public use by legal mapping, use or other means.

**STREET, SERVICE** — A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether not affixed to the land.

**SUBDIVISION** — The consolidation of two or more lots or 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBDIVISION, MAJOR** — See "major subdivision."

**SUBDIVISION, MINOR** — See "minor subdivision."

**SUPERVISORS** — See "Township Supervisors."

**SURVEY** — A plan prepared by a registered surveyor indicating the precise metes and bounds of a lot or parcel showing all easements and rights-of-way of record and all other existing conditions which represent encumbrances or restrictions on the use of the property.

**SURVEYOR** — A registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

**SWALE** — A low-lying stretch of land which gathers, or carries, surface water runoff.

**TOWNSHIP** — Township of Cross Creek, Washington County, Pennsylvania.

**TOWNSHIP ENGINEER** — A professional engineer licensed as such in the Commonwealth of Pennsylvania, with training and experience in civil engineering, duly appointed by Township Supervisors to serve as the engineer for the Township.

**TOWNSHIP SECRETARY** — The person appointed by Township Supervisors to serve as chief administrative officer for the Township.

**TOWNSHIP SOLICITOR** — The attorney appointed by Township Supervisors to serve as legal counsel for the Township.

**TOWNSHIP SUPERVISORS** — Township Supervisors of the Township of Cross Creek, Washington County, Pennsylvania.

**WATERCOURSE** — A permanent stream, intermittent stream, river, brook, creek, channel or ditch which carries water, whether natural or man-made.

**ZONING ORDINANCE** — The Township of Cross Creek Zoning Ordinance.<sup>24</sup>

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24. Editor's Note: See Ch. 320, Zoning.

ARTICLE II  
**Applicability of Regulations**

**§ 270-6. Approval required.**

Approval in accordance with this chapter shall be required for:

- A. Any subdivision, as defined by this chapter, including the resubdivision or replatting of previously recorded lots or lot line adjustments for previously recorded lots.
- B. Any other land development, as defined by this chapter, other than those excluded by § 270-8 of this chapter.
- C. The consolidation, as defined by this chapter, of two or more lots, tracts or parcels of land for the purpose of one development; and
- D. Any proposal by a developer to construct a street or any other public improvement to be dedicated to the Township for public use.

**§ 270-7. Compliance required.**

- A. No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued unless and until such subdivision or land development shall have been approved and properly recorded and until such public and/or private improvements as required by this chapter shall have been constructed or guaranteed, as provided for by this chapter.
- B. The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this chapter.

**§ 270-8. Exclusion of certain land developments.**

The following types of land developments are hereby excluded from the provisions of this chapter governing land developments, as defined herein:

- A. The conversion of an existing single-family dwelling or two-family dwelling into not more than three residential dwelling units, unless such units are intended to be a condominium;
- B. The addition of no more than one accessory building or structure, to a nonresidential site, either singularly or cumulatively, not exceeding one story or 15 feet in height and covering an area on the lot no greater than 200 square feet, on a lot or lots subordinate to any existing principal building and used for the same purpose as the principal building; or
- C. A one-time exemption for any change of use, addition to or structural enlargement of a nonresidential structure which results in either:
  - (1) An increase in the gross floor area of the principal building of less than 200 square feet;
  - (2) An increase in the paved area of the lot of less than 200 square feet; or
  - (3) An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total less than 200 square feet.

**§ 270-9. Compliance with other codes and regulations.**

- A. In addition to complying with the provisions of this chapter, all subdivisions and land developments within  
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the Township shall comply with all applicable Township ordinances as amended or adopted from time to

§ 270-9 time. § 270-9

- B. Compliance with applicable Township, county, state or federal regulations shall be a requirement for any approval under the provisions of this chapter.
- C. Any violation of applicable Township, county, state or federal regulations or permits shall be deemed a violation of this chapter and shall be subject to enforcement procedures authorized by this chapter.

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ARTICLE III  
**Procedure for Approval of Minor Subdivisions**

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§ 270-13

**§ 270-10. Applicability.**

This article shall apply only to consolidations, resubdivisions or replatting, as defined herein, and to those subdivisions which propose no more than three lots, including the residual lot or parcel, if any, all of which have frontage on an improved public street and not involving the construction or improvement of any public street and which may or may not involve the extension or creation of any other public improvements.

**§ 270-11. Preapplication conference.**

- A. Prior to filing an application for preliminary and final approval of a minor subdivision, the applicant or his representative shall meet with the Township Secretary and other Township officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- B. In addition, the developer may request a preapplication conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission to request a preapplication conference with the Planning Commission.
- C. The preapplication conference is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- D. While no formal application is required for a preapplication conference, the applicant should provide one copy of readily available information with the request for a preapplication conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Washington County Assessor's Office, USGS Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.
- E. A preapplication conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the preapplication conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the preapplication conference and the official date of filing of an application for preliminary and final approval of a minor subdivision under the terms of this chapter.

**§ 270-12. Preliminary and final application submission.**

- A. The applicant shall submit 10 copies of an application for preliminary and final approval of a minor subdivision required by § 270-13 to the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission. If the 15th day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.
- B. The preliminary application shall not be considered to be complete and properly filed unless and until all items required by § 270-13 of this chapter, including the application fee, have been received.
- C. Immediately upon receipt, the application shall be stamped with the date of receipt by the Township and one copy of the application shall be distributed to the Township Engineer for review.
- D. The applicant shall submit one copy of the complete and properly filed application to the Washington County Planning Office for review and comment which shall be subject to payment of the prevailing county review fee by the applicant.
- E. Additional copies may be referred to any other appropriate review agency at the discretion of the Township

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§ 270-12  
Secretary.

§ 270-13

**§ 270-13. Preliminary and final application content for minor subdivisions.**

All applications for preliminary and final approval of a minor subdivision shall be submitted in accordance with § 270-12 of this chapter and shall include the following information:

- A. Ten copies of the completed application form supplied by the Township.
- B. Application filing fee, as required by § 270-99A of this chapter.
- C. Proof of proprietary interest.
- D. Written evidence of compliance with all other Township, county, state or federal permits required for the plan, if any.
- E. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance there-from; title, scale and North point.
- F. A copy of any existing or proposed covenants or deed restrictions applicable to the property.
- G. Written evidence of any zoning variances granted which are applicable to the property. The application shall not be considered for final approval until any necessary zoning variances have been granted by the Zoning Hearing Board or until the plat is revised to conform to the zoning requirements at issue.
- H. A written statement requesting any waivers or modifications to this chapter in accordance with Article X, if applicable.
- I. Ten copies of a final plat, all drawings on sheets not exceeding 34 inches by 44 inches accurately drawn to a scale of not less than one inch equals 100 feet prepared and sealed by a Pennsylvania registered land surveyor as to existing features, design features and boundaries. The final plat shall contain the following information:
  - (1) Date of preparation. All revisions shall be noted and dated.
  - (2) Title of development; North arrow; scale; county tax parcel identification number; the name and address of the record owner; the name and address of the applicant; the name and address, signature, license number and seal of the surveyor preparing the subdivision. If the owner of the premises is a corporation, the name and address of the Chairman and Secretary shall be submitted on the application.
  - (3) All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest 10 seconds.
  - (4) The names of all adjoining subdivisions showing the location of the nearest streets in such plats.
  - (5) Survey data showing boundaries of the property, building or setback lines and lines of existing and proposed streets and rights-of-way, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature and seal of the surveyor shall be indicated.
  - (6) Location of existing buildings and all other structures, including walls, fences, culverts and bridges, with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
  - (7) Area, to the nearest thousandth of an acre, of the tract to be subdivided and the area, in square feet, of all lots.

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- § 270-14
- (8) Plans of all existing or proposed sanitary and stormwater systems showing feasible connections to existing or any proposed utility systems. Pipe sizes, grades and direction of flow, locations and inlets, manholes or other appurtenances and appropriate invert and other elevations shall be indicated.
  - (9) Documentation from the Pennsylvania Department of Environmental Protection demonstrating approval of or exemption from sewage planning module requirements.
  - (10) An indication on the plat identifying the company or authority that will provide water, sewer, gas, electric and other utility services, showing the existing or proposed location of the utilities.
  - (11) A copy of the USGS topographic survey map with the boundaries of the project site outlined on the map.
  - (12) If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945)<sup>25</sup> and that the approvals of the Cross Creek Township Planning Commission and Township Supervisors are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
  - (13) Spaces for the signature of the Chairman and Secretary of the Planning Commission; the Chairman and Secretary of Township Supervisors; the Township Engineer; and dates of approval.
  - (14) Certification clauses as required by the Washington County Recorder of Deeds. The certification clauses to be used are included in Appendix 1 of this chapter.<sup>26</sup>
  - (15) If the subdivision represents the resubdivision, replatting or consolidation of lots of record in a previously recorded plat, reference shall be made in the title to the recorded plat which is being revised.
  - (16) If applicable, flood hazard zone boundaries.
  - (17) Plan monumentations, as required by § 270-76 of this chapter.
  - (18) Documentation indicating Washington County has reviewed the plan and any comments the county has regarding that plan.
- J. If the plan proposes the extension or creation of any public improvements, other than a public street, construction drawings, as required by § 270-26I of this chapter.

**§ 270-14. Approval of preliminary and final application for minor subdivision.**

- A. Planning Commission recommendation.
- (1) At the first regular meeting of the Planning Commission after submission of a preliminary and final application for a minor subdivision, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the preliminary and final application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty-day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time.
  - (2) Within 60 days of the official date of filing of the preliminary and final application, the Planning Commission shall make a written recommendation to Township Supervisors for approval, approval with conditions or disapproval of the preliminary and final application. In the case of a recommendation for disapproval, the Planning Commission's recommendation shall cite the specific requirements of this

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25. Editor's Note: See 36 P.S. § 670-420.

26. Editor's Note: Copies of the certification clauses are on file in the Township offices.

§ 270-14 chapter which have not been met.

§ 270-17

**B. Action by Township Supervisors.**

- (1) Within 90 days of the official date of filing of the preliminary and final application, Township Supervisors shall either approve, approve with conditions or disapprove the preliminary and final application at a public meeting. Township Supervisors shall not act until the review has been received from the Washington County Planning Office or until 30 days has passed since the date that the application was submitted to the county for review. The recommendation of the Township Planning Commission and the report of the Washington County Planning Commission, if any, shall be made a part of the record at that meeting.
  - (2) A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within 15 days of the date of the decision by Township Supervisors. If the preliminary and final application is not approved, Township Supervisors shall specify the defects found in the preliminary and final application and cite the requirements of this chapter which have not been met.
- C. Conditional approval.** If Township Supervisors determine that certain conditions are warranted to be attached to preliminary and final approval to protect the public interest and guarantee compliance with the requirements of this chapter, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 270-14B of this chapter. The applicant shall accept or reject the conditions attached to preliminary and final approval by giving written notice to the Township Secretary within 30 days of the date of the meeting of Township Supervisors at which preliminary and final approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Township Secretary regarding acceptance of the conditions attached to preliminary and final approval within the required 30 days, preliminary and final approval shall automatically be rescinded without written notice to the applicant.
- D. Deemed approval.** Failure of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this chapter shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**§ 270-15. Mediation option.**

The Township may offer the mediation option as an aid in completing the proceedings authorized by this article in accordance with the requirements of § 270-28 of this chapter.

**§ 270-16. Recording of final plat.**

Upon approval of a final plat by Township Supervisors, the developer shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Washington County Recorder of Deeds.

**§ 270-17. Reinstatement of approval.**

- A.** In the event that the plat has not been recorded within the required 90 days, the Township Secretary is authorized to reinstate the signatures of the proper officers of the Township indicating approval. The developer shall complete an application for reinstatement of signatures and file that application along with the required fee as adopted by the Township Supervisors from time to time. The signatures shall be reinstated, provided there are no changes in the minor subdivision previously granted approval and all the requirements of this chapter regarding posting of a performance bond or amenities bond and execution of a development

agreement, if applicable, have been met and, further, provided the plan is submitted for reinstatement of

§ 270-17 approval within 180 days following the date of preliminary and final approval by Township Supervisors. § 270-19

B. Any request for reinstatement of preliminary and final approval which is submitted after 180 days from the date of the original granting of preliminary and final approval by Township Supervisors shall require resubmission of an application for preliminary and final approval in accordance with the requirements of §§ 270-12 through 270-14 and §§ 270-16 through 270-19 of this chapter.

**§ 270-18. Filing of copies.**

Within 90 days of the date of recording of the final plat in the office of the Washington County Recorder of Deeds, the applicant shall deliver to the Township Secretary one paper print and one scanned copy stored as an image file of CD of the final plat as recorded, containing all required signatures and dates of approval.

**§ 270-19. Proposed extension or installation of any public improvements.**

Minor subdivisions which propose the extension or creation of any public improvements, as defined by this chapter, other than a public street, shall be further subject to §§ 270-30 through 270-32 of this chapter governing installation of public improvements and posting of a performance bond to guarantee their proper installation.

§ 270-20

ARTICLE IV

§ 270-22

**Approval Procedure for Major Subdivisions**



§ 270-22

§ 270-23

**§ 270-20. Applicability.**

This article shall apply to all subdivisions which propose four or more lots and to all subdivisions which propose the construction or improvement of a public street, regardless of the number of lots proposed.

**§ 270-21. Preapplication conference.**

- A. Prior to filing an application for preliminary approval, the applicant or his representative shall meet with the Township Secretary and other Township officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- B. In addition, the developer may request a preapplication conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission to request a preapplication conference with the Planning Commission.
- C. The preapplication conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- D. While no formal application is required for a preapplication conference, the applicant should provide one copy of readily available information with the request for a preapplication conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Washington County Assessor's Office, USGS Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service maps of soil types and the U.S. Bureau of Mines coal mine maps.
- E. A preapplication conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the preapplication conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the preapplication conference and the official date of filing of an application for preliminary approval of a major subdivision under the terms of this chapter.

**§ 270-22. Preliminary application submission.**

- A. The applicant shall submit 10 copies of an application for preliminary approval required by § 270-23 of this chapter to the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission. If the 15th day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.
- B. The preliminary application shall not be considered to be complete and properly filed unless and until all items required by § 270-23 of this chapter, including the application fee, have been received.
- C. Immediately upon receipt, the application shall be stamped with the date of receipt by the Township and one copy of the application shall be distributed to the Township Engineer.
- D. The applicant shall submit one copy of the complete and properly filed application to the Washington County Planning Office for review and comment which shall be subject to payment of the prevailing county review fee by the applicant.
- E. Additional copies may be referred to any other appropriate review agency at the discretion of the Township Secretary.

**§ 270-23. Preliminary application content for major subdivision.**

- A. All applications. All applications for preliminary approval of a major subdivision shall include the following:
- (1) Ten copies of the completed application form supplied by the Township.
  - (2) Application filing fee, as required by § 270-99A of this chapter.
  - (3) Proof of proprietary interest.
  - (4) Written evidence of compliance with all other, Township, county, state or federal permits required for the plan, if any.
  - (5) Ten copies of a preliminary plat, prepared and sealed by a Pennsylvania registered professional land surveyor, drawn at a scale of not less than one inch equals 100 feet, all drawings on sheets not exceeding 24 inches by 36 inches, containing the following information:
    - (a) A boundary survey by a registered professional land surveyor and topographical survey of the total proposed subdivision by a registered professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat shall include the total tract.
    - (b) The proposed name of the subdivision.
    - (c) The name, address, certification and seal of the registered engineer or registered surveyor who prepared the plat and the registered surveyor who did the survey shown on the plat.
    - (d) The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner and the deed book and page number and tax parcel identification number of the parcel to be subdivided.
    - (e) A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance there from, title, scale and North point.
    - (f) A graphic scale, North point and date.
    - (g) A legend and notes.
    - (h) Date of preparation. All revisions shall be noted and dated.
    - (i) The existing platting of land adjacent to the site, including the names of adjoining owners, and all existing sewers, water mains, culverts, petroleum or gas lines and fire hydrants on the site or within 100 feet of the site shall be shown.
    - (j) The names of all adjoining subdivisions.
    - (k) Existing watercourses, wetlands, tree masses and other significant natural features.
    - (l) Location of existing buildings and all other structures, including walls, fences, culverts and bridges, with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
    - (m) Areas subject to periodic flooding, if any, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.

- § 270- § 270-23
- (n) A wetlands determination report for all sites which have hydric soils or soils with hydric inclusions and, if applicable, a wetlands delineation report for all jurisdictional wetlands on the site and the design techniques proposed to accommodate them.
  - (o) Contours at intervals of elevation of not more than five feet where the slope is greater than 10% or greater and at intervals of not more than two feet where the slope is less than 10%.
  - (p) A slope map showing the location and the area of land in square feet which has a slope of 25% or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading on slopes greater than 25%, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties.
  - (q) Written or graphic evidence that all earthmoving activities shall conform to the Township's grading and excavating regulations.<sup>27</sup>
  - (r) A soils map identifying soils which are landslide-prone, if any.
  - (s) Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
  - (t) Existing and proposed easements, locations, widths and purposes.
  - (u) Location, width and approximate grade of all proposed streets, and the cuts or fills on said streets at fifty-foot intervals.
  - (v) The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.
  - (w) Front building lines.
  - (x) Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semipublic or community purposes, if any. Parcels shall be lettered A, B, C, etc., and the area of each parcel in acres shall be shown.
  - (y) Tabulation of site data, including total acreage of land to be subdivided, the number of residential lots, typical lot size, the acreage in the subdivision and the acreage in any proposed recreation or other public areas.
  - (z) The location of all existing sewer lines, culverts, or other underground structures, with pipe sizes and types, together with a preliminary layout of necessary extensions of, or additional, sewer lines, or other proposed underground utilities, and indicating easements for public utilities, sewage and drainage.
  - (aa) Feasibility of proposals for disposition of stormwater and sanitary waste including a copy of the sewage planning module application submitted to DEP.
  - (bb) Proposed private improvements, if any.
  - (cc) Written or graphic evidence that all plans will conform to the Infrastructure Improvement and Development Specifications.
  - (dd) If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945)<sup>28</sup> and that the

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27. Editor's Note: See Ch. 170, Grading and Excavation.



- § 270-24 Planning Office or until 30 days has passed since the date that the application was submitted to the county for review. The recommendation of the Township Planning Commission and the report of the Washington County Planning Commission, if any, shall be made a part of the record at that meeting. § 270-
- (3) A letter indicating approval with conditions or disapproval shall be mailed to the applicant within 15 days of the date of the decision by Township Supervisors. If the preliminary application is not approved, Township Supervisors shall specify the defects found in the preliminary application and cite the specific requirements of this chapter which have not been met.
- C. Conditional approval. If Township Supervisors determines that certain conditions are warranted to be attached to preliminary approval to protect the public interest and guarantee compliance with the requirements of this chapter, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 270-24B of this chapter. The applicant shall accept or reject the conditions attached to preliminary approval by giving written notice to the Township Secretary within 30 days of the date of the meeting of Township Supervisors at which preliminary approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to preliminary approval within the required 30 days, preliminary approval shall automatically be rescinded without written notice to the applicant.
- D. Deemed approval. Failure of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this chapter shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- E. Expiration of preliminary approval.
- (1) Preliminary approval shall expire five years from the date of the grant of preliminary approval by Township Supervisors, unless a written extension is submitted by the applicant and approved by Township Supervisors. Any request for extension shall be submitted to Township Supervisors at least 30 days prior to the prevailing expiration date. Extensions may be granted for one or more six-month periods upon a finding by Township Supervisors that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction.
- (2) In the case of a phased development calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the preliminary application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by Township Supervisors in its sole discretion. Phased development shall be subject to the time protection provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).<sup>29</sup>

**§ 270-25. Final application submission for major subdivision.**

- A. After a preliminary application for a major subdivision has been approved by Township Supervisors, the developer may proceed by filing an application for final approval of a major subdivision. The final application may be submitted for the entire development granted preliminary approval or may be submitted in phases in accordance with § 270-27E of this chapter.
- B. If the major subdivision proposes any variances to the Township Zoning Ordinance, the decision of the Zoning Hearing Board shall be issued prior to submission of the application for final approval. If the zoning variances are denied, the final plat shall be revised to show compliance with the zoning requirements at issue.

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<sup>29</sup> Editor's Note: 53 P.S. § 10508(4).



§ 270-26 easements.

§ 270-26

- (11) Dimensions and bearings of any property to be reserved for public, semipublic or community use, if any.
  - (12) Street names, which do not duplicate or sound like an existing street name in the 911 service area;
  - (13) Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are nonradial or nontangential should be so noted.
  - (14) Street lines with accurate dimensions in feet and hundredths of feet.
  - (15) If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945)<sup>30</sup> and that the approvals of the Cross Creek Township Planning Commission and Township Supervisors are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
  - (16) If applicable, a notation on the plat regarding any zoning variances granted by the Zoning Hearing Board, including the date of the decision, the appeal number and the nature of the variance granted.
  - (17) Location, type and size of all monuments and lot markers in accordance with the standards and requirements of § 270-76 of this chapter and an indication of whether they were found or set.
  - (18) Approved soil, erosion and sedimentation control plan and NPDES permit, if required.
  - (19) Evidence of approvals from the Washington County Soil Conservation District, Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers and any other applicable county, state or federal agency.
  - (20) Spaces for the signatures of the Chairman and Secretary of the Planning Commission; the Chairman and Secretary of Township Supervisors; the Township Engineer; and dates of approval.
  - (21) Certification clauses required by the Washington County Recorder of Deeds office. The certification clauses to be used are included in Appendix 1 of this chapter.<sup>31</sup>
- F. Certificate of completion of public improvements in the plan or a performance bond to guarantee proper installation of the public improvements in the plan, as required by § 270-30 of this chapter.
- G. Amenities bond, if required by § 270-31 of this chapter.
- H. Development agreement required by § 270-32 of this chapter.
- I. Two copies of construction plans for public improvements prepared by a registered professional engineer drawn on sheets measuring 24 inches by 36 inches showing the following:
- (1) Conformity with the design standards specified in Article IX of this chapter and the Infrastructure Improvement and Development Specifications;
  - (2) Street plan and profile of each street in the plan, including the terminus of all streets in the plan and any area beyond the limits of the plan where grading is proposed to construct the street. Street plan and profile drawings shall include all drainage easements over property, location of catch basins, inlets, manholes, headwalls and endwalls of the stormwater system. Top and invert elevations shall be shown along with the pipe size. Profile of storm sewer pipes shall show any crossing sanitary sewer lines, water lines or other utility lines. Lot lines and lot numbers shall be included in the street plan view;

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30. Editor's Note: See 36 P.S. § 670-420.

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**31. Editor's Note: Copies of the certification clauses are on file in the Township offices.**



- § 270-26
- (3) At least three cross sections at intervals not to exceed 100 feet and extending 50 feet on each side of the street center line or 25 feet outside of the street right-of-way, or to the limits of grading, whichever is greater;
- (4) Sanitary sewer plan and profile drawing which shall include lot lines and lot numbers on the plan view. The location of the sanitary sewers, manholes and location of each "Y" proposed for installation shall be shown. The grade line, distance and pipe size of each line shall be indicated on the plan and profile. The top and invert elevation of each manhole plus pipe invert grades at fifty-foot intervals shall be provided;
- (5) All construction drawings shall be prepared according to accepted engineering practice.
- J. Final grading plan which demonstrates compliance with the Township grading and excavating regulations.<sup>32</sup>
- K. Plans showing compliance with recommendations of the soils report or wetlands delineation report, if applicable.
- L. Final design of stormwater management facilities and final calculations as required by § 270-89 of this chapter.
- M. Documentation from Pennsylvania Department of Environmental Protection demonstrating approval of or exemption from sewage planning module requirements.
- N. Documentation indicating Washington County has reviewed the plan and any comments the county has regarding that plan.

**§ 270-27. Final application approval for major subdivision.**

- A. Planning Commission recommendation.
- (1) At the first regular meeting of the Planning Commission after submission of a final application, the Planning Commission shall either accept or reject the application as complete and properly filed. The date of the Planning Commission meeting at which the final application is accepted as complete and properly filed shall be the official date of filing for the application and shall represent the beginning of the sixty-day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty-day review period, the Township Engineer shall provide review comments to the Planning Commission and the applicant.
- (2) Within 60 days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to Township Supervisors for approval, approval with conditions or disapproval of the final application. In the case of a recommendation for disapproval, the Planning Commission recommendation shall cite the specific requirements of this chapter which have not been met.
- B. Action by Township Supervisors.
- (1) The Township Engineer shall present a written report to Township Supervisors which states whether the application complies with the requirements of this chapter and that report shall be included in the minutes of the Supervisors' meeting.
- (2) Within 90 days of the official date of filing of the application, Township Supervisors shall either approve, approve with conditions or disapprove the final application at a public meeting. The Planning Commission's written recommendation shall be made a part of the record at that meeting.

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<sup>32</sup> Editor's Note: See Ch. 170, Grading and Excavation.

- § 270-27
- (3) A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within 15 days of the date of the decision by Township Supervisors. If the final application is not approved, Township Supervisors shall specify the defects found in the final application and cite the requirements of this chapter which have not been met. § 270-28
- C. Conditional approval. If Township Supervisors determines that certain conditions are warranted to be attached to final approval to protect the public interest and guarantee compliance with the requirements of this chapter, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 270-27B of this chapter. The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Township Secretary or by executing the development agreement required by § 270-32 of this chapter within 30 days of the date of the meeting of Township Supervisors at which final approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to final approval or execute the development agreement within the required 30 days, final approval shall automatically be rescinded without written notice to the applicant.
- D. Deemed approval. Failure of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this chapter shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- E. Phased approval.
- (1) In the case where development of a major subdivision is projected over a period of years, the Township authorizes submission of final applications by sections or phases of development, subject to such requirements or guarantees for public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
- (2) All sections or phases shall conform to the preliminary application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the preliminary application shall require complete resubmission of the preliminary application in accordance with §§ 270-22, 270-23 and 270-24 of this chapter.

**§ 270-28. Mediation option.**

- A. The Township may offer the mediation option as an aid in completing the proceedings authorized by this article. Mediation shall supplement, not replace, those procedures in this article once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting the Township's police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In offering the mediation option, the Township shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- (1) Funding mediation.
- (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- (3) Completing mediation, including time limits for such completion.

- § 270-28
- (4) Suspending time limits otherwise authorized in this chapter or in the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended),<sup>33</sup> provided there is written consent by the mediating parties and by the applicant or Township Supervisors, if either is not a party to the mediation.
- (5) Identifying all parties and affording them the opportunity to participate.
- (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by Township Supervisors pursuant to the procedures for approval set forth in this article.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**§ 270-29. Resolution indicating approval.**

When requested by the developer, in order to facilitate financing, Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer executing the development agreement and posting any required performance bond. The final plat shall not be signed nor recorded until the performance bond is posted and the development agreement is executed. The resolution shall expire and be deemed to be revoked if the performance bond is not posted and the development agreement is not executed within 90 days, unless a written extension is granted by Township Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

**§ 270-30. Posting of performance bond.**

- A. In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a performance bond, as defined by this chapter, in favor of the Township, in an amount equal to 110% of the cost of completion of the improvements estimated as of 90 days following the date scheduled for completion by the developer. The surety company or lending institution holding the performance bond shall notify the Township Secretary by certified mail at least 30 days prior to the expiration of the performance bond.
- B. Annually, the Township may adjust the amount of the performance bond by comparing the actual cost of the 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 either the original date scheduled for completion of a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the performance bond equals said 110%. Any additional security shall be posted by the developer in accordance with this § 270-30.
- C. The amount of the performance bond required shall be based upon a written estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- D. If the party posting the performance bond requires more than one year from the date of posting of the performance bond to complete the required improvements, the Township may increase the amount of the

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33. Editor's Note: See 53 P.S. § 10101 et seq.

§ 270-30 performance bond an additional 10% for each one-year period beyond the first anniversary date from posting of the performance bond or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure. § 270-35

**§ 270-31. Posting of amenities bond.**

In all subdivisions or land developments where private improvements are required by this chapter or are voluntarily provided by the developer, an amenities bond shall be required. The procedure for posting the amenities bond shall be the same as that required by § 270-30 of this chapter for posting a performance bond, except that the estimate of the cost of completion of the required private improvements shall be prepared by the applicant's or developer's engineer and shall be certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. Disputes shall be resolved in accordance with the procedure specified in § 270-30.

**§ 270-32. Development agreement.**

- A. As a condition of granting final approval of a subdivision or land development that requires the posting of a performance bond or an amenities bond or to which conditions are attached to the grant of final approval, Township Supervisors shall require that the developer execute a development agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of public and private improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.
- B. Said agreement shall be executed, the required performance bond or amenities bond shall be posted and all required fees shall be paid before the Township Secretary shall affix his or her signature and the Township's Seal to the final plat for recording purposes.
- C. In the event that the development agreement is not executed within the 90 days required for recording of the final plat, approval of the final plat shall expire, unless approval is reinstated as provided for in § 270-34.

**§ 270-33. Recording of final plat.**

Upon approval of a final plat by the Township, the developer shall, within 90 days of such final approval, record such plat in the office of the Washington County Recorder of Deeds.

**§ 270-34. Reinstatement of approval.**

- A. In the event that the plan has not been recorded within the required 90 days, the Township Secretary is authorized to reinstate the signatures of the proper officers of the Township indicating approval, provided there are no changes in the major subdivision previously granted approval and all the requirements of this chapter regarding posting of a performance bond or amenities bond and execution of a development agreement have been met and, further, provided the plan is submitted for reinstatement of approval within 180 days following the date of the original final approval by Township Supervisors.
- B. Any request for reinstatement of final approval which is submitted after 180 days from the date of the original granting of final approval by Township Supervisors shall be required to resubmit an application for final approval in conformance with the requirements of §§ 270-25 through 270-35 of this chapter.

**§ 270-35. Filing of copies.**

Within 90 days of the date of recording of the final plat in the office of the Washington County Recorder of Deeds, the applicant shall deliver to the Township Secretary one paper print and one scanned copy stored as an image file

Downloaded from <https://ecode360.com/CR3925>  
of CD of the final plat as recorded, containing all required signatures and dates of approval.

§ 270-36

ARTICLE V  
**Approval Procedure for Minor Land Developments**

§ 270-37

**§ 270-36. Applicability.**

A. This article shall apply to the following:

- (1) The improvement of one lot for one multifamily residential building or a group of two or more residential or nonresidential buildings.
- (2) The improvement of one lot for one nonresidential building, regardless of the number of tenants.
- (3) Any change of use, addition to or structural enlargement of a nonresidential structure which results in either:
  - (a) An increase in the gross floor area of the principal building of more than 200 square feet, but less than 1,500 square feet;
  - (b) An increase in the paved area of the lot of more than 200 square feet but less than 1,500 square feet; or
  - (c) An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, more than 200 square feet, but less than 1,500 square feet.
- (4) The division or allocation of land or space among two or more occupants by leasehold or condominium.

B. This article shall not apply to the following:

- (1) Improvement of one lot for a single-family or a two-family dwelling.
- (2) The conversion of an existing single-family or two-family dwelling into not more than three dwelling units, unless such units are intended to be a condominium.
- (3) The addition of no more than one accessory building or structure, either singularly or cumulatively, not exceeding one story or 15 feet in height and covering an area on the lot no greater than 200 square feet, on a lot or lots which is subordinate to any existing principal building and used for the same purpose as the principal building.
- (4) A one-time exemption for any addition to or structural enlargement of a nonresidential structure which results in either:
  - (a) An increase in the gross floor area of the principal building of 200 square feet or less;
  - (b) An increase in the paved area of the lot of 200 square feet or less; or
  - (c) An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total 200 square feet or less.

C. The foregoing shall be subject to review by the Township Secretary in accordance with all applicable provisions of Chapter 320, Zoning.

**§ 270-37. Preapplication conference.**

- A. Prior to filing an application for preliminary and final approval of a minor land development, the applicant or his representative shall meet with the Township Secretary and other Township officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- B. In addition, the developer may request a preapplication conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Secretary at least 15 calendar days prior to the regular meeting of

§ 270-37 the Planning Commission to request a preapplication conference with the Planning Commission. § 270-39

- C. The preapplication conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- D. While no formal application is required for a preapplication conference, the applicant should provide one copy of readily available information with the request for a preapplication conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Washington County Assessor's Office, USGS Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service maps of soil types and the U.S. Bureau of Mines coal mine maps.
- E. A preapplication conference shall not constitute formal filing of any application for approval of a land development, shall not bind the Planning Commission to approve any concept presented in the preapplication conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the preapplication conference and the official date of filing of an application for preliminary and final approval of a minor land development under the terms of this chapter.

**§ 270-38. Preliminary and final application submission.**

- A. The applicant shall submit 10 copies of an application for preliminary and final approval of a minor land development required by § 270-39 of this chapter to the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission. If the 15th day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.
- B. The preliminary and final application shall not be considered to be complete and properly filed unless and until all items required by § 270-39 of this chapter, including the application fee, have been received.
- C. Immediately upon receipt, the application shall be stamped with the date of receipt by the Township and one copy of the application shall be distributed to the Township Engineer.
- D. The applicant shall submit one copy of the complete and properly filed application to the Washington County Planning Office for review and comment which shall be subject to payment of the prevailing county review fee by the applicant.
- E. Additional copies may be referred to any other appropriate review agency at the discretion of the Township Secretary.

**§ 270-39. Preliminary and final application content for minor land development.**

All applications. The application for preliminary and final approval of a minor land development shall be submitted in accordance with § 270-38 of this chapter and shall include the following information:

- A. Ten copies of the completed application form supplied by the Township.
- B. Application filing fee, as required by § 270-99A of this chapter.
- C. Proof of proprietary interest.
- D. Written evidence of compliance with all other Township, county, state or federal permits required for the

§ 270-39  
plan, if any.

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- E. If the proposed use is a conditional use or use by special exception, an application for approval of the conditional use or use by special exception shall accompany the application for preliminary and final approval of the minor land development. Preliminary and final approval of the minor land development shall not be granted unless the conditional use or use by special exception is approved prior to or concurrent with the preliminary and final minor land development plan.
- F. Wherever public improvements are proposed or where evidence exists of deep mining, strip mining, landslide-prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer acceptable to the Township regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.
- G. A wetlands determination report for all sites which have hydric soils or soils with hydric inclusions and, if applicable, a wetlands delineation report for all jurisdictional wetlands on the site and the design techniques proposed to accommodate them.
- H. Ten copies of a preliminary and final plat, accurately drawn to a scale of not less than one inch equals 50 feet on a survey prepared by a Pennsylvania registered land surveyor. The preliminary and final plat shall include or be accompanied by the following information and shall be prepared and sealed by a Pennsylvania registered land surveyor, engineer, architect or landscape architect:
- (1) Date of preparation. All revisions shall be noted and dated.
  - (2) A location map showing the location of the tract with reference to the surrounding properties, existing streets and streams within 1,000 feet of the land development.
  - (3) Name of the development, including the words "Preliminary and Final Land Development Plan;" North arrow; graphic scale; County Assessment map and parcel number; the name and address of the record owner; the name and address of the applicant; the name and address, signature, license number and seal of the registered professional preparing the survey. If the owner of the premises is a corporation, the name and address of the Chairman and Secretary shall be submitted on the application.
  - (4) All distances shall be in feet and 0.01 of a foot and all bearings shall be given to the nearest one second.
  - (5) The zoning district in which the parcel is located, together with the zoning classification of properties within 200 feet of the boundaries of the property for which the application is made.
  - (6) Property survey showing survey data, including boundaries of the property, building or setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature and seal of the surveyor shall be indicated.
  - (7) A copy of any existing or proposed covenants, deed restrictions, which are applicable to the property.
  - (8) A written statement requesting any waivers or modifications to this chapter in accordance with Article X, if applicable.
  - (9) A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.
  - (10) The distance, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersections with other public streets within 200 feet of the site boundaries.
  - (11) The location and dimensions of proposed buildings and structures, all accessory structures and fences, if any, including front, side and rear yard setbacks, height of buildings, first floor elevations of all

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- § 270-39 structures and floor plans and elevation plans of the proposed building addition and its relationship to the existing building. § 270-39
- (12) If applicable, flood hazard zone boundaries, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.
  - (13) Existing and proposed contours, referred to an identified existing on-site bench mark elevation or an approximate United States Coast and Geodetic Survey datum, with a contour interval of two feet for slopes of less than 10% and an interval of five feet for slopes of 10% or more. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines.
  - (14) Written or graphic evidence that all earthmoving activities shall comply with the Township grading and excavating regulations.<sup>34</sup>
  - (15) Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas as determined by field survey.
  - (16) A slope map showing the location and the area (in square feet) of land which has a slope of 25% or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading on slopes greater than 25%, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties.
  - (17) A soils map identifying soils which are landslide-prone, if any.
  - (18) Any and all existing streets related to the proposed development; including the names, cartway widths, approximate gradients and sidewalk widths.
  - (19) If any new streets are proposed, profiles, indicating grading; cross sections showing the width and design of roadways and sidewalks.
  - (20) Area, to the nearest thousandth of an acre, of the site to be developed for nonresidential purposes and/or the area, in square feet, of each lot to be developed for residential purposes.
  - (21) Plans of proposed stormwater systems showing feasible connections to existing or any proposed utility systems. All stormwater facility plans shall be accompanied by a separate sketch showing all existing drainage within 500 feet of any boundary, and all areas and any other surface area contributing to the calculations, and showing methods to be used in the drainage calculations.
  - (22) Stormwater management plans, as required by § 270-89 of this chapter.
  - (23) The location and size of all existing sanitary sewers and the location and size of all proposed sanitary sewers.
  - (24) The location and size of all existing and proposed water lines, valves and hydrants.
  - (25) The location, width and purpose of all existing and proposed easements and rights-of-way.
  - (26) The location, type and approximate size of existing utilities to serve the development and written verification from each utility that service will be provided to the development.
  - (27) Documentation from the Pennsylvania Department of Environmental Protection demonstrating approval of or exemption from sewage planning module requirement.

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34. Editor's Note: See Ch. 170, Grading and Excavation.

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- (28) Tree masses.
- (29) A soil erosion and sedimentation control plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law<sup>35</sup> and Ordinance 102 of the rules and regulations of the Pennsylvania Department of Environmental Protection governing Erosion control and where applicable, evidence that the Washington County Conservation District has issued an NPDES permit.
- (30) The number and density of dwelling units (if residential).
- (31) All means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of internal streets or driveways and curb cuts including the organization of traffic channels, acceleration and deceleration lanes, additional width and any other improvements on the site or along the site's street frontage necessary to prevent a difficult traffic situation. All pedestrian walkways and provisions for handicapped facilities in compliance with the requirements of the Americans with Disabilities Act (ADA)<sup>36</sup> for an accessible site shall also be shown.
- (32) Computation of the number of parking spaces to be provided, the location and design of off-street parking areas and loading areas showing size and location of bays, aisles and barriers and the proposed direction of movement.
- (33) Tabulation of site data, indicating zoning requirements applicable to the site and whether the proposed site development features comply.
- (34) Proposed screening and landscaping, including a preliminary planting plan.
- (35) The methods, placement and screening of solid waste disposal and storage facilities.
- (36) If applicable, a detailed proposal, including covenants, agreements, or other specific documents showing the ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes.
- (37) Written or graphic evidence that all public and/or private improvements will comply with the design standards of this chapter and the Infrastructure Improvement and Development Specifications.
- (38) If the plan is to be completed in phases, the proposed sequence of development with projected time schedule for completion of each of the several phases.
- (39) If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945)<sup>37</sup> and that the approvals of the Cross Creek Township Planning Commission and Township Supervisors are conditional, subject to action by the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
- (40) Spaces for the signature of the Chairman and Secretary of the Planning Commission; the Chairman and Secretary of Township Supervisors; and dates of approval. The certification clauses to be used are included in Appendix 1 of this chapter.<sup>38</sup>
- (41) Plan monumentations, as required by § 270-76 of this chapter.
- (42) Documentation indicating Washington County has reviewed the plan and any comments the county has

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35. Editor's Note: See 35 P.S. § 691.1 et seq.

36. Editor's Note: See 42 U.S.C. § 12101 et seq.

37. Editor's Note: See 36 P.S. § 670-420.

38. Editor's Note: Copies of the certification clauses are on file in the Township offices.

§ 270-39 regarding that plan.

§ 270-40

**§ 270-40. Preliminary and final application approval for minor land development.**

A. Planning Commission recommendation.

- (1) At the first regular meeting of the Planning Commission after submission of a preliminary and final application, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the preliminary and final application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty-day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty-day review period, the Township Engineer shall provide preliminary review comments to the Planning Commission and the applicant.
- (2) Within 60 days of the official date of filing of the preliminary and final application, the Planning Commission shall make a recommendation to Township Supervisors for approval, approval with conditions or disapproval of the preliminary and final application at a public meeting. In the case of a recommendation for disapproval, the Planning Commission's recommendation shall cite the specific requirements of this chapter which have not been met.

B. Action by Township Supervisors.

- (1) The Township Engineer shall present a written report to Township Supervisors which states whether an application complies with the requirements of this chapter and that report shall be included in the minutes of the Supervisors' meeting.
- (2) Within 90 days of the official date of filing of the preliminary and final application for a minor land development, Township Supervisors shall either approve, approve with conditions or disapprove the preliminary and final application at a public meeting. Township Supervisors shall not act until the review has been received from the Washington County Planning Office or until 30 days has passed since the date that the application was submitted to the county for review. The recommendation of the Township Planning Commission and the report of the Washington County Planning Commission, if any, shall be made a part of the record at that meeting.
- (3) A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within 15 days of the date of the decision by Township Supervisors. If the preliminary and final application is not approved, Township Supervisors shall specify the defects found in the preliminary and final application and cite the requirements of this chapter which have not been met.

C. Conditional approval. If Township Supervisors determine that certain conditions are warranted to be attached to preliminary and final approval to protect the public interest and guarantee compliance with the requirements of this chapter, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 270-40B of this chapter. The applicant shall accept or reject the conditions attached to preliminary and final approval by giving written notice to the Township Secretary within 30 days of the date of the meeting of Township Supervisors at which preliminary and final approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to preliminary and final approval within the required 30 days, preliminary and final approval shall automatically be rescinded without written notice to the applicant.

D. Deemed approval. Failure of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this chapter shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the

§ 270-40 extended time or change in manner of presentation of communication shall have like effect. § 270-47

**§ 270-41. Mediation option.**

The Township may offer the mediation option as an aid in completing the proceedings authorized by this article in accordance with the requirements of § 270-28 of this chapter.

**§ 270-42. Development agreement.**

All land developments shall be further subject to the requirements for a development agreement as specified in § 270-32 of this chapter.

**§ 270-43. Amenities bond.**

All land developments shall be further subject to the requirement for an amenities bond as specified in § 270-31 of this chapter.

**§ 270-44. Minor land developments which propose extension or installation of any public improvements.**

Minor land developments which propose the extension or installation of any public improvements, as defined by this chapter, shall be further subject to §§ 270-30 and 270-32 of this chapter governing posting of a performance bond to guarantee their proper installation and execution of a development agreement.

**§ 270-45. Recording.**

- A. A land development plan shall not be required to be recorded in the Washington County Recorder of Deeds office if the land development is proposed on a lot or lots of record, unless a declaration plan is required to be recorded by the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., for a condominium. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Any land development plan which involves the subdivision, resubdivision or consolidation of property or the dedication of easements or rights-of-way for public improvements shall present a final plat for recording purposes with the application for final approval of the land development. The final plat for recording shall be prepared in accordance with the requirements of § 270-13 of this chapter for a minor subdivision.

**§ 270-46. Filing of copies.**

Within 90 days of the date of recording of the final plat in the office of the Washington County Recorder of Deeds, the applicant shall deliver to the Township Secretary one paper print and one scanned copy stored as an image file of CD of the final plat as recorded, containing all required signatures and dates of approval.

**§ 270-47. Expiration of final approval of minor land development plan.**

- A. Failure to execute development agreement and post amenities bond. If the amenities bond required by § 270-43 and/or the development agreement required by § 270-42 have not been submitted to the Township within 90 days of the date of the meeting at which Township Supervisors granted preliminary and final approval to the minor land development plan, preliminary and final approval shall expire automatically, unless preliminary and final approval is reinstated in accordance with § 270-48 of this chapter.
- B. Failure to initiate and pursue construction. If construction of a land development which has been granted preliminary and final approval, and for which a development agreement and amenities bond have been submitted, is not initiated and diligently pursued within one year of the date of preliminary and final approval, preliminary and final approval shall expire immediately; provided, however, that Township Supervisors may grant a reasonable extension, if the developer presents satisfactory evidence that difficulties have prevented the work from being initiated and/or diligently pursued and the request for an extension is submitted, in 1:367

writing, prior to the date of expiration of the approval. The Township Secretary shall give written notice to the applicant within 30 days of the date of expiration of preliminary and final approval. Any construction which occurs after notice from the Township Secretary shall constitute a violation of this chapter and shall be subject to the enforcement remedies of § 270-103.

**§ 270-48. Reinstatement of preliminary and final approval of minor land development plan.**

- A. In the event that final approval of the land development plan has expired for failure to execute the development agreement and/or post the required amenities bond, as provided for in § 270-47A of this chapter, the Township Secretary is authorized to reinstate the signatures of the proper officers of the Township indicating approval. The developer shall complete an application for reinstatement of signatures and file that application along with the required fee as adopted by the Township Supervisors from time to time. The signatures shall be reinstated provided there are no changes in the land development plan previously granted preliminary and final approval and all the requirements of this chapter regarding posting of a performance bond or amenities bond and execution of a development agreement, if required, are subsequently met and, further, provided the plan is submitted for reinstatement of approval within 180 days following the date of the meeting at which preliminary and final approval was granted by Township Supervisors.
- B. Any request for reinstatement of preliminary and final approval which is submitted after 180 days from the date of the meeting at which preliminary and final approval was granted by Township Supervisors shall be required to resubmit an application for preliminary and final approval in conformance with the requirements of §§ 270-38 through 270-48 of this chapter.

§ 270-49

ARTICLE VI

§ 270-50

**Approval Procedure for Major Land Developments**

**§ 270-49. Applicability.**

A. This article shall apply to the following:

- (1) The improvement of one lot for one multifamily residential building or a group of two or more residential or nonresidential buildings.
- (2) The improvement of one lot for one nonresidential building, regardless of the number of tenants.
- (3) Any change of use, addition to or structural enlargement of a nonresidential structure which results in either:
  - (a) An increase in the gross floor area of the principal building of 1,500 square feet or more;
  - (b) An increase in the paved area of the lot of 1,500 square feet or more; or
  - (c) An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total 1,500 square feet or more.
- (4) The division or allocation of land or space among two or more occupants by leasehold or condominium.

B. This article shall not apply to the following:

- (1) Improvement of one lot for a single-family or a two-family dwelling.
- (2) The conversion of an existing single-family or two-family dwelling into not more than three dwelling units, unless such units are intended to be a condominium.
- (3) The addition of no more than one accessory building or structure either singularly or cumulatively, not exceeding one story or 15 feet in height and covering an area on the lot no greater than 200 square feet, on a lot or lots which is subordinate to any existing principal building and used for the same purpose as the principal building.
- (4) A one-time exemption for any addition to or structural enlargement of a nonresidential structure which results in either:
  - (a) An increase in the gross floor area of the principal building of less than 1,500 square feet;
  - (b) An increase in the paved area of the lot of less than 1,500 square feet; or
  - (c) An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total less than 1,500 square feet.

C. The foregoing shall be subject to the procedures specified in Article V for a minor land development.

**§ 270-50. Preapplication conference.**

- A. Prior to filing an application for preliminary approval of a major land development, the applicant or his representative shall meet with the Township Secretary and other Township officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- B. In addition, the developer may request a preapplication conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission to request a preapplication conference with the Planning Commission.
- C. The preapplication conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into

§ 270-50 binding commitments or incurring substantial expenses for plan preparation. § 270-52

- D. While no formal application is required for a preapplication conference, the applicant should provide one copy of readily available information with the request for a preapplication conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Washington County Assessor's Office, USGS Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service maps of soil types and the U.S. Bureau of Mines coal mine maps. A preapplication conference shall not constitute formal filing of any application for approval of a land development, shall not bind the Planning Commission to approve any concept presented in the preapplication conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the preapplication conference and the official date of filing of an application for preliminary approval of a land development under the terms of this chapter.

**§ 270-51. Preliminary application submission.**

- A. The applicant shall submit 10 copies of an application for preliminary approval of a major land development required by § 270-52 of this chapter to the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission. If the 15th day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.
- B. The preliminary application shall not be considered to be complete and properly filed unless and until all items required by § 270-52 of this chapter, including the application fee, have been received.
- C. Immediately upon receipt, the application shall be stamped with the date of receipt by the Township and one copy of the application shall be distributed to the Township Engineer.
- D. The applicant shall submit one copy of the complete and properly filed application to the Washington County Planning Office for review and comment which shall be subject to payment of the prevailing county review fee by the applicant.
- E. Additional copies may be referred to any other appropriate review agency at the discretion of the Township Secretary.

**§ 270-52. Preliminary application content.**

All applications. The application for preliminary approval of a major land development shall be submitted in accordance with § 270-51 of this chapter and shall include the following information:

- A. Ten copies of the completed application form supplied by the Township.
- B. Application filing fee, as required by § 270-99A of this chapter.
- C. Proof of proprietary interest.
- D. Written evidence of compliance with all other Township, county, state or federal permits required for the plan, if any.
- E. If the proposed use is a conditional use or use by special exception, an application for approval of the conditional use or use by special exception shall accompany the application for preliminary approval of the major land development. preliminary approval of the major land development shall not be granted unless the conditional use or use by special exception is approved prior to or concurrent with the preliminary major land

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development plan.

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- F. For all applications which propose 25 or more dwelling units or any nonresidential building or buildings (existing and proposed) that generate 100 or more vehicle trips per day, a traffic report prepared by a qualified traffic engineer shall be submitted detailing the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers. The report shall include current and projected capacities and levels of service of all streets and intersections within 1,000 feet of the site proposed for development or the next nearest intersection and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site. The traffic report shall be signed and sealed by a registered professional traffic engineer.
- G. Wherever any public improvements are proposed or where evidence exists of deep mining, strip mining, landslide-prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer acceptable to the Township regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.
- H. A wetlands determination report for all sites which have hydric soils or soils with hydric inclusions and, if applicable, a wetlands delineation report for all jurisdictional wetlands on the site and the design techniques proposed to accommodate them.
- I. Ten copies of a preliminary plat, accurately drawn to a scale of not less than one inch equals 50 feet on a survey prepared and sealed by a Pennsylvania registered land surveyor. The preliminary plat shall include or be accompanied by the following information and shall be prepared and sealed by a registered professional engineer or registered professional land surveyor:
- (1) Date of preparation. All revisions shall be noted and dated.
  - (2) A location map showing the location of the tract with reference to the surrounding properties, existing streets and streams within 1,000 feet of the land development.
  - (3) Name of the development, including the words "Preliminary Land Development Plan;" North arrow; graphic scale; County Assessment map and parcel number; the name and address of the record owner; the name and address of the applicant; the name and address, signature, license number and seal of the Pennsylvania registered land surveyor preparing the survey. If the owner of the premises is a corporation, the name and address of the Chairman and Secretary shall be submitted on the application.
  - (4) All distances shall be in feet and 0.01 of a foot and all bearings shall be given to the nearest one second.
  - (5) The zoning district in which the parcel is located, together with the zoning classification of properties within 200 feet of the boundaries of the property for which the application is made.
  - (6) Property survey showing survey data, including boundaries of the property, building or setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature and seal of the surveyor shall be indicated.
  - (7) A copy of any existing or proposed covenants, deed restrictions, which are applicable to the property.
  - (8) A written statement requesting any waivers or modifications to this chapter in accordance with Article X, if applicable.
  - (9) A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.



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- (10) The distance, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersections with other public streets within 200 feet of the site boundaries.
  - (11) The location and dimensions of proposed buildings and structures, all accessory structures and fences, if any, including front, side and rear yard setbacks, height of buildings, first floor elevations of all structures and floor plans and elevation plans of each building.
  - (12) If applicable, flood hazard zone boundaries, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.
  - (13) Existing and proposed contours, referred to United States Coast and Geodetic Survey datum, with a contour interval of two feet. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines.
  - (14) Written or graphic evidence that all earthmoving activities shall comply with the Township grading and excavating regulations.<sup>39</sup>
  - (15) Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas as determined by field survey.
  - (16) A slope map showing the location and the area (in square feet) of land which has a slope of 25% or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading on slopes greater than 25%, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties.
  - (17) A soils map identifying soils which are landslide-prone, if any.
  - (18) Any and all existing streets related to the proposed development; including the names, cartway widths, approximate gradients and sidewalk widths.
  - (19) If any new streets are proposed, profiles, indicating grading; cross sections showing the width and design of roadways and sidewalks.
  - (20) Area, to the nearest thousandth of an acre, of the site to be developed for nonresidential purposes and/or the area, in square feet, of each lot to be developed for residential purposes.
  - (21) Plans of proposed stormwater systems showing feasible connections to existing or any proposed utility systems. All stormwater facility plans shall be accompanied by a separate sketch showing all existing drainage within 500 feet of any boundary, and all areas and any other surface area contributing to the calculations, and showing methods to be used in the drainage calculations.
  - (22) Stormwater management plans, as required by § 270-89 of this chapter.
  - (23) The location and size of all existing sanitary sewers and the location and size of all proposed sanitary sewers, including a copy of the application for a sewage planning module filed with the Pennsylvania Department of Environmental Protection.
  - (24) The location and size of all existing and proposed water lines, valves and hydrants.
  - (25) The location, width and purpose of all existing and proposed easements and rights-of-way.
  - (26) The location, type and approximate size of existing utilities to serve the development and written verification from each utility that service will be provided to the development.

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39. Editor's Note: See Ch. 170, Grading and Excavation.

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(27) Tree masses.

- (28) A soil erosion and sedimentation control plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law<sup>40</sup> and Ordinance 102 of the rules and regulations of the Pennsylvania Department of Environmental Protection governing erosion control and documentation that the County Soil Conservation Service has issued an NPDES permit if required.
- (29) The number and density of dwelling units (if residential).
- (30) All means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of internal streets or driveways and curb cuts including the organization of traffic channels, acceleration and deceleration lanes, additional width and any other improvements on the site or along the site's street frontage necessary to prevent a difficult traffic situation. All pedestrian walkways and provisions for handicapped facilities in compliance with the requirements of the Americans with Disabilities Act (ADA)<sup>41</sup> for an accessible site shall also be shown.
- (31) Computation of the number of parking spaces to be provided, the location and design of off-street parking areas and loading areas showing size and location of bays, aisles and barriers and the proposed direction of movement.
- (32) Tabulation of site data, indicating zoning requirements applicable to the site and whether the proposed site development features comply.
- (33) Proposed screening and landscaping, including a preliminary planting plan.
- (34) The methods, placement and screening of solid waste disposal and storage facilities.
- (35) If applicable, a detailed proposal, including covenants, agreements, or other specific documents showing the ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes.
- (36) Written or graphic evidence that all public and/or private improvements will comply with the design standards of this chapter and the Infrastructure Improvement and Development Specifications.
- (37) If the plan is to be completed in phases, the proposed sequence of development with projected time schedule for completion of each of the several phases.
- (38) If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945)<sup>42</sup> and that the approvals of the Cross Creek Township Planning Commission and Township Supervisors are conditional, subject to action by the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
- (39) Spaces for the signature of the Chairman and Secretary of the Planning Commission; the Chairman and Secretary of Township Supervisors; and dates of approval in accordance with the certification clauses in Appendix 1 of this chapter.<sup>43</sup>
- (40) Plan monumentations, as required by § 270-76 of this chapter.

**§ 270-53. Preliminary application approval for major land development.**

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40. Editor's Note: See 35 P.S. § 691.1 et seq.

41. Editor's Note: See 42 U.S.C. § 12101 et seq.

42. Editor's Note: See 36 P.S. § 670-420.

43. Editor's Note: Copies of the certification clauses are on file in the Township offices.

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A. Planning Commission recommendation.

- (1) At the first regular meeting of the Planning Commission after submission of a preliminary application, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the preliminary application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty-day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty-day review period, the Township Engineer shall provide preliminary review comments to the Planning Commission and the applicant.
- (2) Within 60 days of the official date of filing of the preliminary application, the Planning Commission shall make a recommendation to Township Supervisors for approval, approval with conditions or disapproval of the preliminary application at a public meeting. In the case of a recommendation for disapproval, the Planning Commission's recommendation shall cite the specific requirements of this chapter which have not been met.

B. Action by Township Supervisors.

- (1) The Township Engineer shall present a written report to Township Supervisors which states whether an application complies with the requirements of this chapter and that report shall be included in the minutes of the Supervisors' meeting.
- (2) Within 90 days of the official date of filing of the preliminary application, Township Supervisors shall either approve, approve with conditions or disapprove the preliminary application at a public meeting. Township Supervisors shall not act until the review has been received from the Washington County Planning Office or until 30 days has passed since the date that the application was submitted to the county for review. The recommendation of the Township Planning Commission and the report of the Washington County Planning Office, if any, shall be made a part of the record at that meeting.
- (3) A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within 15 days of the date of the decision by Township Supervisors. If the preliminary application is not approved, Township Supervisors shall specify the defects found in the preliminary application and cite the requirements of this chapter which have not been met.

C. Conditional approval. If Township Supervisors determines that certain conditions are warranted to be attached to preliminary approval to protect the public interest and guarantee compliance with the requirements of this chapter, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 270-53B of this chapter. The applicant shall accept or reject the conditions attached to preliminary approval by giving written notice to the Township Secretary within 30 days of the date of the meeting of Township Supervisors at which preliminary approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to preliminary approval within the required 30 days, preliminary approval shall automatically be rescinded without written notice to the applicant.

D. Deemed approval. Failure of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this chapter shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

E. Expiration of preliminary approval.

- (1) If an application for final approval of a land development, or in the case of a phased development, an application for the first phase of the land development is not submitted within one year from the date of

§ 270-53 the grant of preliminary approval by Township Supervisors, preliminary approval shall expire, unless a written request for an extension is submitted by the applicant and approved by Township Supervisors. Any request for extension shall be submitted to Township Supervisors at least 30 days prior to the prevailing expiration date. Extensions may be granted for one or more six-month periods upon a finding by Township Supervisors that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction. § 270-55

- (2) In the case of a phased development calling for the installation of improvements beyond a five-year period, a schedule shall be filed by the applicant with the preliminary application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by Township Supervisors in its sole discretion. Phased development shall be subject to the time protection provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).<sup>44</sup>

**§ 270-54. Final application submission for major land development.**

- A. The applicant shall submit 10 copies of the application for final approval required by § 270-55 to the Township Secretary at least 15 calendar days prior to the regular meeting of the Planning Commission. If the 15th day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.
- B. The final application shall not be considered to be complete and properly filed unless and until all items required by § 270-55 of this chapter, including the application fee, have been received.
- C. Immediately upon receipt, the application shall be stamped with the date of receipt by the Township Secretary and one copy of the application shall be distributed to the Township Engineer. Additional copies may be referred to any other appropriate review agency at the discretion of the Township Secretary.

**§ 270-55. Final application content.**

All applications for final approval of a major land development shall include the following:

- A. Ten copies of the completed application form supplied by the Township.
- B. Application filing fee, as required by § 270-99A of this chapter.
- C. One copy of the approved preliminary plat.
- D. Ten copies of a final plat drawn at a scale of not less than one inch equals 100 feet. The final plat shall show or be accompanied by the following information and shall be prepared and sealed by a Pennsylvania registered land survey or engineer:
- (1) Date, name and location of the land development, the name of the owner, graphic scale and the words "Final Major Land Development Plan."
  - (2) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land reserved or dedicated to public use, all lot lines and other boundary lines; with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of curves; and the area of each lot.
  - (3) The names, exact location and widths of all existing and recorded streets intersecting or paralleling the plot boundaries within a distance of 200 feet or the next nearest intersection.

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<sup>44</sup> Editor's Note: See 53 P.S. § 10508(4).

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- (4) The purpose, location and dimensions of any easement or land reserved for or dedicated to public use shall be designated.
  - (5) Lot and block numbers assigned to the property by the County Assessment Office, including lot and block numbers of immediately abutting property.
  - (6) Certification by the applicant's surveyor as to accuracy of details of plat. The error of closure shall not be less than one in 15,000.
  - (7) Dates of preparation and dates of all revisions to the plan.
  - (8) Name, address, signature and seal of the professional or professionals who prepared the plans, including the following mandatory requirements:
    - (a) Registered engineer for stormwater management plans and construction drawings for public and private improvements.
    - (b) Registered land surveyor shall prepare property survey.
  - (9) The name, address, signature and seal of the professional or professionals who prepared the plans, including the following optional requirements:
    - (a) In lieu of a registered engineer or registered land surveyor, a registered architect may prepare building drawings, only.
    - (b) In lieu of a registered engineer or registered land surveyor, a registered landscape architect may prepare grading or landscaping plans, only.
  - (10) Evidence of required permits from applicable federal, state and county agencies.
  - (11) Certification of service from all applicable utility companies and approval for a sewage planning module from the Pennsylvania Department of Environmental Protection.
  - (12) A design view of the front, side and rear elevations of the proposed structures.
  - (13) Location, height and use of all existing and proposed structures on the property, indicating structures to be removed, if any, and the distances between proposed structures or additions to existing structures and adjacent property lines.
  - (14) A site lighting plan showing details of all exterior lighting fixtures and supports, the location of exterior lighting fixtures proposed to light the buildings, parking areas, sidewalks and any other areas proposed for public use; documentation that proposed lighting will be shielded and reflect away from adjacent streets and residential properties; a photometric plan which indicates a grid of spot lighting levels to the nearest 0.1 of a footcandle.
  - (15) Layout and design of proposed parking and loading areas, including the gradient of proposed driveways and parking facilities and the proposed pattern of traffic circulation on the site, including pavement markings, islands, curbs, bumper guards and similar facilities.
  - (16) Sidewalks or walkways, if any, proposed for pedestrian circulation on the site.
  - (17) The type of paving material to be used for all sidewalks, walkways, driveways and parking facilities.
  - (18) A final landscaping plan showing the type, size and location of any plant material proposed and all areas proposed to be seeded and the parties responsible for future maintenance.
  - (19) Construction materials of all fences, walls or screens.

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- (20) A final grading plan, demonstrating compliance with the Township grading and excavating, <sup>45</sup> § 270-56 including erosion and sedimentation control measures.
- (21) If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945)<sup>46</sup> and that the approvals by the Cross Creek Township Planning Commission and Township Supervisors are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to an application for a highway occupancy permit.
- (22) If applicable, an NPDES Permit obtained from the Washington County Conservation District or the Pennsylvania Department of Environmental Protection.
- (23) Final stormwater management calculations and construction drawings for stormwater management facilities as required by § 270-89 of this chapter.
- (24) Storm drainage plan, including location, pipe size, grade, direction of flow, capacity and material of all storm sewers and connections to existing systems; location and invert and other elevations of all catch basins, manholes, culverts and other appurtenances; location and width of all storm drainage easements; and location of surface swales, if any.
- (25) Plans showing compliance with recommendations of soils report, wetlands delineation report or geotechnical engineer's report, if applicable.
- (26) Written evidence that an amenities bond for private improvements, as required by § 270-31 of this chapter, will be submitted at the time of execution of the development agreement.
- (27) If any public improvements are proposed, written evidence that a performance bond, as required by § 270-30 of this chapter, will be submitted at the time of execution of the development agreement.
- (28) Spaces for signatures of the Chairman and Secretary of Township Supervisors; the Chairman and Secretary of the Planning Commission; and dates of approval, in accordance with the certification clauses in Appendix 1 of this chapter.<sup>47</sup>
- (29) Plan monumentations, as required by § 270-76 of this chapter.
- (30) Documentation indicating Washington County has reviewed the plan and any comments the county has regarding that plan.

**§ 270-56. Final application approval for major land development.**

A. Planning Commission recommendation.

- (1) At the first regular meeting of the Planning Commission after submission of a final application, the Planning Commission shall either accept or reject the application as complete and properly filed. The date of the Planning Commission meeting at which the final application is accepted as complete and properly filed shall be the official date of filing for the application and shall represent the beginning of the sixty-day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty-day review period, the Township Engineer shall provide review comments to the Planning Commission and the applicant.
- (2) Within 60 days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to Township Supervisors for approval, approval with conditions or

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45. Editor's Note: See Ch. 170, Grading and Excavation.

46. Editor's Note: See 36 P.S. § 670-420.

47. Editor's Note: Copies of the certification clauses are on file in the Township offices.

§ 270-56 disapproval of the final application. In the case of a recommendation for disapproval, the § 270-58 Planning Commission recommendation shall cite the specific requirements of this chapter which have not been met.

B. Action by Township Supervisors.

- (1) The Township Engineer shall present a written report to Township Supervisors which states whether an application complies with the requirements of this chapter and that report shall be included in the minutes of the Supervisors' meeting.
- (2) Within 90 days of the official date of filing of the application, Township Supervisors shall either approve, approve with conditions or disapprove the final application at a public meeting. The Planning Commission's written recommendation shall be made a part of the record at that meeting.
- (3) A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within 15 days of the date of the decision by Township Supervisors. If the final application is not approved, Township Supervisors shall specify the defects found in the final application and cite the requirements of this chapter which have not been met.

C. Conditional approval. If Township Supervisors determines that certain conditions are warranted to be attached to final approval to protect the public interest and guarantee compliance with the requirements of this chapter, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 270-56B of this chapter. The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Township Secretary or by executing the development agreement required by § 270-32 of this chapter within 30 days of the date of the meeting of Township Supervisors at which final approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to final approval or execute the development agreement within the required 30 days, final approval shall automatically be rescinded without written notice to the applicant.

D. Deemed approval. Failure of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this chapter shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

E. Phased approval.

- (1) In the case where a land development is projected over a period of years, the Township authorizes submission of final applications by sections or phases of development, subject to such requirements or guarantees for improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
- (2) All sections or phases shall conform to the preliminary application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the preliminary application shall require complete resubmission of the preliminary application in accordance with §§ 270-51, 270-52 and 270-53 of this chapter.

**§ 270-57. Mediation option.**

The Township may offer the mediation option as an aid in completing the proceedings authorized by this article in accordance with the requirements of § 270-28 of this chapter.

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**§ 270-58. Development agreement.**

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All land developments shall be further subject to the requirements for a development agreement as specified in § 270-32 of this chapter.

**§ 270-59. Amenities bond.**

All land developments shall be further subject to the requirement for an amenities bond as specified in § 270-31 of this chapter.

**§ 270-60. Land developments which propose extension or installation of any public improvements.**

Land developments which propose the extension or installation of any public improvements, as defined by this chapter, shall be further subject to §§ 270-30 and 270-32 of this chapter governing posting of a performance bond to guarantee their proper installation and execution of a development agreement.

**§ 270-61. Recording.**

- A. A land development plan shall not be required to be recorded in the Washington County Recorder of Deeds office if the land development is proposed on a lot or lots of record, unless a declaration plan is required to be recorded by the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., for a condominium. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Any land development plan which involves the subdivision, resubdivision or consolidation of property or the dedication of easements or rights-of-way for public improvements shall present a final plat for recording purposes with the application for final approval of the land development. The final plat for recording shall be prepared in accordance with the requirements of § 270-13 of this chapter for a minor subdivision.

**§ 270-62. Filing of copies.**

Within 90 days of the date of recording of the final plat in the office of the Washington County Recorder of Deeds, the applicant shall deliver to the Township Secretary one paper print and one scanned copy stored as an image file of CD of the final plat as recorded, containing all required signatures and dates of approval.

**§ 270-63. Expiration of final approval of land development plan.**

- A. Failure to execute development agreement and post amenities bond. If the amenities bond required by § 270-59 and/or the development agreement required by § 270-58 have not been submitted to the Township within 90 days of the date of the meeting at which Township Supervisors granted final approval to the land development plan, final approval shall expire automatically, unless final approval is reinstated in accordance with § 270-64 of this chapter.
- B. Failure to initiate and pursue construction. If construction of a land development which has been granted final approval, and for which a development agreement and amenities bond have been submitted, is not initiated and diligently pursued within one year of the date of final approval, final approval shall expire immediately; provided, however, that Township Supervisors may grant a reasonable extension, if the developer presents satisfactory evidence that difficulties have prevented the work from being initiated and/or diligently pursued and the request for an extension is submitted, in writing, prior to the date of expiration of the approval. The Township Secretary shall give written notice to the applicant within 30 days of the date of expiration of final approval. Any construction which occurs after notice from the Township Secretary shall constitute a violation of this chapter and shall be subject to the enforcement remedies of § 270-103.

**§ 270-64. Reinstatement of final approval of land development plan.**

- A. In the event that final approval of the land development plan has expired for failure to execute the



development agreement and/or post the required amenities bond, as provided for in § 270-63A of this chapter, the Township Secretary is authorized to reinstate the signatures of the proper officers of the Township indicating approval, provided there are no changes in the land development plan previously granted final approval and all the requirements of this chapter regarding posting of a performance bond or amenities bond and execution of a development agreement, if required, are subsequently met and, further, provided the plan is submitted for reinstatement of approval within 180 days following the date of the meeting at which final approval was granted by Township Supervisors.

- B. Any request for reinstatement of final approval which is submitted after 180 days from the date of the meeting at which final approval was granted by Township Supervisors shall be required to resubmit an application for preliminary and final approval in conformance with the requirements of §§ 270-51 through 270-62 of this chapter.

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ARTICLE VII  
**Inspection and Acceptance of Improvements**

§ 270-68

§ 270-68

§ 270-70

**§ 270-65. Progress inspections.**

- A. The contractor shall notify the inspector at least 72 hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the contractor shall notify the inspector at least 72 hours prior to the time that the following required progress inspections are scheduled:
  - (1) Inspection of subgrade of streets prior to laying of base;
  - (2) Inspection of base prior to final paving of streets; and
  - (3) Inspection on installation of sanitary sewer lines, storm sewers and drainage facilities before they are covered.
- B. At the Township Engineer's discretion, the Township Engineer or their designated inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with § 270-99C of this chapter.
- C. The inspector shall maintain a daily log of all inspections, including the description of the work inspected, results and the time spent on the inspection. The log shall be kept in a survey field book and shall be turned over to the Township Engineer upon completion of the project. The inspection reports will be submitted to the Township as part of their infrastructure improvement acceptance verification.

**§ 270-66. Notice of completion.**

- A. Public improvements. When the contractor has completed the required public improvements in a plan, the developer shall notify the Township Secretary, in writing, by certified or registered mail. Within 10 days of the receipt of such notification, Township Supervisors shall authorize the Township Engineer to conduct a final inspection of the public improvements in the plan to determine compliance with the design standards specified in Article IX of this chapter and the Infrastructure Improvement and Development Specifications.
- B. Private improvements. When the developer has completed the required private improvements in an approved land development plan, the developer shall make a request, in writing, to the Township Secretary for a final inspection as a prerequisite to the certificate of completion required by § 270-73 of this chapter.

**§ 270-67. Filing of as-built plans.**

Upon completion of the public and/or private improvements in a plan, as-built plans and profiles of the public and/or private improvements, as constructed, shall be filed with the Township Secretary by the developer within 10 days of the mailing of the notice of completion. A sepia and print of each as-built drawing for public improvements shall be submitted. As-built plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances.

**§ 270-68. Final inspection and approval of public improvements.**

- A. Township Engineer's report. Upon authorization by Township Supervisors, the Township Engineer shall perform a final inspection of the public improvements in the plan. Within 30 days of receiving the authorization by Township Supervisors, the Township Engineer shall file a report, in writing, with Township Supervisors indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall promptly mail a copy of said report to the developer by certified or registered mail.
- B. Notification of developer by the Township. Township Supervisors shall notify the developer, in writing, by certified mail, within 15 days of receipt of the Township Engineer's report, of the action of Township

§ 270-68 Supervisors with relation to approval or rejection of the public improvements. § 270-70

- C. Failure of the Township to comply. If Township Supervisors or the Township Engineer fails to comply with the time limitation provisions contained in this article, all public improvements will be deemed to have been approved and the contractor shall be released from all liability.
- D. Completion of rejected public improvements. If any portion of the public improvements shall not be approved or shall be rejected by Township Supervisors, the contractor shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval as outlined in this article shall be followed.
- E. Developer's rights. Nothing in this article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of Township Supervisors or the Township Engineer.
- F. Release of performance bond.
  - (1) Upon approval of all of the public improvements in the plan, the developer shall be released from any liability pursuant to the performance bond posted to guarantee the proper installation of those improvements.
  - (2) From time to time, during the installation of the public improvements, the contractor may request partial release of the performance bond in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to Township Supervisors. Township Supervisors shall have 45 days from the receipt of such request to allow the Township Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of this chapter and the approved final plat and approved final construction plans.
  - (3) Upon such certification by the Township Engineer, Township Supervisors shall authorize release of an amount as estimated by the Township Engineer which fairly represents the value of the improvements completed. Township Supervisors shall require retention of 10% of the estimated cost of such improvements until such time as all improvements have been installed and the performance bond is released in its entirety.

**§ 270-69. Acceptance of public improvements.**

- A. Upon completion of the final inspection and approval of the public improvements, the developer shall submit a request to Township Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare an ordinance and shall be submitted at least 10 calendar days prior to the regular meeting of Township Supervisors. At the regular meeting, Township Supervisors shall enact an ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the maintenance bond required by § 270-70 of this chapter.
- B. No property or public improvements shown on a final plat shall be considered to have been finally accepted by the Township until the dedication thereof has been officially accepted by adoption of an ordinance of the Township, duly enacted and advertised in accordance with law.

**§ 270-70. Posting of maintenance bond for public improvements.**

- A. When Township Supervisors accepts the dedication of all or some of the required public improvements in a plan, following their completion, Township Supervisors shall require the posting of a maintenance bond, as defined by this chapter, to insure the structural integrity of the improvements and to guarantee the proper

§ 270-70 § 270-74  
functioning of those improvements in accordance with the design standards of Article IX, the Infrastructure Improvement and Development Specifications and the specifications of the final plat.

- B. The term of the maintenance bond shall be for a period of 18 months from the date of the acceptance of the public improvements by Township Supervisors. The amount of the maintenance bond shall be 15% of the actual cost of installation of the public improvements.

**§ 270-71. Remedies to effect completion of public and private improvements.**

- A. Completion of public improvements. In the event that the public improvements required to be installed by the provisions of this chapter are not installed in accordance with the requirements of this chapter or the approved final plat, Township Supervisors shall have the power to enforce the performance bond by legal and equitable remedies. If the proceeds of the performance bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the performance bond, Township Supervisors may, at its option, install part of such improvements in all or part of the approved final plan and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the performance bond or from any legal or equitable action brought against the contractor, or both, shall be used solely for the installation of said public improvements and not for any other municipal purpose.
- B. Remedies to complete private improvements. In the event that the private improvements required to be installed by the provisions of this chapter are not installed in accordance with the requirements of this chapter or the approved final plan prior to the expiration of the amenities bond, Township Supervisors shall have the power to enforce the amenities bond by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the amenities bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such amenities bond, Township Supervisors may, at its option, install part of such improvements in all or part of the approved final plan and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the amenities bond or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such amenities bond and not for any other municipal purpose.

**§ 270-72. Final inspection of private improvements.**

- A. Within 30 days of receiving a written notice of completion from the developer, and the as-built plans required by § 270-67, the Township Secretary and the Township Engineer shall perform a final inspection of the private improvements to determine compliance with the design standards of Article IX of this chapter and all applicable requirements of Chapter 320, Zoning. The Township Engineer and the Township Secretary shall each sign the certificate of completion required by § 270-73, only if all features of the approved plan have been constructed and the required as-built plans have been received.
- B. If deficiencies are found, the Township Secretary shall issue a written notice to the developer, including written comments from the Township Engineer, if applicable. The developer shall proceed to make the required corrections or additions and, upon completion shall follow the same procedure of notification, inspection and approval outlined in §§ 270-66, 270-72 and 270-73 of this chapter.

**§ 270-73. Certificate of completion of private improvements.**

If, upon final inspection of the site by the Township Engineer and the Township Secretary, the installation of all private improvements has been satisfactorily completed in accordance with the provisions of this chapter, all applicable provisions of Chapter 320, Zoning, and the terms of the approved plan, the Township Secretary shall issue a certificate of completion which bears the signatures of the Township Engineer and the Township Secretary. The certificate of completion shall be prerequisite to the issuance of the permanent certificate of occupancy required by Chapter 320, Zoning.

**§ 270-74. Release of amenities bond.**

Issuance of the certificate of completion of private improvements required by § 270-73 shall indicate approval by the Township of private improvements for which an amenities bond has been posted. Final release of the amenities bond shall not occur until the certificate of completion is issued and shall only indicate compliance with the specifications shown on the approved plan. Such approval and release of the amenities bond shall not imply approval by the Township or the Township Engineer of the method of construction or the structural integrity of the private improvements, nor shall there be any liability associated with or responsibility for maintenance of those private improvements by the Township. A maintenance bond shall not be required to be posted for private improvements as a condition of release of the amenities bond.

**§ 270-75. Maintenance of private improvements after completion.**

Following issuance of the certificate of completion and release of the amenities bond, the landowner shall be responsible for maintaining all private improvements in good condition and repair to the satisfaction of the Township. All private improvements shown on the approved land development plan shall be maintained in the location shown on the approved plan and in conformance with the specifications shown on the approved plan, unless a revised plan is subsequently approved by the Township. Failure to continue to maintain private improvements in an approved plan or any deviation from the terms of the approved plan without prior approval of the Township shall constitute a violation of this chapter and, if requirements of Chapter 320, Zoning, are involved, a violation of the Township Zoning Ordinance, as well, and shall be subject to the applicable enforcement provisions of that chapter.

§ 270-76

ARTICLE VIII  
**Required Improvements**

§ 270-77

**§ 270-76. Survey monuments and markers.**

- A. Concrete monuments as described in the Cross Creek Township Infrastructure Improvement and Development Specifications, Exhibit 31,<sup>48</sup> shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Three-eighths inch standard iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.
- B. In minor subdivisions, Township Supervisors, upon recommendation of the Township Engineer, may waive the requirement for the number of monuments.
- C. The installation and certification shall be made by a registered surveyor prior to final approval of the subdivision. In lieu of such prior installation, the applicant shall furnish a cash deposit in the form of a certified check to guarantee the proper installation of the required monuments and bench marks. The refundable deposit shall be in an amount established from time to time by resolution of Township Supervisors.
- D. The location and tie-in dimensions of all monuments shall be shown on the plan for recording. No public improvements shall be accepted by the Township until all monuments have been set and certified to by a registered surveyor.

**§ 270-77. Service utilities.**

- A. Each lot in a major subdivision shall be served by public water and the developer shall be responsible for obtaining all necessary approvals and entering into an agreement with the water company servicing the area or its assigns to provide such facilities in accordance with its rules and regulations.
- B. In major subdivisions, sanitary sewers, storm sewers and drainage facilities shall be provided by the developer in each plan and shall be constructed in accordance with the design standards of Article IX and the Infrastructure Improvement and Development Specifications. If required by § 270-89 of this chapter, stormwater management facilities shall be constructed in accordance with the Township's requirements. In lieu of operation of the sewage system itself, the developer may contract with an outside entity to operate the system on behalf of the developer or to assume ownership of the system and direct provision of sewage and collection service, with such operation and/or direct provision to be subject to the applicable requirements of the Pennsylvania Public Utility Code<sup>49</sup> and other law.
- C. Prior to submission of a preliminary and a final development plan, the developer shall notify, in writing, each water, gas, electric, telephone and franchised-CATV company providing service within the Township of that plan and shall give such company a reasonable opportunity to review the plan with the developer. At the time of the submission of both the preliminary and the final plan, the developer shall include a copy of each notice sent by the developer to each such company and of any response received. Easement locations for transmission and distribution lines, line extensions, mains and main extensions, service drops, service lines, poles, anchors, conduits, vaults, manholes, valves, utility sheds and cabinets, network switches, transformers, pumps and other installations necessary to make service available to the development's lots shall be as designated by each company and shall be shown on the plan submitted.
- D. If a company indicates that it is not feasible for it to locate a required installation within a public right-of-way or other public easement, the developer shall grant the company, its successors and assigns both the easement necessary within the development to locate the installation and a right of ingress from, and egress to, a public right-of-way in order to provide activation, monitoring, maintenance, repair or upgrade of such installation.

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<sup>48</sup>. Editor's Note: Copies of said exhibit are on file in the Township offices.

<sup>49</sup>. Editor's Note: See 66 Pa.C.S.A. § 101 et seq.

The developer may require companies to share, when feasible, the same aboveground or underground

§ 270-77 easement which it has granted. § 270-81

- E. A submitted plan shall include the right of each company to periodically clear growth or other vegetation which may interfere with its use of an easement or installation within the development. Aerial easements shall provide sufficient clearance to comply with the National Electrical Safety Code and with other applicable codes and laws.
- F. The location and type of fire hydrants shall be subject to the review and approval by the Township Fire Marshal or the authority have jurisdiction in these matters.

**§ 270-78. Streets.**

Each lot shall have frontage on a public street, as defined by this chapter, or frontage on a public right-of-way designated for future use as a public street, unless an exception or modification to this requirement is granted in accordance with the provisions of Article X of this chapter.

**§ 270-79. Sidewalks.**

- A. In all subdivisions and land developments, sidewalks shall be required to be installed along the full frontage of all lots under the following circumstances:
  - (1) In all major subdivisions of 50 lots or more;
  - (2) In all minor subdivisions and land developments where sidewalks exist in the same block on the same side of the street;
  - (3) On all lots with frontage on arterial or collector streets, as defined by this chapter;
  - (4) Within a land development plan proposed to be developed for more than 25 multifamily dwelling units to accommodate pedestrian circulation between buildings and parking areas and other common facilities; and
  - (5) Within a land development plan proposed to be developed for office or commercial use to accommodate pedestrian circulation between buildings and parking areas and other common facilities.
- B. Sidewalks shall be installed in accordance with the design standards of Article IX of this chapter and the Infrastructure Improvement and Development Specifications.

**§ 270-80. Streetlights.**

- A. The developer shall prepare a streetlighting plan for submission to the power company providing service to the area. For the safety and convenience of the public, the developer shall furnish and install streetlights at his/her cost which are approved by the Township and the power company on poles prescribed by the Township on all public and private streets.
- B. The Township shall indicate to the power company its willingness to accept billing for the operation of the streetlights following installation by the developer.
- C. On all arterial and collector streets and at intersections of local streets and at other locations where the Township Supervisors, upon recommendation of the Township Engineer, determines streetlighting is necessary for public safety, streetlights shall be installed in accordance with the specifications of the regulatory agency, subject to approval by the Township.

§ 270-81

§ 270-81

**§ 270-81. Street signs.**

The developer shall provide street name signs and traffic control signs, approved by the Township, at all street intersections. The cost of the street signs and posts shall be assumed by the developer. Street signs shall be designed in accordance with the Infrastructure Improvement and Development Specifications and shall be installed and maintained by the Township.

§ 270-82

§ 270-85

ARTICLE IX  
**Design Standards**



§ 270-85

§ 270-86

**§ 270-82. Applicability.**

Any application for approval of a subdivision or land development shall conform to the standards set forth in this article. The standards specified in this article are minimum design requirements.

**§ 270-83. Review by Township Engineer.**

In reviewing any application for approval of a subdivision or land development, Township Supervisors shall refer the application for development to the Township Engineer for a recommendation concerning technical compliance with these design standards and the Infrastructure Improvement and Development Specifications.

**§ 270-84. Site development.**

- A. Grading, filling, removal of topsoil, erosion and sedimentation control. All grading, filling, removal of topsoil and erosion and sedimentation control shall be performed in accordance with the requirements of Chapter 170, Grading and Excavation, and the requirements of the Pennsylvania Clean Streams Law<sup>50</sup> and Ordinance 102 of the rules and regulations of the Pennsylvania Department of Environmental Protection governing erosion control.
- B. Planting and cutting of trees; removal of debris.
  - (1) Large shade trees shall be adequately protected from injury and preserved to the extent practical.
  - (2) All lot areas which slope towards streets or adjacent lots shall be required to be seeded with grass or planted with ground cover so as to prevent washing and erosion.
  - (3) During construction, the developer shall remove and dispose of all uprooted trees, stumps, brush, rubbish, unused building materials and debris promptly in the interest of public safety.
- C. Flood-prone areas. Land identified as flood-prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program.

**§ 270-85. Streets.**

- A. Layout.
  - (1) Streets shall be planned to conform with the layout of existing and planned streets and so located as to allow proper development of surrounding properties. Local streets shall be laid out so as to discourage through traffic. Collector streets shall be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets.
  - (2) Intersections of more than two streets at one point shall not be permitted. Dead-end streets shall not be permitted, unless the requirements of Subsections E and F of this section are met. Half streets shall not be permitted.
- B. Topography. Proposed streets shall be planned to conform to the contour of the land, to the fullest extent possible to provide buildable lots, to have a suitable alignment and grade and to allow proper drainage. Streets shall comply to the street grade requirements of Section 3 of the Cross Creek Township Infrastructure Improvement And Development Specifications.
- C. Street grades. Minimum and maximum grades of all streets shall comply with Section 3, Street Alignment, of

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<sup>50</sup>. Editor's Note: See 35 P.S. § 691.1 et seq.

§ 270-85 the Cross Creek Township Infrastructure Improvement and Development Specifications. § 270-86

- D. Right-of-way and paving widths; curbs; shoulders.
- (1) Minimum widths of rights-of-way and minimum widths of paving shall be provided in accordance with the Cross Creek Township Infrastructure Improvement and Development Specifications.
  - (2) Curbs shall be provided on all streets in accordance with the Cross Creek Township Infrastructure Improvement and Development Specifications.
  - (3) Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and which are level with the tops of curbs.
- E. Culs-de-sac.
- (1) A cul-de-sac street shall not be approved when a through street is practical and shall not be more than 600 feet in length. The length of a cul-de-sac street shall be measured from the point of intersection of the center lines of the two intersecting streets to the back of the curb of the cul-de-sac turnaround.
  - (2) A cul-de-sac shall have a minimum right-of-way radius and an outer minimum paving radius as specified in the Cross Creek Township Infrastructure Improvement and Development Specifications.
- F. Temporary turnarounds. A temporary turnaround may be required where a road is constructed to an adjoining property line or where the terminus of a road adjoins property in a future phase of the plan. The temporary turnaround shall be paved. The right-of-way width required for a temporary turnaround shall be a minimum of 100 feet and the paving radius of the temporary turnaround shall be 40 feet, exclusive of the required curb.
- G. Visibility.
- (1) No fence, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right-of-way and no such obstruction shall obscure visibility at any intersection. The location of fences and walls shall be further subject to the requirements of Chapter 320, Zoning.
  - (2) A clear sight triangle, as defined by this chapter, shall be maintained free of any obstructions at intersections so that there shall be a minimum clear sight triangle measured along the center line from the points of intersection in accordance with the requirements of the Cross Creek Township Infrastructure Improvement and Development Specifications. The clear sight triangle shall be shown on the final plat for recording.
- H. Street names. All new streets, public and private, shall be named. All new street names shall be approved by the Township, Washington County 911 and the post office. Names of new streets shall be sufficiently different in sound and spelling from existing names of streets in the Township, postal zip code or in the 911 service area so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name. Street signs shall be provided in accordance with § 270-81 of this chapter.
- I. Sidewalks. The width of sidewalks shall conform to the standards specified in the Cross Creek Township Infrastructure Improvement and Development Specifications. Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located at the edge on the cartway. The grade and paving of the sidewalk shall be continuous across driveways. All sidewalks shall be constructed in accordance with the Cross Creek Township Infrastructure Improvement and Development Specifications.
- J. Crosswalks. Crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities such as parks, playgrounds, schools or public buildings.

**§ 270-86. Service streets.**

Service streets, as defined by this chapter, may be permitted in commercial and industrial developments where

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§ 270-86 needed for loading, unloading or secondary access. Service streets shall be constructed in accordance with Cross Creek Township Infrastructure Improvement and Development Specifications. § 270-88

**§ 270-87. Easements.**

Easements for sanitary sewers, water lines and stormwater management facilities shall be required to have a minimum width of 20 feet. Where a subdivision or land development is, or will be, traversed by a watercourse, there shall be provided a stormwater easement or drainage right-of-way of a width sufficient for the purpose, but not less than 20 feet.

**§ 270-88. Lots.**

The following standards shall apply to all lots proposed to be subdivided or developed in accordance with this chapter.

**A. Area.**

- (1) Minimum lot areas shall conform to the requirements of Chapter 320, Zoning.
- (2) When a tract is subdivided into lots that are larger than the minimum lot area required by Chapter 320, Zoning, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provisions for adequate utility connections for each subdivision.

**B. Frontage.** All lots created by subdivision shall have frontage along the right-of-way of either a public street or private street of 50 feet, provided further that the criteria in § 270-88B(1)(a) through (i) are met. Every lot shall be accessible to emergency service, public safety and firefighting vehicles and equipment. **[Amended 5-23-2006 by Ord. No. 3-06]**

- (1) Private street frontage.
  - (a) A private street may be recorded to serve no more than three lots.
  - (b) A private street right-of-way width shall be 50 feet.
  - (c) Private streets shall be designed to provide frontage to all lots in the subdivision including the parcel from which the subdivision is created.
  - (d) The minimum width of a private street cart way shall be 10 feet and shall be constructed of a mud-free, dust-free surface. The maximum grade of a private street shall be 12%.
  - (e) A notation shall be placed on the plat for recording indicating that the Township has no maintenance responsibilities for the private street.
  - (f) The plat for recording and the deeds for each lot shall contain a statement that any future request by the lot owners to have the street accepted by the Township as a public street shall be subject to the owners assuming the total cost of improving the private street to the current Township Infrastructure Improvement and Development Specifications.
  - (g) Lots on private streets shall comply with all other parts of § 270-88.
  - (h) An association or other legally binding organization of landowners with access rights on the private street shall be formed and administrated for the purpose of maintenance of the private street.
  - (i) The maximum length of a private street shall be 600 feet.

**C. Double frontage.** Double frontage lots shall be avoided; however, where a double frontage lot is the only

- § 270-88 practical alternative, vehicular access shall be limited to only one street and that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation restricting vehicular access to one street frontage. § 270-90
- D. Side lines. Whenever practical, the side lines of a lot shall be at right angles or radial to the right-of-way lines of streets.
- E. Front building lines. Front building lines of lots shall conform to the minimum requirements of Chapter 320, Zoning, and shall be shown on the final plat.
- F. Grading of lots. Lots shall be graded to provide drainage away from buildings and water shall be drained to the street, rather than to adjoining property. The developer shall be required to provide drains or other drainage facilities, as approved by the Township Engineer, to drain off surface water within the development. All grading shall comply with the requirements of Chapter 170, Grading and Excavation.
- G. Driveways.
- (1) No driveway shall have a slope of more than that permitted by the Cross Creek Township Infrastructure Improvement and Development Specifications, Driveway Standard Detail, Exhibit 7.<sup>51</sup> Driveways may extend from the right-of-way line 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 any 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 there for from the Township. All curb cuts shall conform to Township specifications. Paved driveways shall have a joint at the public street right-of-way. Driveways shall not be constructed in such a way that creates a drainage problem on adjoining property. No catch basin shall be placed where a driveway intersects a street.
  - (2) Driveways intersecting Township streets shall have an improved surface with a minimum thickness of four inches bituminous concrete or six inches cement concrete. Driveways intersecting state roads shall be constructed in accordance with the Pennsylvania Department of Transportation Design Manual.
  - (3) Driveways which are shared among two or more lots shall have a minimum improved surface 12 feet in width. Common driveways shall be within a recorded easement at least 15 feet in width and shall be subject to a recorded agreement for maintenance which is noted on the plat and referenced in the deeds for each lot the driveway serves.
- H. Accessibility. Every lot, building and structure shall be accessible to emergency and public safety vehicles.
- I. House numbers. House numbers shall be assigned by the developer, subject to the approval of the Township, U.S. Postal Service and Washington County 911 and consistent with the basic house numbering system known as the equal interval addressing system, also known as the uniform measurement system, century system or benchmark system. House numbers shall be posted at each house so as to be readable from the street and shall be comprised of Arabic numerals or alphabet letters at least four inches high and with a minimum width stroke of 1/2 inch. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

#### § 270-89. Stormwater management.

Stormwater management facilities shall be provided for all subdivisions and land developments in accordance with Chapter 257, Stormwater Management, and all applicable state and county regulations.

#### § 270-90. Sanitary sewers.

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51. Editor's Note: Copies of said exhibit are on file in the Township offices.

- § 270-90
- § 270-92
- A. Installation. Installation of sanitary sewers and appurtenances shall be in accordance with all regulations of the Independence-Cross Creek Joint Sewer Authority, the Local Cooperative Sewer Council, and the regulations of the Pennsylvania Department of Environmental Protection (PA DEP).
- B. Acceptance. Prior to the issuance of any building permit for construction of any building in a subdivision or land development governed by this chapter, the developer shall provide all assurances required by the Independence-Cross Creek Joint Authority or the Local Cooperative Sewer Council for the completion of sewage facilities providing sewer service to the subdivision or land development. Prior to the issuance of any certificate of occupancy for any building sanitary sewers must be installed, inspected, tested and accepted by the Independence-Cross Creek Joint Sewer Authority.

**§ 270-91. Water supply.**

- A. The developer shall connect to the public water supply and construct a system of water mains with a connection for each lot.
- B. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**§ 270-92. Additional standards for private improvements in land development plans. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

In addition to all applicable design standards specified in §§ 270-82 through 270-92, all land developments shall comply with the following design standards:

- A. Lighting of property.
- (1) Parking and pedestrian areas on the property shall be lighted to create a level of not less than one footcandle when measured three feet above the pavement throughout the paved areas on the property. Such lighting may be from freestanding lampposts within the parking areas, from nearby streetlights or from lights mounted on buildings. Lighting shall be shielded or aimed so as not to create glare conditions on adjacent streets or properties. All lighting shall be the full cut-off design to insure that no lighting goes beyond the property boundary.
  - (2) Light standards in parking areas shall be protected from accidental damage by vehicles.
- B. Landscaping.
- (1) All areas of the property not paved or occupied by buildings shall be landscaped and maintained in grass, shrubs, trees, ground cover, mulching materials or other natural materials planted in accordance with accepted minimum standards. At least 5% of the total area of the property shall be set aside for landscaping. Lot areas not covered by buildings, sidewalks, pavement or other improvements shall be seeded with grass or other appropriate ground cover material compatible with the landscape and architectural design and condition of the surrounding areas. Landscaping materials shall not obstruct sight distances at access points to the property.
  - (2) Where required by Chapter 320, Zoning, buffer areas shall be provided which comply with the design standards specified in Chapter 320, Zoning. A landscaping plan shall be submitted which shows compliance with this chapter, any buffer area requirements and required landscaping and screening of parking areas and loading areas.
- C. Garbage and trash containers. All organic rubbish and discarded materials shall be placed in tight vermin-

§ 270-92 proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid face fence or wall. Containers shall be emptied not less frequently than once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter.

D. Parking areas. Parking areas shall be designed in accordance with the provisions of Chapter 320, Zoning. Ingress and egress and interior circulation on the site shall be designed to ensure safety and minimize congestion. Adequate provision shall be made for safe pedestrian circulation within the parking areas and from the parking areas to the buildings. Fire lanes shall be adequately marked and maintained in locations approved by the Township.

**§ 270-93. Handicapped accessibility.**

All subdivision and land development plans shall be designed to meet the current standards of the commonwealth and federal law with respect to handicapped accessibility and verification of compliance shall be provided to the Township by the applicant.

ARTICLE X  
**Waivers and Modifications**

**§ 270-94. Waivers for revisions to previously recorded plans.**

In the case of lot line adjustments involving no more than three lots of record in plans previously approved by the Township and recorded in the office of the Washington County Recorder of Deeds, the preliminary and final application requirements of Article III shall be waived and the approval of the revised plat for recording shall be granted by the Township Secretary, subject to the recommendation of the Township Engineer, provided that all lots comply with the minimum requirements of Chapter 320, Zoning. The Township Secretary shall authorize the proper offices of the Township to sign the plat for recording purposes.<sup>52</sup>

**§ 270-95. Waiver of certain application requirements for minor subdivisions and minor land developments.**

In minor subdivisions and minor land developments, where existing conditions are well defined, the Planning Commission, upon recommendation of the Township Engineer, may exempt the applicant from complying with some of the requirements of §§ 270-13 and 270-39 regarding application content, if warranted. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this section shall submit a written request when submitting an application for preliminary and final approval. The Planning Commission, may grant a waiver to any of the application requirements of §§ 270-13 and 270-39 of this chapter, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable county or state law or regulation. In the event that the Planning Commission does not grant a waiver of the application requirements, the application shall be considered incomplete and the Commission shall return the application for resubmission and compliance with all requirements of §§ 270-13 and 270-39.

**§ 270-96. Modifications in cases of physical hardship.**

- A. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any design requirement of this chapter would cause practical difficulty or exceptional and undue hardship, Township Supervisors may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the neighborhood and the community.
- B. In granting a request for a modification in the case of physical hardship, Township Supervisors shall make the following findings:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the remainder of the subdivision or land development or in the neighborhood in which the property is located.
  - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a modification is therefore necessary to enable the reasonable use of the property.
  - (3) That such unnecessary hardship has not been created by the applicant and that the hardship is not solely economic.
  - (4) That the modification, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of

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52. Editor's Note: Original Section 1002, Waiver for transfer of ownership of unbuildable parcels, which immediately followed this section, was repealed 5-23-2006 by Ord. No. 3-06.

§ 270-96 adjacent property, nor be detrimental to the public welfare.

§ 270-98

- (5) That the modification, if authorized, will represent the minimum modification that will afford relief and will represent the least modification possible of the regulation in issue.
- C. In granting a request for a modification, Township Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to protect the public interest.
- D. Modifications in cases of physical hardship shall not be granted by Township Supervisors, unless a favorable recommendation is received from the Township Engineer and the Township Planning Commission.
- E. Township Supervisors shall have the authority to consider modifications in cases of physical hardship only in the case of requirements of this chapter which do not involve zoning regulations. Relief from any provision of Chapter 320, Zoning, shall be within the sole discretion of the Zoning Hearing Board.

**§ 270-97. Modifications to allow equal or better specifications.**

When an equal or better specification is available to comply with the Infrastructure Improvement and Development Specifications or the design standards of this chapter, Township Supervisors may make such reasonable modifications to such requirements of this chapter to allow the use of the equal or better specification, upon favorable recommendation of the Township Engineer, provided such modification will not be contrary to the public interest. In approving such modification, Township Supervisors may attach any reasonable conditions which may be necessary to assure adequate public improvements and protect the public safety.

**§ 270-98. Procedure for authorizing modifications.**

- A. Any request for a modification to any requirement of this chapter authorized by this article shall be submitted in writing by the applicant as part of the application for approval of a preliminary or final application, stating the specific requirements of this chapter which are to be modified and the reasons and justification for the request.
- B. The request for a modification to this chapter shall be considered by Township Supervisors at a public meeting. If warranted, Township Supervisors may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.
- C. If the Planning Commission or Township Engineer has not made a recommendation on the request for modification, Township Supervisors shall refer the request to the Planning Commission and/or Township Engineer for a recommendation prior to taking action on the request. In all cases, the Planning Commission recommendation and Township Engineer's recommendation shall be entered into the official record of the meeting.
- D. The reasons relied upon by Township Supervisors in approving or disapproving the request also shall be entered into the minutes of the meeting and any resolution or ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.
- E. If a modification is granted by Township Supervisors, a notation shall be placed on the final subdivision plat for recording or the land development plan granted final approval which indicates the nature of the modification granted and the date of approval of the modification by Township Supervisors.



ARTICLE XI  
**Administration and Enforcement**

**§ 270-99. Application filing review and inspection fees.**

All applications submitted for approval of a subdivision or land development shall be subject to the following fees:

- A. Application filing fees. A schedule of application filing fees shall be established, from time to time, by resolution of Township Supervisors. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable to the Township at the time of submission of the application.
- B. Application review fees.
- (1) An application review escrow deposit in an amount established from time to time by resolution of Township Supervisors also shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees required by this subsection. The actual amount of the review fees in excess of the escrow deposit shall be payable within 10 days of billing by the Township. Any monies remaining in the escrow account after all review fees have been paid shall be returned to the applicant.
  - (2) Failure to pay the required escrow deposit or any additional review fees required by this subsection shall cause the application to be determined to be incomplete and the application shall not be scheduled for review by the Planning Commission or Township Supervisors until such fees are paid.
  - (3) Application review fees shall include reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report on the application to the Township. Such review fees shall be based upon a schedule established from time to time by resolution of Township Supervisors. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or other professional consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or other professional consultants to the Township when fees are not reimbursed or otherwise imposed on applicants.
  - (4) In the event the applicant disputes the amount of any such review fees, the applicant shall, within 100 days of the billing date, notify the Township Secretary and professional consultant that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (5) In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for resolution of disputes as set forth below in 53 P.S. §§ 10503(1) and 10510(g). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. Inspection fees.
- (1) The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established from time to time by resolution of Township Supervisors. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

- § 270-99
- (2) An inspection fee escrow deposit in an amount established from time to time by resolution of Township Supervisors shall be payable at the time of execution of the development agreement required by § 270-32 of this chapter to guarantee payment of the estimated inspection fees required by this section. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within 10 days of billing by the Township. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant.
- (3) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 100 days of the date of billing, notify the Township Secretary and professional consultant that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed fees. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (4) In the event that the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for resolution of disputes as set forth in 53 P.S. § 10510(g). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**§ 270-100. Procedure for amendments.**

Township Supervisors may, from time to time, amend this chapter in accordance with the following provisions:

- A. Planning Commission review. In the case of amendments other than those prepared by the Township Planning Commission, Township Supervisors shall submit the proposed amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on the proposed amendment.
- B. County Planning Agency review. The proposed amendment shall be submitted to the Washington County Planning Office for review and recommendations at least 30 days prior to Township Supervisor's public hearing on the amendment.
- C. Public hearing. Amendments to this chapter shall become effective only after a public hearing conducted by Township Supervisors which is held pursuant to public notice, as defined herein.
- D. Publication, advertisement and availability of ordinance.
- (1) Proposed amendments shall not be enacted unless public notice, as defined herein, of the proposed enactment is given, including the time and place of the meeting at which passage will be considered and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- (2) Township Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
- (a) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
- (b) An attested copy of the proposed amendment shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- (c) In the event substantial amendments are made in the proposed amendment, before voting upon

- § 270-100 enactment, Township Supervisors shall, at least 10 days prior to enactment, readvertise in one newspaper of general circulation in the Township a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. § 270-103
- (d) Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- E. Filing after enactment. Within 30 days after adoption, the Township Secretary shall forward a certified copy of the amendment to the Washington County Planning Office.

**§ 270-101. Appeals.**

Any party aggrieved by the decision of Township Supervisors regarding a subdivision or land development plan may appeal such decision within 30 days of the date of entry of the decision of Township Supervisors to the Washington County Court of Common Pleas.

**§ 270-102. Preventive remedies.**

- A. In addition to other remedies, the Township 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. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Township 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 this chapter. The authority to deny such a permit or approval shall apply to any of the following applicants:
- (1) The owner of record at the time of such violation.
  - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

**§ 270-103. Violations and penalties.**

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge

§ 270-103 § 270-105  
determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and, thereafter, each day that a violation continues shall constitute a separate violation. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

B. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**§ 270-104. Construal of provisions.**

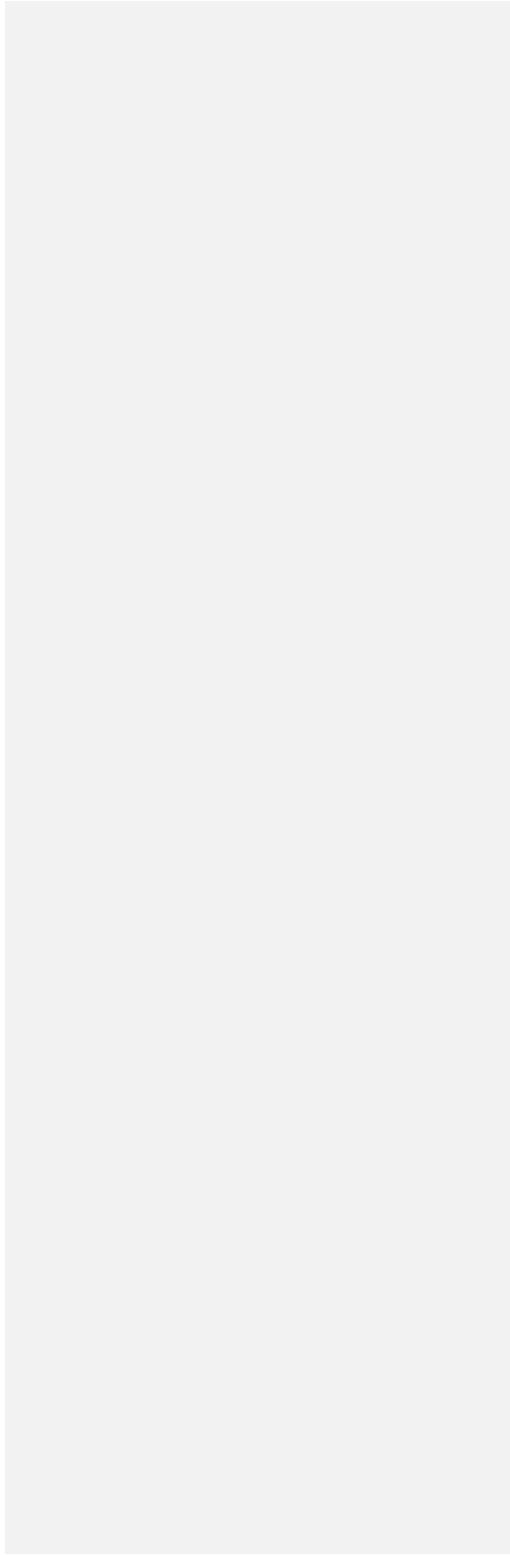
Whenever there is a difference between a minimum standard or dimension specified in this chapter and those contained in another official regulation, resolution or ordinance of the Township or any other restriction or covenant, the most restrictive standard shall apply. If a question of conflict arises between various portions of this chapter, the most restrictive term shall apply.

**§ 270-105. Severability.**

If any provision of this chapter, or the application of any provision thereof to particular circumstances, is held invalid, the remainder of this chapter, or the application of such provision to other circumstances, shall not be affected.

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**Chapter 277 TAXATION**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 277-1

ARTICLE I  
**Realty Transfer Tax**

§ 277-3

**[Adopted 3-17-1970 by Ord. No. 1-70; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**§ 277-1. Imposition of tax.**

The Township of Cross Creek adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.

**§ 277-2. Administration.**

The tax imposed under § 155-1 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6901 et seq. and 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Cross Creek, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

**§ 277-3. Interest.**

Any tax imposed under § 155-1 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

§ 277-4

§ 277-6

ARTICLE II  
**Local Economic Revitalization Tax Assistance Program**  
**[Adopted 7-20-1993 by Ord. No. 1-93]**



**§ 277-4. Title; when effective.**

- A. This article shall be known as the "Revenue Allocation Program Ordinance" (hereinafter "RAP Ordinance") and the program created hereby shall be known as the RAP Program.
- B. The provisions hereof shall become effective immediately upon enactment and advertising in accordance with the provisions of the Second Class Township Code and its terms shall continue in effect without annual reenactment until the expiration provided herein. Changes in its terms become effective on the date specified in any amending ordinance; provided, however, no changes will become effective which will adversely affect any financing obligations of the Authority, as hereinafter set forth, for which the Authority as hereinafter defined has become obligated prior to the date of the change or violate any of the terms of the Intergovernmental Cooperation Agreement as hereinafter defined.

**§ 277-5. Statutory authority.**

The within article is enacted pursuant to the authority granted by the following statutes:

- A. The Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1972, P.L. 237, No. 76, 72 P.S. § 4722 et seq.
- B. The Transportation Partnership Act, as the same may be amended, the Act of July 9, 1985, P.L. 189, No. 47, 53 P.S. § 1621 et seq. (hereinafter "TPA").
- C. The Business Improvement District Act, the Act of November 30, 1967, P.L. 658, No. 305, 53 P.S. § 1551 et seq. (hereinafter "BIDA").<sup>53</sup>
- D. The Second Class Township Code, 53 P.S. § 65101 et seq. (hereinafter "code").
- E. The Act relating to intergovernmental cooperation, 53 Pa.C.S.A. § 2301 et seq. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
- F. The Public School Code of 1949, 24 P.S. § 1-101 et seq. (hereinafter "School Code").
- G. The Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq. (hereinafter "MAA"). [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
- H. The County Code, 16 P.S. § 101 et seq. (hereinafter "County Code").

**§ 277-6. Definitions.**

The following words and phrases when used in this article shall have the meaning ascribed to them in this section, unless the context clearly indicates a different meaning and the Township, after public hearing, hereby finds the following facts:

**AUTHORITY** — The Northwest Washington County Authority (or such other name as the Authority may from time to time adopt) organized as a joint municipal authority pursuant to the Intergovernmental Cooperation Agreement.

**BOARD** — The Board of Assessment Appeals of Washington County, Pennsylvania.

**COLLECTOR** — The person or persons appointed to collect real estate taxes imposed pursuant to the taxing

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53. Editor's Note: Said Act was repealed by 1996, Dec. 19, P.L. 1158, No. 177.

powers of the Township.

§ 277-6 § 277-6  
CONSTRUCTION — The erection of a building or buildings on previously unoccupied land, or upon land on which a building or buildings have been demolished or razed for the purpose of erecting a new building or buildings consisting of industrial, residential, commercial or other business use designed to obtain higher standards of safety, health, economic use or amenity.

CONTRIBUTION — A payment made voluntarily by a taxpayer whose property is within the eligible area to the Northwest Washington County Capital Improvement Trust Fund administered by the Authority in developing public infrastructure facilities projects or services. "Contribution" shall include, without limitation, grants, gifts and donations as defined in the TPA, BIDA<sup>54</sup> or MAA.

COUNTY — Washington County, Pennsylvania.

ELIGIBLE AREA —

A. That geographic area of Cross Creek Township more particularly described on Exhibit "A"<sup>55</sup> attached to this article as approved after prior public hearing by the Board of Supervisors which meets the requirements of Section 4725 of LERTA. The geographic area designated as the "RAP District" on Exhibit "A" has been found and determined to be within the following criteria:

- (1) The area contains vacant, overgrown and unsightly lots of ground.
- (2) The area lacks public infrastructure and thus has defective design or arrangement of buildings, streets or lot layouts.
- (3) Much of the area contains economically and socially undesirable land uses.
- (4) The area is determined to meet the requirements for redevelopment under criteria set forth in Section 1702(a) of the Act of May 24, 1945, P.L. 991, No. 385 known as the "Urban Redevelopment Law."<sup>56</sup>

B. The eligible area, as defined by this article, shall be limited to that described on Exhibit "A."<sup>57</sup> Application of the terms and conditions of the RAP Program shall be limited to the eligible area described on Exhibit "A." Properties located in the eligible area shall be considered "benefitted properties" within the meaning of any of the following:

- (1) The BIDA;<sup>58</sup>
- (2) TPA;
- (3) MAA; or
- (4) The code.

ELIGIBLE PROPERTY — Any industrial, commercial (including residential used for commercial income purposes) or other business property owned by an individual, association or corporation and located in the designated area on Exhibit "A"<sup>59</sup> known as the RAP District or any such property therein which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations. Owner-occupied residential property or any residential property with less than four units, including without limitation single-family detached housing, duplexes and condominiums, is not "eligible property" under this article.

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54. Editor's Note: Said Act was repealed by 1996, Dec. 19, P.L. 1158, No. 177.

55. Editor's Note: Said exhibit is on file in the Township offices.

56. Editor's Note: See 35 P.S. § 1702(a).

57. Editor's Note: Said exhibit is on file in the Township offices.

58. Editor's Note: Said Act was repealed by 1996, Dec. 19, P.L. 1158, No. 177.

59. Editor's Note: Said exhibit is on file in the Township offices.

§ 277-6  
EXEMPTION — The allocation to the Northwest Washington County Capital Improvement Trust Fund administered by the Authority by the local taxing authority of the revenue generated by the tax based upon the additional assessment valuation attributable to the actual cost of the construction, reconstruction or improvement made to the eligible property. § 277-7

IMPROVEMENT — Repair, construction or reconstruction, including without limitation alterations and additions, having the effect of rehabilitating a deteriorating property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

INTERGOVERNMENTAL COOPERATION AGREEMENT — An agreement established in 1993, among various government units including without limitation adjacent municipalities, the county, the Avella School District and the Authority, which agreement calls for the creation of the Authority, establishes the Northwest Washington County Capital Improvement Trust Fund and requires the enactment of this article. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

LOCAL TAXING AUTHORITY — A county, city, borough, incorporated town, Township, institution district or school district having authority to levy real property taxes (i.e., the Avella School District and Cross Creek Township).

MAXIMUM AMOUNT OF EXEMPTION FOR RAP DISTRICT — The maximum amount of exemption for the RAP District pursuant to this article shall be 100% of the millage in effect on a year to year basis (currently 7.3 mills) as applied to the tax assessment attributable to improvements.

MUNICIPAL GOVERNING BODY — The Board of Supervisors.

PERSON — Any natural person, partnership unincorporated association, or corporation, nonprofit or otherwise. Whenever used in any provision of this article, the word "person" as applied to partnerships shall mean and include all the partners thereof, as applied to unincorporated associations, shall mean and include all members thereof, as supplied to corporations shall mean and include all officials or officers thereof. The term "person" used in this article is synonymous with the word "taxpayer" and "property owner."

RAP DISTRICT — That portion of Cross Creek Township, Washington County, also known as the "eligible area" and more particularly described on Exhibit "A"<sup>60</sup> attached to this article as established by the Board of Supervisors pursuant to TPA, BIDA,<sup>61</sup> MAA, the code.

RECONSTRUCTION — The rebuilding of a building or buildings previously erected for the purpose of changing the economic use or amenity of such structure or to obtain higher standards of safety or health.

SCHOOL DISTRICT — The Avella School District.

TAX ASSESSMENT — The value of a parcel of real property within the Township and school district as established by the Board or the Court of Common Pleas pursuant to the provisions of the Fourth to Eighth Class County Assessment Law, 72 P.S. § 5453.101 et seq.,<sup>62</sup> for the purpose of the levy of real property taxes.

TAX YEAR — The twelve-month period from January 1 to December 31 annually.

TOWNSHIP — Cross Creek Township.

#### § 277-7. Contemporaneous or prior adoption.

The terms and conditions of this article and the implementation of any real property tax exemption granted hereunder are contingent upon the adoption of a companion resolution by the school district. Pursuant to the Act relating to intergovernmental cooperation, no amendment to this article shall be effective unless consented to by the parties to that Intergovernmental Cooperation Agreement executed by the Township with the school district

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60. Editor's Note: Said exhibit is on file in the Township offices.

61. Editor's Note: Said Act was repealed by 1996, Dec. 19, P.L. 1158, No. 177.

62. Editor's Note: Said statutory sections were repealed by 2010, Oct. 27, P.L. 895, No. 93.

§ 277-7  
and others.

§ 277-9

**§ 277-8. Exemption.**

Any property owner whose real property is located within the eligible area and who makes improvements to such real property may apply for and receive from the Township an exemption from certain real property taxation upon such improvements in the amounts and in accordance with the provisions and limitations set forth in this article. The exemption of real property taxes by the Township is conditioned upon the receipt of a 100% exemption upon such improvements from the school district in accordance with the provisions of its resolution.

- A. The maximum amount of the exemption for all taxpayers of all real estate taxes under this article and the school district resolution shall be limited to the total sums necessary for payment into the Northwestern Washington County Capital Improvement Trust Fund administered by Authority to fund and guarantee debt service, costs and expenses (including planning, financing, acquiring, developing, improving and operating), to sink bonds and to provide reserves for future phases of the Master Plan, all related specifically to public infrastructure facilities projects or services by the Authority pursuant to the TPA, BIDA,<sup>63</sup> MAA, School Code, County Code or code.
- B. The maximum amount of the exemption for each taxpayer shall be determined in each tax year, after levy of real estate taxes for such tax year by all local taxing authorities.
- C. The exemption from real estate taxes authorized by this article shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.
- D. The exemption from real estate taxes shall be limited to ten years as permitted by LERTA for each building constructed or reconstructed or improvements on each eligible property. No exemption granted under this article shall continue past such time period as determined by LERTA on an improvement-by-improvement basis.
- E. Nothing herein shall preclude a taxpayer or the local taxing authorities from appealing, from time to time, the assessment valuation of the eligible property or any increases in assessed value as provided in the Fourth to Eighth Class County Assessment Law, 72 P.S. § 5453.101 et seq.

**§ 277-9. Procedure for obtaining exemption.**

- A. At the time that a property owner secures a building permit for commencement of construction, reconstruction or improvement of a property within the eligible area, the property owner desiring exemption from real estate tax pursuant to this article shall file a request in writing for exemption on a single form provided by the Township, substantially in the form attached hereto and made a part hereof as Exhibit B<sup>64</sup> which is hereby approved by the Township.
- B. The property owner must certify on the form provided the following information:
  - (1) Name and address of owner.
  - (2) Lot and block number of the property to be improved.
  - (3) The date the building permit was issued for construction, reconstruction or improvement.
  - (4) The type of construction, reconstruction or improvement for which exemption is requested.
  - (5) The summary of the plan of construction or reconstruction or plan of improvement.

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63. Editor's Note: Said Act was repealed by 1996, Dec. 19, P.L. 1158, No. 177.

64. Editor's Note: Said exhibit is on file in the Township offices.

- § 277-9
- § 277-9
- (6) The anticipated date of completion.
  - (7) The actual costs of construction, reconstruction or improvement.
  - (8) Where such activity consists of improvements to bring the property into compliance with laws, ordinances or regulations governing safety or health, specific citations must be made to those laws, ordinances or regulations.
  - (9) Such other information as may be necessary to process such application for exemption.
- C. The application must be submitted by the property owner to the Township no later than 30 days after the date the building permit was issued. Failure to submit notice of completion within 30 days may permit the Township to deny such request for exemption for the initial tax year after completion of construction, reconstruction or improvement, thereby limiting the length of the schedule of taxes exempted to one less year.
- D. A copy of the exemption request shall be forwarded by the Township to the Board as well as to the school district within 30 days of the date the exemption request was submitted to the Township.
- E. Upon receipt of the exemption request, the Board shall certify the following information to the Township within 30 days of receipt of the exemption request:
- (1) The initial assessed valuation of the property before construction, reconstruction or improvement.
  - (2) The taxes due for the current year on the property for the Township and school district before construction, reconstruction or improvement.
- F. When the construction, reconstruction or improvement has been completed, the property owner shall notify the Township and the Township shall notify the school district and Board, in writing. Such notice must occur within 30 days of completion. Failure to submit notice of completion within 30 days may permit the Township to deny such request for exemption for the initial tax year after completion of construction, reconstruction or improvement, thereby limiting the length of the schedule of taxes exempted to one less year. The notice of completion shall include the following information:
- (1) Name and address of owner.
  - (2) Lot and block number of property improved.
  - (3) The date construction, reconstruction or improvement was completed.
  - (4) Any modification to the plan of construction, reconstruction or improvement as previously submitted.
  - (5) The final, adjusted actual costs of construction, reconstruction or improvement.
- G. The Board shall, after notice in writing and with a prior physical inspection, assess the property to determine the assessment valuation attributable to the construction, reconstruction or improvement and eligible for tax exemption under this article and the school district resolution.
- H. The Board shall provide, in writing, to the Township and school district and Tax Collector the following information:
- (1) The tax assessment of the property prior to construction, reconstruction or improvement.
  - (2) The increase to assessed valuation attributed to the construction, reconstruction or improvement.
  - (3) The amount of assessed valuation increase eligible for tax exemption.
  - (4) The allocation of the increase in assessed valuation eligible for tax exemption by the Township and school district.



- § 277-10
- § 277-15
- B. The Authority may, on behalf of the property owners, provide some or all of the reporting placed upon property owners to the local taxing authorities and the same may be met by an annual report by the Authority to the local taxing authorities.

**§ 277-11. Notice to Township.**

As soon as practical after the adoption of the budgets of the Township and school district and the levy of real estate taxes thereunder, the local taxing authorities shall notify the Authority of the property tax millage rates and allocation to be applied to any exemption for the taxable year.

**§ 277-12. Violations and penalties.**

- A. Any person who fails, neglects or refuses to make any exemption request or fails, neglects or refuses to file any certificate of completion or evidence of the contribution as required by this article within the time limits provided may suffer loss of the exemption available for that taxable year at the sole discretion of the Township. The loss of such exemption in any one taxable year does not preclude exemption in any other taxable year except insofar as the loss of such exemption reduces the maximum period of exemption to one less year.
- B. The municipality acknowledges that the Authority will use the proceeds from RAP which must be deposited into the Northwest Washington County Capital Improvement Trust Fund to borrow funds, pay and guarantee debt service on such borrowing(s) for public infrastructure facilities projects or services. No penalty shall be exacted by the municipality which would violate the terms of any Authority loan document, indenture or security instrument or prejudice the financing of any public infrastructure facilities projects or services.

**§ 277-13. Maximum period of exemption.**

The length of the schedule of taxes exempted shall not exceed 10 years, the maximum time period allowed by LERTA from completion of the construction, reconstruction or improvement on an improvement-by-improvement basis.

**§ 277-14. When effective.**

The provisions of this article and the school district resolution shall become effective on the date identified in § 277-4B and shall impact upon all property within the eligible area for which building permits are issued from its effective date. This article and the school district resolution shall remain in effect for a period of 20 years from the effective date and requests for exemptions may be filed at the time of issuance of any building permits for construction, reconstruction and improvement at any time during this twenty-year period, provided further that each property owner shall have the benefit of the maximum period of exemption set forth in § 277-13, except as set forth in § 277-15 below.

**§ 277-15. Termination.**

- A. If at any time during the period in which this article is in effect (including the period of exemption after completion of construction, reconstruction or improvement), all of the Authority public infrastructure facilities projects or services within the Northwest Washington County Economic Development District shall be completed, including the payment of all outstanding debt, nonassessable cost overruns, costs and expenses and the Northwest Washington County Capital Improvement Trust Fund is terminated in accordance with the terms of the Intergovernmental Cooperation Agreement, the Authority shall so notify the municipality of such completion and the provisions of this article shall become null and void upon the adoption of an ordinance by the Township terminating the effect of this article.
- B. The Township, in strict accordance with the Intergovernmental Cooperation Agreement, may repeal this article and terminate the RAP Program only after the date of its final withdrawal as a member of the

§ 277-15 Northwest Washington County Authority after the completion of the master planning process. § 277-20

**§ 277-16. Severability.**

The provisions of this article are severable, and, if any of its provisions shall be held invalid, illegal or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this article. It is hereby declared to be the intention of the Board of Supervisors that this article would have been adopted as if such invalid, illegal or unconstitutional provisions had not been included herein.

**§ 277-17. Acts of Assembly.**

This article is enacted and intended to be in compliance with the provisions of the Acts of Assembly recited above, and where the interpretation of terms or provisions of this article are not in accordance with or in compliance with the provisions of said Acts of Assembly, the provisions of said Acts are intended to be adopted, resolved or enacted by this article as fully as though incorporated, set forth, and made a part of this article.

**§ 277-18. Rules and regulations.**

The Township Secretary is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations related to any matter pertaining to the administration and enforcement of this article. No rule or regulation of any kind shall be enforceable unless it has been approved by resolution of the Board of Supervisors. A copy of such rules and regulations currently in force shall be available for public inspection.

**§ 277-19. Cooperation with the Authority, school district and county.**

The Chairman of the Board of Supervisors is hereby authorized and directed to enter into such agreements with the Authority, school district and the county as are necessary from time to time to effectuate the terms of the RAP ordinance. Said agreements shall be in a form approved by the Township Solicitor.

**§ 277-20. Adoption date.**

Adopted this 20th day of July 1993, to become effective according to § 277-4B, and shall continue in effect thereafter from year to year pursuant to its terms as approved by the Board of Supervisors of Cross Creek Township.



§ 277-21

**ARTICLE III**  
**Per Capita Tax**  
**[Adopted 11-20-2007 by Ord. No. 4-07]**

§ 277-26

**§ 277-21. Levy.**

For general revenue purposes, beginning January 1, 2008, and from year to year thereafter, a tax is hereby levied and assessed in the amount of \$10 per capita for each and every person who is 18 years or more of age and is a resident of the Township of Cross Creek, Washington County, Pennsylvania, after January 1, 2008.

**§ 277-22. Penalty added to unpaid tax.**

A penalty of 10% is imposed on the amount of taxes due and payable by any person neglecting to pay the tax herein levied and assessed within a period of four months after the date of the tax notice.

**§ 277-23. Collection by Tax Collector; recovery of unpaid taxes.**

All taxes and penalties levied and assessed by this article shall be collected by the Tax Collector of the Township of Cross Creek and shall be recoverable in the same manner as other taxes are by law recoverable by Tax Collector.

**§ 277-24. Compensation of Tax Collector.**

The compensation of the Tax Collector shall be the same as the compensation fixed by the Township of Cross Creek for collection of other Township taxes.

**§ 277-25. Statutory authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

This article is enacted pursuant to the authority of the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq.

**§ 277-26. Severability.**

The provisions of this article are severable, and, if any of its provisions shall be held invalid or unconstitutional, the decision of the court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this article would have been adopted if such illegal, invalid or unconstitutional provision had not been included herein.

§ 277-27

ARTICLE IV  
**Local Services Tax**

§ 277-27

[Adopted 12-18-2007 by Ord. No. 6-07; amended in its entirety 10-18-2011 by Ord. No. 3-11]

**§ 277-27. Definitions.**

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or required a different meaning:

**COLLECTOR** — The person, public employee or private agency approved by the Washington County Tax Collection Committee to collect and administer the tax herein imposed.

**DCED** — The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

**EARNED INCOME** — The compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended, and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

**EFFECTIVE DATE** — January 1, 2012.

**EMPLOYER** — A person, business entity or other entity, employing one or more person for a salary, wage commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purposes of penalties under this article, the term includes a corporate officer.

**HE, HIS or HIM** — Indicates the singular and plural number, as well as male, female and neuter genders.

**INDIVIDUAL** — Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Township.

**LOCAL TAX ENABLING ACT** — The Local Tax Enabling Act, 53 P.S. § 6294.101 et seq., and any amendments thereto.

**NET PROFITS** — The net income from the operation of a business, profession; or other activity, as required to be reported or determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended, and rules and regulations promulgated thereunder. The term does not include income under any of the following subsections::

A. Income which:

- (1) Is not paid for services provided;
- (2) Is in the nature of earnings from an investment.

B. Income which represents:

- (1) Any gain on the sale of farm machinery;
- (2) Any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
- (3) Any gain on the sale of other capital assets of a farm.

**OCCUPATION** — Any trade, profession, business or undertaking of any kind, or character, including services, domestic or other, earned in or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

**PERSON** — A natural person.

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**POLITICAL SUBDIVISION** — Includes cities, boroughs, townships, and public school districts.

§ 277-29

TAX — The local services tax at the rate fixed in this article.

TAX YEAR — The period from January 1 until December 31 in any year; a calendar year.

TCC — The Washington County Tax Collection Committee.

TOWNSHIP — The Township of Cross Creek, Washington County, Pennsylvania.

**§ 277-28. Imposition of tax.**

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2012; upon the privilege of engaging in an occupation with a primary place of employment within the Cross Creek Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this article. This tax may be used solely for the following purposes as the same may be allocated by the Township from time to time: 1) emergency services, which shall include emergency medical services, police services and/or fire services; 2) road construction and/or maintenance; 3) reduction of property taxes; or 4) property tax relief through implementation of a homestead property exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The Township shall use no less than 25% of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Township. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

**§ 277-29. Exemptions and refunds.**

A. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

- (1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one-hundred-percent disability.
- (2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to claim exemption.

- (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the Collector with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Township of less than \$12,000 in the calendar year for which the exemption certificate is filed. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by Subsection B(2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption

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certificate form shall be the uniform form provided by the political subdivision.

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- (2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person under Subsection B(3).
  - (3) If a person who claimed an extension for a given calendar year from the tax becomes subject to the tax for the calendar year under Subsection B(2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under Subsection B(2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this article.
  - (4) Except as provided in Subsection B(2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.
- C. Refunds. The TCC, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within 74 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. The Collector shall determine eligibility for exemption and provide refunds to exempt persons.

**§ 277-30. Duty of employer to collect.**

- A. Each employer within the Township, as well as those employers situated outside the Township but who engage in business within the Township, is hereby charged with the duty of collecting the tax from each employee engaged by him or performing for him within the Township and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the Township.
- B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest 1/100 of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection D of this section. For purposes of this subsection, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the Township.
- C. No person shall be subject to the payment of the local services tax by more than one political subdivision

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during each payroll period.

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D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Township if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of this article and remits the amount so withheld in accordance with this article.

G. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

§ 277-31. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§ 277-32. Dates for determining tax liability and payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the 30th day following the end of each calendar quarter of each such tax year.

§ 277-33. Self-employed individuals.

Each self-employed individual who performs services of any type or kind or engaged in any occupation or profession within a primary place of employment within the Township shall be required to comply with this article and pay the pro rata portion of the tax due to the Collector on or before the 30th day following the end of each quarter.

§ 277-34. Employment in more than one occupation or political subdivision.

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which required the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

- (1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;
- (2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;

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(3) Third, the political subdivision in which a person is employed and which imposed the tax nearest in miles to the person's home. § 277-38

- B. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

**§ 277-35. Nonresidents subject to tax.**

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this section, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

**§ 277-36. Administration of tax.**

- A. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer of self-employed person, together with the date the tax was received.
- B. The Collector is hereby charged with the administration and enforcement of this section and is hereby charged and empowered, subject to TCC approval, to proscribe, adopt and promulgate rules and regulations, relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998<sup>65</sup> (municipalities may detail their appeal processes).
- C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

**§ 277-37. Suits for collection.**

- A. In the event that any tax under this article remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.
- B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

**§ 277-38. Violations and penalties.**

Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection

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65. Editor's Note: See 53 Pa.C.S.A. § 8421 et seq.



of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article.

**§ 277-39. Interpretation.**

- A. Nothing contained in this article shall be construed to empower the Township to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.
- B. If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

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ARTICLE V  
**Earned Income Tax and Net Profits Tax**

**[Adopted 3-16-2010 by Ord. No. 1-10; amended in its entirety 10-18-2011 by Ord. No. 2-11]**

**§ 277-40. Definitions.**

All terms defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

**BUSINESS** — An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.

**COLLECTOR** — The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the tax.

**COMBINED TAX RATE APPLICABLE TO RESIDENTS** — The total rate applicable to residents of the Taxing Authority, including the tax imposed by the School District and by the municipality in which the individual resides, is 1%.

**DOMICILE** — The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered to be the center of business affairs and the place where its functions are discharged.

**EARNED INCOME** — The compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

**EFFECTIVE DATE** — January 1, 2012.

**EMPLOYER** — A person, business entity or other entity, employing one of more person for a salary, wage

commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purpose of penalties under this article, the term includes a corporate officer.

**GOVERNING BODY** — The Board of Supervisors of the Township of Cross Creek, Washington County, Pennsylvania.

**LOCAL TAX ENABLING ACT** — The Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and any amendments thereto.

**MUNICIPAL TAX RATE APPLICABLE TO NON-RESIDENTS** — The total rate applicable to nonresidents working within the Taxing Authority based on the municipal nonresident tax rate is 1%.

**NET PROFITS** — The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. The term does not include income under any of the following subsections:

A. Income which:

- (1) Is not paid for services provided; and

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(2) Is in the nature of earnings from an investment.

B. Income which represents:

- (1) Any gain on the sale of farm machinery;
- (2) Any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
- (3) Any gain on the sale of other capital assets of a farm.

NONRESIDENT — A person or business domicile outside the Taxing Authority.

PERSON — A natural person.

RESIDENT — A person or business domiciled in the borough/Township/city.

TAX — The tax imposed by this article.

TAX RETURN — A form prescribed by the Collector for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this article or the Local Tax Enabling Act.

TAX YEAR — The period from January 1 to December 31.

TAXING AUTHORITY — The Township of Cross Creek, Washington County, Pennsylvania.

TAXPAYER — A person or business required under this article and the Local Tax Enabling Act to file a return of the earned income and net profits tax or to pay the earned income and net profits tax.

TCC — The Washington County Tax Collection Committee, which has been established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TCD — Any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.

**§ 277-41. Imposition of tax.**

- A. General purpose resident tax. The Taxing Authority hereby imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits of residents of the Taxing Authority.
- B. General purpose nonresident tax. The Taxing Authority also imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits derived by an individual who is not a resident of the Taxing Authority, from any work, business, profession, or activity, of any kind engaged in within the boundaries of the Taxing Authority.
- C. Ongoing tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual reenactment, until this article is repealed or the rate is changed.
- D. Local Tax Enabling Act applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this article. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this article upon the effective date of such amendment, without the need for formal amendment of this article, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.
- E. Applicable laws, regulations, policies, and procedures. The tax shall be collected and administered in accordance with: 1) all applicable laws and regulations; and 2) policies and procedures adopted by the TCC or by the Collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

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**§ 277-42. Individual tax returns and payments.**

Every resident receiving earned income or earning net profits in any tax year shall file tax returns and pay tax in accordance with the Local Tax Enabling Act and this article.

**§ 277-43. Employer withholding, remittance, and tax returns.**

Every employer shall register, withhold, and remit tax, and file tax returns in accordance with the Local Tax Enabling Act and this article.

**§ 277-44. Tax Collector.**

The tax will be collected from residents and employers by the Collector.

**§ 277-45. Interest, penalties, costs, and fines.**

Residents and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the Collector in accordance with authorization by the TCC having jurisdiction.

**§ 277-46. Severability.**

The provisions of this article are severable and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this article. It is declared to be the intention of the Borough/Township/city that this article would have been adopted if such invalid or unconstitutional provision had not been included.

**§ 277-47. Purpose/repeal.**

The primary purpose of this article is to conform the earned income and net profits tax currently imposed by the Taxing Authority to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior ordinance imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this article. Any other prior ordinance or part of any prior ordinance conflicting with the provisions of this article is rescinded insofar as the conflict exists. To the extent that this article is the same as any ordinance in force immediately prior to adoption of this article, the provisions of this article are intended as a continuation of such prior ordinance and not as a new ordinance. If this article is declared invalid, any prior ordinance levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this article. If any part of this article is declared invalid, the similar part of any prior ordinance levying a similar tax shall remain in effect and shall not be affected by adoption of this article. The provisions of this article shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this article. Subject to the foregoing provisions of this section, this article shall amend and restate on the effective date any ordinance levying a tax on earned income or net profits in force immediately prior to the effective date.

**§ 277-48. Effective date.**

The provisions of this article shall become effective on January 1, 2012.

§ 277-49

§ 277-50

ARTICLE VI  
**Volunteer Service Tax Credit**  
**[Adopted 3-20-2018 by Ord. No. 1-2018]**

**§ 277-49. Definitions.**

The following words and phrases, when used in this article, shall have the meanings given to them in this section unless the context clearly indicates otherwise.

**ACTIVE VOLUNTEER** — An individual citizen of the Cross Creek Township who serves as a volunteer for a volunteer fire company or nonprofit emergency medical service agency listed under § 277-50C who has complied with, and is certified under, the Volunteer Service Credit Program.

**EARNED INCOME TAX** — A tax on earned income and net profits levied under Chapter 3 of the Act of December 31, 1965 (P.L. 1257, No. 511), known as the "Local Tax Enabling Act."<sup>66</sup>

**ELIGIBILITY PERIOD** — The time frame when volunteers may apply to earn credit under the Volunteer Service Credit Program.

**EMERGENCY RESPONDER** — A active volunteer who responds to an emergency call with one of the entities listed under § 277-50C.

**EMERGENCY RESPONSE CALL** — Any emergency call to which a volunteer responds, including travel directly from and to a volunteer's home, place of business or other place where he/she shall have been when the call was received.

**VOLUNTEER** — A member of a volunteer fire company or a nonprofit emergency medical service agency who serves without pay or other remuneration.

**§ 277-50. Volunteer Service Credit Program.**

- A. Establishment. Cross Creek Township hereby establishes a Volunteer Service Credit Program. The goal of the program is to encourage membership and service in the community's volunteer fire companies and nonprofit emergency medical service agencies.
- B. Program criteria. The Board shall establish, by resolution, the annual criteria that must be met to qualify for credits under the program based on the following:
- (1) The number of emergency response calls to which a volunteer responds.
  - (2) The level of training and participation in formal training and drills for a volunteer.
  - (3) The total amount of time expended by a volunteer on administrative and other support services, including but not limited to:
    - (a) Fund-raising.
    - (b) Providing facility or equipment maintenance.
    - (c) Financial bookkeeping.
  - (4) The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company or a nonprofit emergency medical service agency.
  - (5) The total number of years the volunteer has served.
- C. Eligible entities. The Volunteer Service Credit Program is available to residents of the Township who are

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<sup>66</sup> Editor's Note: See now the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq.

- § 277-50 volunteers of the following volunteer fire companies and nonprofit emergency medical service agencies that provide service to Cross Creek Township: § 277-50
- (1) Avella Volunteer Fire Department;
  - (2) Slovan Volunteer Fire Department; and
  - (3) Mt. Pleasant Volunteer Fire Department.
- D. Eligibility period. A volunteer must meet the minimum criteria, set by resolution under this section, during the eligibility period to qualify for the tax credits established under § 277-51.
- (1) For 2018, the eligibility period shall run from March 20, 2018, until July 31, 2018.
  - (2) Beginning in 2019 and every year thereafter, unless otherwise repealed or amended, the eligibility period under the Volunteer Service Credit Program shall run from January 1, 2019, until April 1, 2019.
- E. Recordkeeping. The Fire Chief of each volunteer fire company or the supervisor of the nonprofit emergency medical service agency listed under § 277-50C shall keep specific records of each volunteer's activities in a service log to establish credits under the Volunteer Service Credit Program. Service logs shall be subject to review by the Board of Supervisors, the State Fire Commissioner and the State Auditor General. The Chief, or supervisor, shall annually transmit to the Township a notarized eligibility list of all volunteers that have met the minimum criteria for the Volunteer Service Credit Program. The notarized eligibility list shall be transmitted to the Township no later than December 31 of each year. The Chief or supervisor shall post the notarized eligibility list in an accessible area of the volunteer agency's facilities.
- F. Application. Volunteers that have met the minimum criteria of the Volunteer Service Credit Program shall sign and submit an application for certification to their Chief or supervisor. The Chief or supervisor shall sign the application if the volunteer has met the minimum criteria of the Volunteer Service Credit Program, and forward it to the Township Secretary. Applications shall not be accepted by the Township after April 1 of each year.
- G. Municipal review. The Township Secretary shall review the applications for credit under the Volunteer Service Credit Program and shall cross reference them with the notarized eligibility list. The Board of Supervisors shall approve all applicants that are on the notarized eligibility list. All applicants approved by the Board of Supervisors shall be issued a tax credit certificate by the Township Secretary.
- H. Official Tax Credit Register. The Township shall keep an Official Tax Credit Register of all active volunteers that were issued tax credit certificates. The Township secretary shall issue updates, as needed, of the Official Tax Credit Register to the following:
- (1) Board of Supervisors;
  - (2) Chief of the volunteer fire company(ies);
  - (3) Chief or supervisor of the nonprofit emergency medical services agency(ies); and
  - (4) Tax Collector for the Township.
- I. Injured volunteers.
- (1) An emergency responder that is injured during an emergency response call may be eligible for future tax credits. The injury must have occurred while responding to, participating in, or returning from an emergency response call with one of the entities listed under § 277-50C.
  - (2) An injured emergency responder shall provide documentation from a licensed physician with the application required under § 277-50 stating that their injury prevents them from performing duties to

§ 277-50 § 277-54  
qualify as an active volunteer. In such a case, the injured emergency responder shall be deemed an active volunteer for that tax year.

- (3) An injured emergency responder shall annually submit the application required under § 277-50, along with updated documentation from a licensed physician stating that the injury still exists and prevents them from qualifying as an active volunteer. The injured emergency responder shall again be deemed an active volunteer for that tax year. An injured emergency responder shall only be deemed an active volunteer for a maximum of five consecutive tax years.

**§ 277-51. Earned income tax credit.**

- A. Tax credit. Each active volunteer who has been certified under the Cross Creek Township Volunteer Service Credit Program shall be eligible to receive a tax credit up to \$500 of the earned income tax levied by the Township. When an active volunteer's earned income tax liability is less than the amount of the tax credit, the tax credit shall equal the individual's tax liability.
- B. Claim.
  - (1) An active volunteer with a tax credit certificate may file a claim for the tax credit on their Township earned income tax liability. When filing a final return for the preceding calendar year with the Tax Collector.
- C. Rejection of tax credit claim.
  - (1) The tax officer shall reject a claim for a tax credit if the taxpayer is not on the Official Tax Credit Register issued by the Township Secretary.
  - (2) If the tax officer rejects the claim, the taxpayer shall be notified, in writing, of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision pursuant to § 277-52.
  - (3) Taxpayers shall have 30 days to appeal the decision of the tax officer.

**§ 277-52. Appeals.**

Earned income tax credit appeals:

- A. Any taxpayer aggrieved by a decision under § 277-51 shall have a right to appeal said decision.
- B. A taxpayer shall have 30 days to appeal a decision or rejection of claim.
- C. All appeals of decisions under § 277-51 shall follow the provisions of the Act of May 5, 1998, P.L. 301, No. 50, known as the "Local Taxpayers Bill of Rights."<sup>67</sup>

**§ 277-53. Severability.**

In the event that any provision, section, sentence, clause, or part of this article is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this article, it being the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect and, for this purpose, the provisions of this article are hereby declared to be severable.

**§ 277-54. Effective date.**

This article shall be effective on March 20, 2018.

ARTICLE VII  
**Real Estate Tax Certifications**  
[Adopted 10-20-2020 by Ord. No. 2-20]



**§ 277-55. Compensation for certification.**

From the effective date of this article, the elected Tax Collector of Cross Creek Township is hereby authorized to collect and retain the sum of \$25 for each and every certification of payment per parcel and/or tax liens of real estate situated in Cross Creek Township. This fee should be considered compensation for the research and costs in connection with the issuance of such certifications.

**§ 277-56. Duplicate tax bill.**

In addition, shall be entitled to assess and collect a fee in the amount of \$5 for each and every duplicate tax bill and authorize retaining such fees as compensation for providing additional services.

**Chapter 286 VEHICLES AND TRAFFIC**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 286-1

ARTICLE I  
**Speed Limits and Parking Prohibitions**  
**[Adopted 1-19-1988 by Ord. No. 1-88]**

§ 286-2

**§ 286-1. Definitions.**

Words and phrases, when used in this article, shall have meanings ascribed to them in the Vehicle Code (the Act of June 17, 1976, P.L. 162, No. 81),<sup>68</sup> as amended. The words "streets," "roadways," "highways" and "alleys" shall have the same meaning as the word "highway" as defined in the Vehicle Code.

**§ 286-2. Maximum speed limits established on certain streets.**

Maximum speed limits are established on portions of specified streets as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street, roadway or highway where a maximum speed limit applies at a higher speed than the maximum prescribed for that street, roadway or highway.

Streets/Roadways	Maximum Speed Limit (mph)
Beech Knob Road	25
Brown Street	15
Browntown Road	15
Buxton Road	25
Campbell Drive (paved section)	15
Campbell Drive (unpaved section)	25
Campbell Street	15
Cherry Street	15
Clark Avenue	15
Cooke Road	25
Cowden Road	25
Donohue Street	15
Elm Street	15
Fayette Street	15
Ferguson Street	15
Fred Street (Alley)	15
Gardner Street	15
Hill Street	15
Home Street	15
Lee Road	25
Liberty Street	15
Main Street (Rea)	15

68. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

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Streets/Roadways	Maximum Speed Limit (mph)
Maple Road	25
McNary Road	25
Mueller Road	25
Nicolay Road	25

Seminary Road	25
Stolze Road	25
Sugar Camp Road	25
Vance Drive	25
Wells Drive	15
Wood Street	15
Woodrow Drive	15

**§ 286-3. Violations and penalties for speed limit regulations.**

Any person who violates any provision of § 286-2 shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

**§ 286-4. Parking regulations. [Amended 7-25-2000 by Ord. No. 1-00]**

The following streets, alleys, roadways and highways within Cross Creek Township shall be designated as having no parking on either side thereof during all times, and it shall be unlawful for any person or entity to park a vehicle or to otherwise obstruct the area within the Township right-of-way on the streets, alleys, roadways and highways hereafter designated:

Streets/Roadways
Legislative Route 62185, portion beginning at a point designated as State Marker 2/70 plus 100 feet to State Marker 2/85 minus 80 feet <sup>69</sup> [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
TR773 Beech Knob Road
TR387 Brown Street

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Streets/Roadways
TR386 Browntown Road
TR434 Buxton Road
TR715 Campbell Drive (parking allowed east side paved section only)
TR978 Church Street
TR721 Church Street Extension
TR719 Clark Avenue
TR733 Cooke Road
TR784 Cowden Road
TR447 Donahue Street (no parking Fred Alley section; parking permitted east side only)
TR440 Fayette Street
TR388 Gardner Street (parking permitted south side only)
TR976 Hill Street
TR939 Home Street
TR940 Home Street Extension
TR398 Lee Road
TR438 Liberty Street
TR937 Main Street
TR435 Maple Road
TR783 Nickolay Road
TR486 Oak Ridge Road
TR779 Paris Road
TR433 Parker Road
TR731 Patterson Road
TR442 Perry Road
TR708 Peterson Street
TR735 Quarry Lane
TR980 Robin Drive
TR432 Seminary Road
TR775 Serenity Farm Road
TR979 Spring Street
TR437 Stolze Road
TR713 Sugar Camp Road
TR436 Vance Drive

69. Editor's Note: This entry was originally added 7-17-1974 by Ord. No. 2-74.  
1:440

§ 286-4	§ 286-6
Streets/Roadways	
TR399 Walker Road	
TR722 Wells Drive	
TR801 Wood Street	
TR879 Woodrow Drive	

**§ 286-5. Violations and penalties for parking regulations. [Amended 7-25-2000 by Ord. No. 1-00]**

- A.** Any person or entity who shall violate any provision of § 286-4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$50 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than one day for each \$10 of the unpaid balance of the fine and costs, provided it shall be the duty of the designated official of Cross Creek Township to report all violations of any provisions of this section and indicating in each case: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (1) The section of the article violated;
  - (2) The license number of the vehicle involved in such violation;
  - (3) The location where such violation took place;
  - (4) The time of such violation; and
  - (5) Any other facts that might be necessary in order to secure a clear understanding of the circumstances attending such violation.
- B.** The official making such report shall also attach to each such vehicle a notice that such vehicle was parked in violation of § 286-4, which notice shall contain instructions to the owner or operator of such vehicle that he shall pay to the use of the Township the sum of \$15 within 10 days after time of such notice. After 10 days, the fine shall be not more than \$50 plus the costs of prosecution. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C.** Further, in the event that it is determined that the vehicle has not been moved after 10 days of posting notice on the vehicle, or at any time if it is determined that the vehicle is parked within 25 feet of an intersection or 15 feet of a fire hydrant, the Township shall have the right to have the vehicle towed at the owner's expense.
- D.** The Township hereby authorizes the Township's Code Enforcement Officer, as well as any police officer having authority under the laws of the Commonwealth of Pennsylvania, to enforce the terms of this article.

**§ 286-6. Severability. [Added 7-25-2000 by Ord. No. 1-00]**

The provisions of this amendment shall be deemed severable, and, if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Article I or any amendment thereto. Except as amended herein, in all other respects Article I of this chapter shall remain in full force and effect.

ARTICLE II  
**Weight Limit Restrictions**  
**[Adopted 9-15-1998 by Ord. No. 3-98]**

**§ 286-7. Vehicle weight limits.**

Street	Location and/or Distance	Weight Restriction (tons)
Buxton Road (Township Road 434)	Length 1.44 miles	6
Cooke Road (Township Road 733)	Length 2.09 miles	6
Maple Road (Township Road 435)	From the southwestern terminus to the intersection of Perry Road, a distance of 1.29 miles	6
Paris Road (Township Road 779)	Length 1.06 miles	8
Parker Road (Township Road 433)	Length 4.26 miles	6
Perry Road (Township Road 442)	Length 1.16 miles	6
Rush Road [ <b>Added 6-21-2022 by Ord. No. 1-22</b> ]	Begins at Ferguson Street and extends into Cedar Grove Park at a distance of 693.53 feet	6
Stolze Road (Township Road 437) and Maple Road (Township Road 435)	From the Perry Road intersection to the Stolze Road intersection, a distance of 0.26 miles, and from the Stolze Road intersection to the Smith Township boundary, a distance of 0.51 miles	10
Sugar Camp Road (Township Road 713)	Length 0.99 miles	6
Vance Drive (Township Road 436)	Length 1.08 miles	6

**§ 286-8. Road use permit requirement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any vehicle with a gross vehicle weight over 20,000 pounds must obtain a road use permit on a form to be provided by the Township and post a fee as set by resolution of the Township Board of Supervisors for road inspection.

**§ 286-9. Bonds; vehicles in excess of weight limits**

No other vehicles in excess of the weight limit shall travel upon said roads unless bond is posted to the Township pursuant to Chapter 189 of the Pennsylvania Department of Transportation regulations, as amended, or such other regulations as may now or hereafter be adopted, said bond to be in a cash, certified check, bond certificate or other form satisfactory to the Board of Supervisors of Cross Creek Township, either in cash or with corporate surety, conditioned upon the faithful compliance of the provisions of this article. The principal amount of the bond shall be in an amount as determined by the Board of Supervisors of Cross Creek Township to reasonably assure the repair and maintenance of the road(s) covered by the bond for the duration of the use of said roads by each applicant, except that the following vehicles shall be exempt from bonding regulations:

- A. School buses;
- B. Residential solid waste vehicles;

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§ 286-11

- C. Township public works vehicles;
- D. Township fire vehicles;
- E. Milk trucks; and
- F. Local delivery trucks.

**§ 286-10. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who shall violate this article shall, upon conviction thereof, be sentenced to pay a fine of \$150, plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, plus costs of prosecution. In addition, the Township reserves the right to proceed with appropriate actions at law or equity to enjoin violations of this article and to seek money damages for costs of repair of any physical damage caused to said road as a result of a violation of this article.

**§ 286-11. Severability.**

If any section or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

§ 286-12

§ 286-14

ARTICLE III  
**Road Agreements for Weight, Cuts and Borings**  
[Adopted 5-13-2014 by Ord. No. 1-14]

**§ 286-12. Agreement required for over-posted weight limit.**

Companies utilizing Township roads with over-posted weight limit vehicles shall, prior to operations, enter into a road use and bonding agreement with Cross Creek Township in a manner and form suitable to the Board of Supervisors.

**§ 286-13. Agreement required for cuts and borings.**

Those companies whose operations require road cuts and/or borings under Township roads shall enter into an agreement with Cross Creek Township prior to operations, in a manner and form suitable to the Board of Supervisors.

**§ 286-14. Violations and penalties.**

Any company acting in violation of this article shall be subject to a fine of \$600 per day.

ARTICLE IV  
**Stop Intersections**

**[Township legislation regarding stop intersections is on file in the Township offices.]**

§ 286-14

§ 286-14

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek as indicated in article histories. Amendments noted where applicable.]**

§ 301-1

§ 301-3

ARTICLE I  
**Mandatory Connection**  
**[Adopted 10-15-1996 by Ord. No. 1-96]**



§ 301-3

§ 301-4

**§ 301-1. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of the terms and phrases used in this article shall be as follows:

**IMPROVED PROPERTY** — Any property located within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

**PERSON** — Any individual, partnership, company, association, society, trust, corporation, joint-stock company, unincorporated association, governmental body, political subdivision, Township or other group or entity.

**TOWNSHIP** — Cross Creek Township, Washington County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, acting by or through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

**WATER SUPPLIER** — Any company or entity, whether public or private, who shall construct and/or operate a water system within the Township with the approval of the Township. There may be more than one water supplier providing service within the Township.

**WATER SYSTEM** — All facilities, as of any particular time, for providing, transporting and supplying water for human use and consumption, situate in or adjacent to the Township, owned by, leased to or under contract or agreement with the Township for operation and use.

**§ 301-2. Use of water system required.**

- A. The owner of any improved property located within the Township and accessible to and whose house, principal building or occupied structure is within 150 feet from a water line which is presently being constructed or which shall be constructed in the future, or any new house, principal building or occupied structure which shall be constructed within 150 feet of an existing water line, shall connect to, at his own expense, and use such water system within 90 days after notice to such owner from the Township to make such connections; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township or its designated water supplier from time to time. See attached maps (Exhibit A, Water Mains) which are made a part hereof.<sup>70</sup>
- B. Those industries and farms who have their own supply of water for uses other than human consumption shall be exempt from said connection requirement.
- C. The notice by the Township to make connection to the water system referred to in § 301-2A shall be given by the Township Supervisors, in writing, and shall be served upon the owner either by personal service or by registered mail or by such other methods as shall be permitted by law.

**§ 301-3. Connections.**

- A. No persons shall uncover, connect with, make any opening into or use, alter or disturb in any manner, any part of the water system without first obtaining a permit, in writing, from the Township or its designated water supplier.
- B. Application for a permit required under § 301-3A shall be made by the owner of the improved property served or to be served or by a person authorized by the owner of the improved property to make such application to

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<sup>70</sup> **Editor's Note:** Said maps are included as an attachment to this article.  
the Township or its designated water supplier.

- C. All connections to the water system must be done in accordance with the specifications, plans and procedures

§ 301-3  
established by the designated water supplier.

§ 301-4

- D. No person shall make or cause to be made a connection of any improved property with the water system until such person shall have fulfilled each of the following conditions:
- (1) Such person shall have notified this Township or its designated water supplier of the desire and intention to connect such improved property to the water system.
  - (2) Such person shall have applied for and obtained a permit as required by § 301-3A and B.
  - (3) Such person shall have furnished any information required by the Township or its designated water supplier prior to connections and received any necessary approvals from the water supplier.
  - (4) Such person shall have given the Township or its designated water supplier at least 24 hours' notice of the time when such connection will be made so that the Township or its designated water supplier may supervise and inspect the work of connection and necessary testing. At the time of inspection of the connection, the owner of the improved property shall permit the person conducting the inspection full and complete access to all water facilities in each building and in and about all parts of the property. No water connection line shall be covered, or in any way concealed, until after it has been inspected and approved.
- E. Except as otherwise provided in this Subsection E, each structure or principal building shall be connected separately and independently with the water system. Grouping of more than one structure on one connection shall not be permitted except under special circumstances and for good cause shown and then only after special permission of the Township or its designated water supplier, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Township or its designated water supplier.

**§ 301-4. Enforcement; violations and penalties.**

- A. In the event the owner of an improved property shall neglect or refuse to connect with and use said water system following a period of 90 days after notice to do so as set forth in § 301-2A, the Township Supervisors, or their agents, may enter upon such property and construct such connection.
- B. In such case, the Township Supervisors shall, upon completion of the work, send an itemized bill of the costs of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith.
- C. In case of neglect or refusal by the owner of such improved property to pay said bill within six months of the date of completion of construction of said connection, the Township Supervisors shall, within said period, file a municipal lien for said construction, which shall be subject in all respects to the general law providing for the filing and recovery of municipal liens.
- D. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$500 and not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. **[Amended 1-20-1998 by Ord. No. 1-98; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- E. The fine shall be in addition to any and all other remedies available at law or in equity, wherein, and not by

§ 301-4 way of limitation, the Township shall have the right to bring an action in equity to abate and/or cause a termination of said violation or violating condition, wherein the party determined to be responsible shall also be subject to the payment of court costs, attorney's fees and the like. This remedy is in addition to and not in limitation of any other remedy or sanction that is available at law or in equity. [Added 1-20-1998 by Ord. No. 1-98] § 301-7

F. Said chapter shall be prosecuted and/or enforced by the Township Zoning Officer, Code Enforcement Officer, or any police officer or any other Township official as previously designated or appointed. [Added 1-20-1998 by Ord. No. 1-98]

**§ 301-5. Access to property; failure of service; excavations.**

- A. The Township or its designated water supplier shall have the right to access, at reasonable times, to any part of any improved property served by the water system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township or its designated water supplier through the water system.
- B. The Township shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or for any cause beyond its control. The Township reserves the right to restrict the use of the water system whenever the public welfare may require it.
- C. The owner shall be responsible, at the owner's expense, for seeing that all excavations for water connections shall be adequately guarded with barricades and lights to protect the public from hazards and that all streets, sidewalks and public property disturbed in the course of making a water connection shall be restored in a manner satisfactory to the Township or its designated water supplier for such purpose.
- D. The owner shall indemnify and save harmless the Township from any loss or damage directly or indirectly caused by or arising out of installation and/or connection on the improved property.

**§ 301-6. Additional rules and regulations.**

The Township reserves the right to adopt, by resolution, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with the water system.

**§ 301-7. Severability.**

In the event that any provision, section, sentence, clause or part of this article shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or part of this article, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

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**Chapter 320**  
**ZONING**

§ 301-7

§ 301-7

§ 301-7

**[HISTORY: Adopted by the Board of Supervisors of the Township of Cross Creek 6-20-2006 by Ord. No. 4-06. Amendments noted where applicable.]**

§ 320-1

ARTICLE I  
**Basic Provisions**

§ 320-5

**§ 320-1. Title.**

The official title of this chapter is "Cross Creek Township Zoning Ordinance."

**§ 320-2. Statutory authority.**

This chapter is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Action 170 of 1988 (53 P.S. § 10101 et seq., as may be amended from time to time).

**§ 320-3. Interpretation.**

- A. In the event of conflicts between the provisions of this chapter and any other ordinance or regulation, the more restrictive provisions shall apply.
- B. In their interpretation and application, the provisions of this chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.
- C. In interpreting the language of this chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

**§ 320-4. Community development objectives.**

Community development objectives are set forth in the Cross Creek Comprehensive Plan Update and Addendum adopted by the Board of Supervisors on May 23, 2006. In addition to the specific objectives stated in the Cross Creek Region Comprehensive Plan Update and Addendum, the general community development objectives on which this chapter is based are:

- A. To promote the interest of public health, safety, morals and the general welfare;
- B. To secure safety from fire and to provide adequate open spaces for light and air;
- C. To conserve and stabilize property values;
- D. To preserve woodlands, open space, recreational, agricultural and environmental sensitive lands from conflict with urban development;
- E. To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G. To promote stormwater management, soil and water conservation;
- H. To set forth population density controls;
- I. To promote coordinated and practical community development; and
- J. To promote the utilization of renewable energy sources.

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**§ 320-5. Compliance.**

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No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall

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any structure or land be used or designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuance of all permits and certificates required by this chapter.

**§ 320-6. Severability.**

If any of the provisions of this chapter or the application of any provision to particular circumstances is held to be invalid, the remainder of the chapter or the application of such provision to other circumstances shall not be affected.

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ARTICLE II  
**Terminology**

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**§ 320-7. Word usage.**

All words used in this chapter shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied." The word "person" shall include any individual, corporation, partnership, incorporated association or any other legal entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the term's meaning to other instances of like kinds and character.

**§ 320-8. Definitions.**

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this chapter:

**ACCESSORY USE OR STRUCTURE** — A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and that may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

**ADULT ARCADE** — Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed are sexually explicit or depict nudity or sexual conduct, as defined herein.

**ADULT BOOKSTORE OR VIDEO STORE** — An establishment having a substantial or significant portion of its stock-in-trade, including, but not limited to, video cassettes, movies, books, magazines and other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT BUSINESS** — An adult arcade, adult bookstore, adult motel, adult mini motion-picture theater, adult motion-picture theater, adult newsrack, adult nightclub, body painting studio, bathhouse, escort service, massage parlor, or any other business establishment offering adult entertainment, as defined herein.

**ADULT ENTERTAINMENT** — Movies, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances that are sexually explicit or depict nudity or sexual conduct, as defined herein.

**ADULT MINI MOTION-PICTURE THEATER** — An enclosed building with a capacity for accommodating fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

**ADULT MOTEL** — A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

**ADULT MOTION-PICTURE THEATER** — An enclosed building with a capacity for accommodating 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons

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therein.

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**ADULT NEWSRACK** — Any coin-operated machine or device that dispenses printed material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.

**ADULT NIGHTCLUB** — Any nightclub, as defined herein, that offers adult entertainment, as defined herein.

**AGRIBUSINESS** — Any business related to the production operations on a farm, including, but not limited to, the sale and distribution of farm equipment, supplies and commodities, craftsman, as defined herein, blacksmithing, sawmill, tractor or other farm equipment and similar services when accessory to an active farm that is the principal use of the property, but not including low-impact on-site sales accessory to a farm or tourism, as defined herein.

**AGRICULTURE** — The science and art of farming, the work of cultivating the soil, producing crops and livestock.

**ANIMAL HOSPITAL** — An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals. An animal hospital shall not board or treat exotic animals and shall be subject to all state and federal regulations.

**ANIMAL SHELTER** — Any building or other structure that is used to enclose and provide protection for livestock or domestic pets.

**APARTMENT IN COMBINATION WITH BUSINESS** — A dwelling unit located in the same building with an office and/or retail business.

**ARTERIAL STREET** — See "street, arterial."

**AUTOMOBILE SERVICE STATION** — See "service station, automobile."

**BAR or TAVERN** — A business that sells alcoholic beverages for consumption on the premises as the principal use and that may offer food for consumption on the premises as an accessory use.

**BASEMENT** — That portion of a building having at least 1/2 of its height above the average grade of the adjoining ground.

**BED-AND-BREAKFAST** — A dwelling that is the principal residence of the operator where no more than four sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

**BILLBOARD** — Any off-premises sign with a changeable advertising face that advertises an establishment, person, activity, product or service that is unrelated to or not available on the premises on which the sign is located.

**BOARD OF SUPERVISORS** — The Board of Supervisors of the Township of Cross Creek, Washington County, Pennsylvania.

**BOARDING STABLE** — The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, that may include training of horses, riding lessons and riding facilities.

**BUFFER AREA** — A landscaped area of a certain depth specified by this chapter that shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material that, within three years of planting, meets the standard of providing a compact year-round visual screen at least six feet in height or an existing natural barrier, such as vegetation and/or topography that duplicates the effect of the required buffer area.

**BUILDING** — Any structure having enclosing walls and roofs and having a permanent location on the land. (See also "completely enclosed building.")

**BUILDING AREA** — The total of areas taken on a horizontal plane at the finished grade level of the principal building and all accessory buildings, excluding one-story uncovered porches, bay windows, balconies, terraces and steps.

**BUILDING HEIGHT** — The vertical distance measured from the average elevation of the finished grade at the



§ 320-8 front of the building to the highest point of the roof for flat roofs, to the decklines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. § 320-8

**BUILDING LINE, FRONT** — A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this chapter.

**BUILDING SPACING** — The minimum distance between two buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters that project beyond the wall of the building no more than two feet.

**BUSINESS OR PROFESSIONAL OFFICES** — Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

**BUSINESS SERVICES** — Establishments engaged in providing services to business offices on a fee or contract basis, including, but not limited to, advertising and public relations; management and consulting services; employment services; building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services, but not including the rental, sale or repair of vehicles or heavy equipment.

**CAR WASH** — A facility, whether automatic, semiautomatic or manual, for washing and polishing of vehicles.

**CARTWAY** — That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and curbs.

**CELLAR** — That portion of a building having 1/2 or more of its height below the average grade of the adjoining ground.

**CEMETERY** — Property used for interring of dead persons or domestic pets, including mausoleums, columbariums, crematoriums and family plots on private property.

**CHURCH** — Any structure or structures used for worship or religious instruction, including social and administrative rooms and day nurseries accessory thereto, but not including any activity conducted for profit, including, chapels, cathedrals, temples, synagogues and the like.

**CLINIC** — Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

**CLUB, PRIVATE** — See "private club."

**COLLECTOR STREET** — See "street, collector."

**COMMERCIAL RECREATION** — See "recreation, commercial."

**COMMUNICATIONS ANTENNA** — Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omnidirectional or whip antennas, directional or panel antennas and satellite or microwave dish antennas that may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

**COMMUNICATIONS EQUIPMENT CABINET** — An unmanned structure that contains the equipment necessary to maintain and operate communications antennas.

**COMMUNICATIONS TOWER** — Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side-arm mounts and pipe mounts for microwave dish antennas.

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COMPLETELY ENCLOSED BUILDING — A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors that are designed so that they may be closed and any other small openings required for the ventilation system.

CONCENTRATED FEED LOT — An agricultural operation where farm animals are kept at a much higher ratio of animals per acre than animals that are pastured and where animals are fed a regimented diet until ready for slaughter.

CONDITIONAL USE — A use authorized by this chapter that may be granted only by the Board of Supervisors following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this chapter.

CONSTRUCTION TRAILER, TEMPORARY — A structure designed, used or constructed to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid building permit or grading permit is in effect.

CONTRACTING BUSINESS — The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR'S YARD — An establishment that may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but that involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE — A retail store selling food products and household supplies for the convenience of the neighboring population.

CORNER LOT — A lot at the intersection of, and fronting on, two or more street rights-of-way.

COVERAGE — See "lot coverage."

CRAFTSMAN — An artisan who practices a trade or handcraft that may involve the fabricating of finished products from raw materials on a small scale, not involving any automated production or a total floor area devoted to production of more than 5,000 square feet and not employing more than five persons.

CREMATORIUM — An establishment containing a furnace designed to cremate or reduce to ashes human or animal remains of the deceased.

DAY-CARE CENTER — A facility, licensed by the commonwealth, located within a building that is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four-hour day of children under the age of 16 or handicapped or elderly persons.

DAY-CARE HOME — See "family day-care home."

DENSITY, GROSS — The number of dwelling units per acre of land area.

DENSITY, NET — The total number of dwelling units per acre of land devoted to residential use, including streets, parking areas and private open space, yards or courts abutting and serving the dwellings, but exclusive of those areas devoted to common open space and areas of the site that have slopes of 25% or greater.

DISTRICT — See "zoning district."

DOMESTIC PETS — Animals or birds customarily found in a dwelling and kept for company or pleasure, including but not limited to dogs and cats, provided there is not a sufficient number to constitute a kennel, as defined herein; hamsters, gerbils, parakeets, canaries, and similar small animals or birds, ~~but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo, nor any horses, pigs, chickens or other fowl or livestock customarily found on a farm.~~

DRILLING — Any digging or boring of a new well to explore, develop, or produce oil, gas or other hydrocarbons,

§ 320-8 or to inject gas, water or any other fluid or substances into the earth. [Added 8-9-2011 by Ord. No. 1-11<sup>71</sup>] § 320-8

**DRILLING EQUIPMENT** — The derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with drilling. [Added 8-9-2011 by Ord. No. 1-11]

**DRIVE-THROUGH FACILITY** — Any principal use or accessory use that involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to "drive-in" or "drive-through" windows at fast-food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

**DRIVEWAY** — A private vehicular way providing access between a street and a parking area or garage located on a lot.

**DWELLING** — A building designed exclusively as living quarters for one or more families, including single-family, two-family and multifamily dwellings, but not including hotels, motels or boardinghouses.

**DWELLING TYPES** — The following dwelling types are included in this chapter:

- A. **SINGLE-FAMILY DWELLING** — A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one family, as defined herein, and containing one dwelling unit.
- B. **TWO-FAMILY DWELLING** — A residential building that is the only principal structure on the lot, designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **MULTIFAMILY DWELLING** — A residential building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units, including garden apartments and townhouses.
- D. **GARDEN APARTMENT** — A multifamily residential building no more than three stories in height containing three or more dwelling units that share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- E. **GROUP CARE FACILITY** — A facility licensed by the commonwealth that provides room and board and specialized services for any number or permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. § 3601 et seq.) who are in need of supervision and specialized services on a twenty-four-hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.
- F. **PERSONAL CARE BOARDING HOME** — A dwelling licensed by the commonwealth where room and board is provided to more than three permanent residents, who are not relatives of the operator, and who are mobile or semimobile and require specialized services for a period exceeding 24 consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.
- G. **TOWNHOUSE** — A multifamily residential building no more than 2 1/2 stories in height that contains at least three, but no more than eight, dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having

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71. Editor's Note: This ordinance also added a number of other oil-and-gas-related definitions to this section, and further provided that all other terms in the ordinance will be as defined in Pennsylvania's Oil and Gas Act (Act 223) Title 58, Oil and Gas, Chapter 11, Oil and Gas Act. Said Ch. 11 was repealed 2-14-2012, eff. 4-15-2012, by P.L. 87, No. 13; see now Title 58 of Pa.C.S.A., particularly 58 Pa.C.S.A. § 3201 et seq.; and 58 P.S. § 3301 et seq., e.g., § 3301, Definitions.

§ 320-8 independent access directly to the outside and having no other units above or below. § 320-8

H. TRANSITIONAL DWELLING — A dwelling unit occupied on a permanent basis by persons of any age or condition who have been adjudicated by the criminal court system or on a short-term basis by persons assigned by a court of law, or public, semipublic or nonprofit agency, and managed by a public, semipublic or nonprofit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration, prison assignment, house arrest or other court-ordered treatment, and other such short-term supervised assignments.

DWELLING UNIT — Two or more rooms designed for or occupied by one family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT — A grant of the specified use of a parcel of land to the public, a corporation or person in which no permanent structures shall be permitted without the permission of all parties having rights to the easement.

ELECTRONIC NOTICE — Notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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

ESSENTIAL SERVICES — The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Cross Creek Township of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within Cross Creek Township to the general public.

FAMILY — One or more persons who live together in one dwelling unit and maintain a common household, which may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption and may also include domestic servants and gratuitous guests. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

FAMILY DAY-CARE HOME — A facility, licensed or approved by the commonwealth, as required by the laws of the commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four-hour day of not more than six children under 16 years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes.

FAMILY PLOT — Any property used for interring dead persons or domestic pets, the use of which is restricted to the members of a family and which property is owned and operated by the members of that family.

FARM — A site of 10 acres or more used for the pursuit of agriculture, as defined herein.

FEED LOT — See "concentrated feed lot."

FENCE OR WALL — A structure designed for the purpose of enclosing space or separating parcels of land. The term "fence or wall" shall not include retaining walls that are designed and approved in accordance with the Chapter 170, Grading and Excavation, of the Code of the Township of Cross Creek.

FINANCIAL ASSURANCE — Reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow or irrevocable letter of credit.

FINANCIAL INSTITUTION — A bank, savings-and-loan association or similar institution that lends money or is engaged in a finance related business.

FLOODPLAIN — Areas adjoining any rivers, streams, ponds or lakes subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional

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engineer selected by the Township.

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**FOOD STORE** — A retail establishment that has a gross floor area of no more than 10,000 square feet and that offers for sale specialty or gourmet food items or meats and groceries that are packaged and that may or may not be available for consumption on the premises.

**FORESTRY** — The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, that does not involve any land development.

**FRONT BUILDING LINE** — See "building line, front."

**FRONT LOT LINE** — See "lot line, front."

**GARAGE, PRIVATE** — An accessory structure or a portion of the principal building, enclosed on not less than three sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

**GARAGE, PUBLIC PARKING** — A building, other than a private garage, containing two or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles, or "junk," as defined by this chapter.

**GARAGE, REPAIR** — See "repair garage."

**GARDEN APARTMENT** — See Subsection D under "dwelling types."

**GARDEN NURSERY** — A retail establishment that sells flowers, plants, trees and other natural flora and products that aid their growth and care and that may include a greenhouse or the growing of plant material outside on the lot.

**GAS DRILLING** — See "oil and gas drilling."

**GOLF COURSE** — A recreational facility that has a course, with a minimum of nine regulation size holes, for playing golf as its principal use and that may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

**GREENHOUSE** — The indoor raising of plants, shrubs and trees for sale and transplantation.

**GROCERY STORE** — A retail establishment in excess of 10,000 square feet of gross floor area that primarily sells meat and food products, but that may also include as accessory uses a pharmacy, a dry cleaner, a florist, a travel agency, video rental (excluding an adult video store), banking and copy/fax services.

**GROSS FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

**GROUP CARE FACILITY** — See Subsection E under "dwelling types."

**HEIGHT OF BUILDING** — See "building height."

**HEIGHT OF STRUCTURE** — The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

**HOME-BASED BUSINESS, NO-IMPACT** — See "no-impact home-based business."

**HOME OCCUPATION** — An accessory use of a service character, other than a no-impact home-based business, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

**HOSPITAL** — An establishment licensed by the commonwealth for the care of human patients suffering from physical or mental illnesses, and that may or may not include facilities for major surgery and that may be publicly or privately operated.

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HOSPITAL, ANIMAL — See "animal hospital."

HOTEL — See "motel/hotel."

IMPERVIOUS SURFACE — Surfaces with a coefficient of runoff greater than 0.85, including all buildings, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

INDOOR AMUSEMENT — A theater, arena, bowling alley, pool hall, skating rink or similar cultural or recreational facility located within a completely enclosed building, excluding those facilities that are accessory to a church or school.

JUNKYARD — Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL — A structure and/or premises where four or more dogs or cats, that are six months or older, are kept, bred, trained or boarded at any one time, whether for profit or not.

LAKES and PONDS — Natural or artificial bodies of water that retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than permanent pool if there is any difference. "Lakes" are bodies of water two or more acres in surface area; "ponds" are bodies of water less than two acres in surface area.

LAND DEVELOPMENT PLAN — A plan prepared in accordance with the application requirements of Chapter 270, Subdivision and Land Development, for approval of a land development, as defined herein.

LANDFILL — Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by federal statute.

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.

LANDSCAPING PLAN — A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the Pennsylvania Landscape and Nursery Association (PLNA), identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

LANDSLIDE SUSCEPTIBILITY — Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.

LIGHT MANUFACTURING — The processing and fabrication of certain materials and products where no process involved will produce ~~noise~~, vibration, water pollution, fire hazard or noxious emissions that will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LIVESTOCK — Any member of the bovine or equine species, including, but not limited to, cows, steers, horses, ponies, llamas, alpacas, sheep, goats, pigs, chickens and other fowl customarily found on a farm.

LOCAL STREET — See "street, local."

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used,

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developed or built upon as a unit.

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**LOT AREA** — The total area within the lot lines, excluding the area within any street right-of-way.

**LOT COVERAGE** — That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages and similar structures.

**LOT LINE** — A line of record bounding a lot that divides one lot from another lot or from a public or private street or other public space.

**LOT LINE, FRONT** — That lot line that is contiguous with the street right-of-way line or in the case where the lot line is contiguous with the street center line, the front lot line shall be considered to be coterminous with the street right-of-way line. In the case of a lot that has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

**LOT LINE, REAR** — That lot line that is generally opposite the front lot line.

**LOT LINE, SIDE** — Any lot line that is not a front lot line or rear lot line.

**LOT OF RECORD** — Any lot that, individually, or as part of a subdivision, has been recorded in the office of the Recorder of Deeds of Washington County.

**LOT WIDTH** — The straight line distance between the point of intersection of the front building line with the side lot lines.

**LOT, CORNER** — See "corner lot."

**LOT, DEPTH OF** — The average distance from the street right-of-way line to its opposite rear lot line, generally measured parallel to the side lot lines.

**LOW-IMPACT ON-SITE SALES ACCESSORY TO A FARM** — The sale of products raised, grown or produced on a farm, provided the sales are conducted on the farm property where the products are raised, grown or produced and any products sold that are not, raised, grown or produced on the farm shall be less than 50% of the total sales.

**MACHINE SHOP** — A work shop where a machinist fabricates, assembles or repairs parts and/or equipment.

**MAILED NOTICE** — Notice given by a municipality by first-class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**MANUFACTURING, LIGHT** — See "light manufacturing."

**MEDIATION** — A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

**MINERAL EXTRACTION** — Any extraction of any mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral sources. The term "mineral extraction" shall not include the extraction of oil or gas by drilling a well.

**MINI WAREHOUSE OR SELF-STORAGE FACILITY** — A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

**MOBILE HOME** — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental

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unpacking and assembling operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT** — A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** — A parcel or contiguous parcels of land that has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL/HOTEL** — An establishment that offers transient overnight lodging accommodations to the general public and that also may provide additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

**MULTIFAMILY DWELLING** — See Subsection E under "dwelling types."

**MUNICIPAL FACILITY** — Buildings, structures and land uses owned and occupied by Cross Creek Township or any of its agencies and used to provide services to the residents of the Township. Municipal facilities may include, but not be limited to, Township administrative offices, public works buildings, storage yards, libraries, fire company buildings, senior centers and recreation facilities and buildings.

**NATURAL GAS COMPRESSOR STATION** — A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment. **[Added 8-9-2011 by Ord. No. 1-11]**

**NATURAL GAS PROCESSING PLANT** — A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets also including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas. **[Added 8-9-2011 by Ord. No. 1-11]**

**NO-IMPACT HOME-BASED BUSINESS** — A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**NONCOMMERCIAL RECREATION** — See "recreation, noncommercial."

**NONCONFORMING LOT** — Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, that fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** — A structure or part of a structure that does not comply with the applicable area and bulk provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or an amendment thereto, or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.

**NONCONFORMING USE** — A use, whether of land or of a structure, that does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or an amendment thereto or prior to the application of this chapter or amendment to its location by reason of annexation.

**NUDITY** — The appearance of a human bare buttock, anus, male or female genitals or female breast.

**NURSING HOME** — An institution licensed by the commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

**OFFICES** — See "business or professional offices."



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OFFICIAL MAP — A map adopted by ordinance according to the procedures outlined in Article IV of the Pennsylvania Municipalities Planning Code<sup>72</sup> reserving lands for future taking for public purposes.

OIL AND GAS DRILLING — The removal of oil and natural gas resources for sale or other commercial purposes, including the structure and equipment necessary to accomplish the removal.

OIL AND GAS DRILL SITE — The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling, production or operation of an oil or gas well.**[Added 8-9-2011 by Ord. No. 1-11]**

OIL AND GAS PROCESSING OR TRANSFER SITE — An oil and gas processing or transfer site shall consist of an area occupied by facilities, structures or equipment necessary for the processing or transfer of gas products. The definition also includes natural gas compressor stations and natural gas processing plants.**[Added 8-9-2011 by Ord. No. 1-11]**

ON-SITE SALES ACCESSORY TO A FARM — See "low-impact on-site sales accessory to a farm."

OPEN SPACE — An area of land or water on a development site in which no structures are permitted and that is set aside for the use and enjoyment of the general public or the owners and tenants of property that adjoins the open space.

OPERATOR — Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas.**[Added 8-9-2011 by Ord. No. 1-11]**

OWNER — See "landowner."

PARKING AREA — A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this chapter.

PARKING SPACE — A portion of a garage or parking area designated for the parking of one motor vehicle in accordance with the requirements of this chapter.

PERSONAL CARE BOARDING HOME — See Subsection F under "dwelling types."

PERSONAL SERVICES — Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including, but not limited to, shoe repair, tailoring, clothes cleaning, water repair, beauty shops, barbershops and the like.

PLANNING COMMISSION — The Planning Commission of Cross Creek Township, Washington County, Pennsylvania.

PRESCHOOL FACILITY — An establishment that offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL BUILDING OR STRUCTURE — The building or structure in which the principal use is conducted, not including any accessory building or structure related thereto.

PRINCIPAL USE — The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE — Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB — Any establishment, other than a sportsmen's club, operated by a legally chartered organization for social recreational, educational, fraternal or sororal purposes, that is open only to members and their guests and not to the general public.

PRIVATE GARAGE — See "garage, private."

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72. Editor's Note: See 53 P.S. § 10401 et seq.

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PRIVATE STABLE — The keeping of horses and/or ponies for the personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

PRIVATE STREET — A street, including the entire private right-of-way, that is privately owned and maintained and that is intended for private, rather than public use.

PROFESSIONAL ENGINEER — A qualified individual who is licensed as a professional engineer in a state or commonwealth in the United States.

PROFESSIONAL OFFICES — See "business or professional offices."

PROTECTED STRUCTURE — Any occupied residence, commercial business, school, religious institution or other public building that may be impacted by noise generated from drilling or hydraulic fracturing activity, compressor stations or natural gas processing plants.**[Added 8-9-2011 by Ord. No. 1-11]**

PUBLIC — Owned, operated or controlled by a government agency, federal, state, county or local.

PUBLIC MEETING — A forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93, known as the "Sunshine Act," 65 Pa.C.S.A. § 701 et seq.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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

PUBLIC PARKING GARAGE — See "garage, public parking."

PUBLIC UTILITY INSTALLATION — Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installations, as defined herein, provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Cross Creek Township that is reasonably necessary to furnish adequate services to the general public both within Cross Creek Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations and similar facilities.

RECREATION, COMMERCIAL — An enterprise operated for profit by an individual, association or corporation, other than a public entity, either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.

RECREATION, NONCOMMERCIAL — An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit, and whether or not the facilities are advertised to the general public, including sports, recreation or leisure activities, the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC — An enterprise other than a municipal facility, as defined herein, operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

RECREATIONAL VEHICLE — A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pickup campers, horse trailers, snowmobiles, motorcycles and all-terrain vehicles.

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RECYCLED WATER STORAGE FACILITY — A facility consisting of an earthen impoundment or aboveground storage tank(s) designed to contain a total amount of 2,000,000 gallons or more of water and to be used primarily for the storage of recycled water or recycled water mixed with fresh water for the completion, including hydraulic fracturing, of oil and/or gas wells, together with associated piping and equipment used for handling, pumping, transferring or treating such water.[Added 8-9-2011 by Ord. No. 1-11]

REPAIR GARAGE — A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a completely enclosed building, as defined by this chapter.

REPAIR SHOP — A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT — Any establishment, including laboratories, that carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and that may include supporting storage and transportation facilities.

RESTAURANT — An establishment that offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RETAIL BUSINESS — The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETIREMENT COMMUNITY — A residential development designed primarily or exclusively for occupancy by elderly or retired persons and that features one or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barbershops, or cleaner's valet service), florist and/or gift shop, doctors' offices, branch bank, postal service and similar services or facilities.

RIDING ACADEMY — An establishment where instruction in riding, jumping and showing is offered for a fee and where horses may be hired for riding. A riding academy may also include a boarding stable, as defined herein.

RIGHT-OF-WAY — An area of land reserved or dedicated for public purposes to provide access across private property.

SANITARY SEWER, PRIVATE — An on-lot disposal system providing for the disposal of effluent for one building and its accessory building on a single lot, subject to the approval of the Washington County Sewage Council.

SANITARY SEWER, PUBLIC — Any municipal or privately owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers that are installed to Township specifications.

SCHOOL, PUBLIC AND PRIVATE — An accredited institution of learning that offers elementary and secondary level instruction or that offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SELF-STORAGE FACILITY — See "mini warehouses/self-storage facility."

SERVICE STATION —

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and

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flushing, excluding steam cleaning and repair; installation of accessories; and state inspection; and/or

B. The following operations, if conducted within a completely enclosed building, as defined by this chapter: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or

C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

SHOPPING CENTER — A site under one ownership and control that is developed as a unit for two or more retail businesses in one or more buildings and designed with shared parking, loading and access facilities.

SIGN — Any structure or device used to attract attention by word or graphic display.

SIGN, SURFACE AREA OF — The area enclosed by one continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of free standing letters that are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features that are not part of the main supports of the sign. In the case of letters that are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two-sided signs, only one face is counted in computing the surface area.

SINGLE-FAMILY DWELLING — See Subsection A under "dwelling types."

SITE — A tract of land or one or more contiguous lots proposed for development.

SITE AREA — The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLAUGHTERHOUSE — An establishment where animals are butchered for human consumption and where the meat is prepared and packaged for retail or wholesale sales, including seasonal processing of game animals.

SLOPE — The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SMALL WIND POWER GENERATING FACILITY — See "wind power generating facility (WPGF), small."

SPECIAL EXCEPTION — See "use by special exception."

SPORTS COURT — An accessory use designed for active recreation including, but not limited to, basketball and tennis courts, baseball batting cages, skateboard ramps, trampolines, inflatable structures and other private recreation structures.

SPORTSMEN'S CLUB — A legally chartered organization for the pursuit of hunting, fishing, marksmanship and related activities that may or may not include a clubhouse and that has a roster of membership and a regular calendar of activities limited to members and their guests.

STORAGE WELL — A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir or monitoring or observation of reservoir pressure.[Added 8-9-2011 by Ord. No. 1-11]

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it, excluding cellars.

STREET — A public or recorded private right-of-way that affords primary means of vehicular access to abutting property but not including alleys.

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**STREET LINE** — The legal right-of-way line that forms the dividing line between the street and the lot.

**STREET, ARTERIAL** — A public street that serves large volumes of high-speed and long-distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this chapter are State Route 50, Avella Road and Cross Creek Road (SR4029).

**STREET, COLLECTOR** — A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. For the purpose of interpreting this chapter, streets classified as collector in the Township are Atlasburg Road (SR4031), Cedar Grove Road (SR4027), Old Ridge Road (SR4035), Rea Road (SR4033) and Strope Road (SR4023).

**STREET, LOCAL** — Any public street not defined herein as an arterial or a collector street.

**STREET, PUBLIC** — A public right-of-way dedicated and open for public use that has been adopted by the Township, county, commonwealth or other governmental body.

**STRUCTURAL ALTERATIONS** — A change or rearrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.

**STRUCTURE, HEIGHT OF** — See "height of structure."

**SUBDIVISION** — The division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other division of land including any 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SWIMMING POOL** — Any body of water or receptacle for water having a depth at any point greater than two feet and a surface area greater than 100 square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

**TAVERN** — See "bar or tavern."

**TEMPORARY CONSTRUCTION TRAILER** — See "construction trailer, temporary."

**TOURISM** — An activity or business enterprise not otherwise defined and regulated by this chapter that attracts and serves people visiting the area for educational, leisure or vacation purposes directly related to the available historic, agricultural and recreational resources of the immediate area, including, but not limited to, bait and tackle shops, fishing and boating events, campgrounds, demonstration or exhibit farms, farm stays, nature, game or wildlife preserves, museums, military or cultural reenactments or encampments, wineries, fish hatcheries, worm farms, seasonal farm festivals, educational activities, country stores, hay-rides, pick your own produce and similar activities or events that draw people from outside the immediate area. (See also "bed-and-breakfast," "sportsmen's club" and "commercial recreation" that are not included in the definition of tourism and are regulated separately.)

**TOWNHOUSE** — See Subsection G under "dwelling types."

**TOWNSHIP** — The Township of Cross Creek, Washington County, Pennsylvania.

**TRANSITIONAL DWELLING** — See Subsection H under "dwelling types."

**TRUCK AND HEAVY EQUIPMENT RENTAL, SALES AND SERVICE** — An establishment engaged in the rental, sale and/or service of vehicles in excess of 26,000 pounds GVW and/or any other heavy equipment, including, but not limited to, construction or farm equipment, whether or not the equipment is classified as a motor vehicle.

**TWO-FAMILY DWELLING** — See Subsection B under "dwelling types."

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USE — The purpose, business or activity for which any land or structure is utilized.

USE BY SPECIAL EXCEPTION — A use authorized by this chapter that may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this chapter.

VARIANCE — A departure from the specific regulations of this chapter that may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended)<sup>73</sup> for a particular piece of property that, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this chapter without undue physical hardship.

VEHICLE ACCESSORIES SALES AND INSTALLATION — An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshields, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE — The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment that is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.<sup>74</sup>

VEHICLE REPAIR GARAGE — A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a completely enclosed building, as defined by this chapter.

WAREHOUSE — A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing that is incidental to retail sales and that does not constitute in excess of 30% of the total floor area of the retail establishment shall be excluded from this definition.

WATER STORAGE FACILITY — A facility consisting of either an earthen impoundment or aboveground storage tank(s) designed to contain a total amount of 2,000,000 gallons or more of water and to be used primarily for the storage of fresh water purchased or withdrawn for the hydraulic fracturing of oil and/or gas wells, together with associated piping and equipment used for handling, pumping, transferring or treating such water. **[Added 8-9-2011 by Ord. No. 1-11]**

WHOLESALE BUSINESS — An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WIND POWER GENERATING FACILITY, SMALL — A wind power generating facility (WPGF), as defined herein, primarily for private use to reduce on-site consumption of utility power.

WIND POWER GENERATING FACILITY (WPGF) — All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WPGF tower, electrical components, WPGF foundation, transformer, and electrical cabling from the WPGF tower to the substation(s).

WOODLANDS — Areas, groves or stands of mature or largely mature trees that are greater than six inches caliper (diameter) at a height of 14 inches above the ground that cover a land area greater than 0.25 of an acre; or any grove of more than 10 individual trees that are mature having a caliper (diameter) greater than 12 inches at a height of 14 inches above the ground.

WPGF OPERATOR — The entity responsible for the day-to-day operation and maintenance of the WPGF, including any third-party subcontractors.

WPGF OWNER — The entity or entities with an equity interest in the WPGF(s), including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the WPGF i) unless the property owner has an equity interest in the WPGF; or ii) any person holding a security interest in the

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73. Editor's Note: See 53 P.S. § 10101 et seq.

74. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

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WPGF(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that, after foreclosure, such person seeks to sell the WPGF(s) at the earliest practicable date. § 320-8

WPGF PROJECT — The collection of WPGFs and substations as specified in the siting approval application pursuant to § 320-69TT of this chapter.

WPGF SUBSTATION — The apparatus that connects the electrical collection system of the WPGFs and increases the voltage for connection with the utility's transmission lines.

WPGF TOWER — The support structure to which the nacelle and rotor are attached.

WPGF TOWER HEIGHT — The distance from the rotor blade at its highest point to the top surface of the WPGF foundation.

YARD — A required open space located on a lot that is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this chapter.

YARD, FRONT — A yard extending between side lot lines across the full lot width from the front lot line to a line parallel to the front lot line, the minimum horizontal distance required by this chapter.

YARD, REAR — A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this chapter.

YARD, SIDE — A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this chapter.

ZONING CERTIFICATE — A document issued by the Township Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this chapter.

ZONING DISTRICT — An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this chapter.

ZONING DISTRICT MAP — The Official Map delineating the zoning districts of Cross Creek Township, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this chapter by reference thereto.

ZONING HEARING BOARD — The Zoning Hearing Board of the Township of Cross Creek, Washington County, Pennsylvania.

ZONING OFFICER — That person appointed by the Cross Creek Township Board of Supervisors and charged with the responsibility of administering and enforcing this chapter.

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ARTICLE III  
**District Regulations**

**§ 320-9. Zoning District Map.**

- A. The Township is hereby divided into zoning districts as shown on the official Zoning District Map that, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.<sup>75</sup>
- B. The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 4-06, as amended, of Cross Creek Township, Washington County, Pennsylvania," together with the date of adoption of this chapter. **[Amended at time of adoption of**

**Code (see Ch. 1, General Provisions, Art. I)]**

- C. All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary.
- D. No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided under § 320-115 of this chapter.
- E. The Official Zoning District Map, that shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

**§ 320-10. Zoning districts.**

R-R	Rural Resource District
R-1	Rural Neighborhood District
R-2	Residential District
R-3	Village Residential District
B-1	General Business District
S-C	Special Conservation District

**§ 320-11. District boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

- A. Boundaries indicated as appearing to follow the center lines of streets, highways or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as appearing to follow municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

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75. Editor's Note: Said map is included as an attachment to this chapter.



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E. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow center lines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the center line;

F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

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**§ 320-12. General district regulations.**

The following regulations shall apply in all zoning districts:

- A. Any use not specifically listed in the authorized uses for a zoning district shall not be permitted in that zoning district, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authority for the Zoning Hearing Board to grant approval of a use that is not specifically listed in the authorized uses for a zoning district shall be limited to the R-R and B-1 Districts where "comparable uses not specifically listed" is included in the list of uses by special exception in the zoning district subject to the applicable express standards and criteria specified in § 320-69M of this chapter.
- B. Accessory uses or structures that are customarily accessory to principal structures or uses that are authorized as conditional uses or uses by special exception shall be permitted as accessory uses by right.
- C. In all zoning districts, single-family dwellings shall be the only principal structure on a lot.
- D. In all zoning districts where authorized by this chapter, two or more nonresidential buildings may occupy the same lot, and two or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.
- E. In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

ARTICLE IV  
**R-R Rural Resource District**

**§ 320-13. Purpose.**

The purpose of the R-R Rural Resource District is to provide for agriculture and low density single-family residential development in the more remote rural areas of the Township where public sewers are not available and are not anticipated in the immediate future and to provide for accessory uses and compatible public and semipublic uses as conditional uses.

**§ 320-14. Authorized uses.**

In the R-R Rural Resource District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

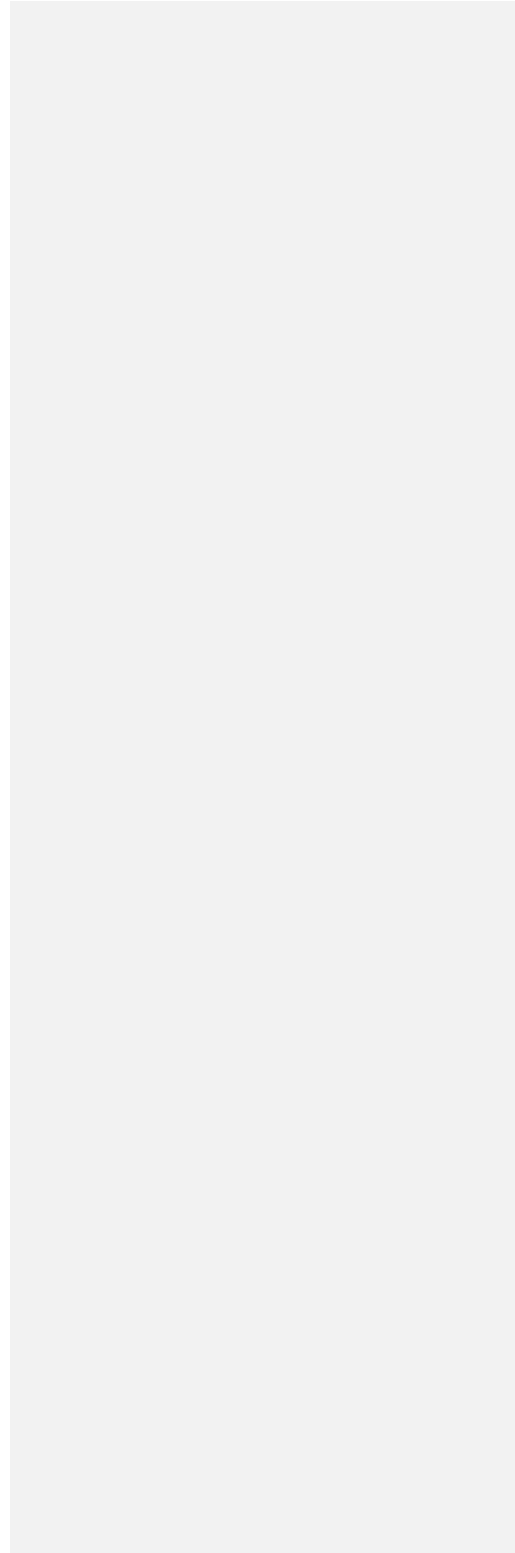
- (a) Agriculture, subject to § 320-78.
- (b) Essential services.
- (c) Forestry, subject to § 320-84.
- (d) Garden nursery, subject to § 320-78.
- (e) Greenhouse, subject to § 320-78.
- (f) Municipal facility.
- (g) Oil and gas drilling, subject to Ord. No. 4-06.
- (h) Single-family dwelling.

(2) Accessory uses.

- (a) Accessory structures, subject to § 320-73C.
- (b) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (c) Fences.
- (d) Keeping of domestic pets.
- (e) No-impact home-based business, subject to § 320-83.
- (f) Off-street parking and loading, subject to Article XIII.
- (g) Low-impact on-site sales accessory to a farm, subject to § 320-82.
- (h) Private residential swimming pool or sports courts.
- (i) Private stable, subject to § 320-78.
- (j) Signs, subject to Article XIV.

B. Conditional uses.

(1) Principal uses.



- § 320-14
- § 320-14
- (a) Agribusiness, subject to § 320-69B.
  - (b) Church, subject to § 320-69I.
  - (c) Communications tower, subject to § 320-69K.
  - (d) Communications antenna mounted on an existing building or an existing public utility storage or transmission structure, subject to § 320-69J.
  - (e) Day-care center or preschool facility in a church or school, subject to § 320-69P.
  - (f) Junkyard, subject to § 320-69X.
  - (g) Landfill, subject to § 320-69Z.
  - (h) Mineral extraction, subject to § 320-69CC.
  - (i) Noncommercial recreation, subject to § 320-69HH.
  - (j) Oil and gas processing or transfer site, subject to § 320-69EE. **[Added 8-9-2011 by Ord. No. 1-11]**
  - (k) Public recreation, subject to § 320-69HH.
  - (l) Public utility installation, subject to § 320-69II.
  - (m) School, subject to § 320-69I.
  - (n) Slaughterhouse, subject to § 320-69LL.
  - (o) Sportsmen's club, subject to § 320-69MM.
  - (p) Tourism, subject to § 320-69OO.
  - (q) Wind power generating facility (WPGF), subject to § 320-69TT.
  - (r) Wind power generating facility (WPGF), small, subject to § 320-69UU.
- (2) Accessory uses: none.
- C. Uses by special exception.
- (1) Principal uses.
- (a) Animal hospital, subject to § 320-69C.
  - (b) Boarding stable or riding academy, subject to § 320-69F.
  - (c) Cemetery, subject to § 320-69H.
  - (d) Comparable uses not specifically listed, subject to § 320-69M.
  - (e) Crematorium, subject to § 320-69O.
  - (f) Kennel, subject to § 320-69Y.
- (2) Accessory uses.
- (a) Bed-and-breakfast, subject to § 320-69D.
  - (b) Family day-care home, subject to § 320-69Q.

§ 320-14 (c) Home occupation, subject to § 320-69V.

§ 320-16

(d) Seasonal processing of game animals, other than at a slaughterhouse, subject to § 320-69KK.

**§ 320-15. Area and bulk regulations.**

In the R-R Rural Resource District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses or uses by special exception contained in Article XI.

A. Minimum lot area.

- (1) Agriculture, garden nursery or greenhouse: 10 acres.
- (2) Boarding stable or riding academy: 10 acres.
- (3) Kennel: five acres.
- (4) Private stable: five acres.
- (5) Single-family dwelling: two acres.
- (6) All other principal uses: two acres.

B. Minimum lot width: 150 feet.

C. Maximum lot coverage: 30%.

D. Minimum front yard: 50 feet.

E. Minimum rear yard.

- (1) Principal structures: 50 feet.
- (2) Accessory structures: 20 feet.

F. Minimum side yard.

- (1) Single-family dwelling: 20 feet.
- (2) All other principal structures: 30 feet.
- (3) Accessory structures: see § 320-73.

G. Special yard requirements: see § 320-73.

H. Permitted projections into required yards: see § 320-74.

I. Maximum height.

- (1) All principal structures: 2 1/2 stories but no more than 50 feet.
- (2) Accessory structures.
  - (a) Farm accessory structures: one story but no more than 20 feet.
  - (b) All others: one story but no more than 15 feet.

J. Height exceptions: see § 320-75.

§ 320-16

**§ 320-16. Parking and loading.**

See Article XIII.

**§ 320-17. Signs.**

See Article XIV.

**§ 320-18. Screening and landscaping.**

See § 320-72.

**§ 320-19. Storage.**

See § 320-79.

§ 320-19

ARTICLE V  
**R-1 Rural Neighborhood District**

**§ 320-20. Purpose.**

The purpose of this District is to preserve natural resources and limited agricultural operations while encouraging low density single-family residential neighborhoods suited to the natural conditions and to provide for accessory uses and compatible public and semipublic uses as conditional uses.

**§ 320-21. Authorized uses.**

In the R-1 Rural Neighborhood District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

- (a) Agriculture, subject to § 320-78.
- (b) Essential services.
- (c) Forestry, subject to § 320-84.
- (d) Garden nursery, subject to § 320-78.
- (e) Greenhouse, subject to § 320-78.
- (f) Municipal facility.
- (g) Oil and gas drilling, subject to Ord. No. 4-06.
- (h) Single-family dwelling.

(2) Accessory uses.

- (a) Accessory structures, subject to § 320-73.
- (b) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (c) Fences.
- (d) Keeping of domestic pets.
- (e) No-impact home-based business, subject to § 320-83.
- (f) Low-impact on-site sales accessory to a farm, subject to § 320-82.
- (g) Off-street parking and loading, subject to Article XIII.
- (h) Private residential swimming pools or sports courts.
- (i) Private stable, subject to § 320-78.
- (j) Signs, subject to Article XIV.

B. Conditional uses.

(1) Principal uses.

- § 320-21
- (a) Churches, subject to § 320-69I.
  - (b) Day-care center or preschool facility in a church or school, subject to § 320-69P.
  - (c) Golf course: golf or country club, subject to § 320-69T.
  - (d) Mineral extraction, subject to § 320-69CC.
  - (e) Noncommercial recreation, subject to § 320-69HH.
  - (f) Oil and gas processing or transfer site, subject to § 320-69EE. **[Added 8-9-2011 by Ord. No. 1-11]**
  - (g) Public recreation, subject to § 320-69HH.
  - (h) Public utility installation, subject to § 320-69II.
  - (i) Schools, subject to § 320-69I.
  - (j) Sportsmen's club, subject to § 320-69MM.
- (2) Accessory uses: none.
- C. Uses by special exception.
- (1) Principal uses.
    - (a) Animal hospital, subject to § 320-69C.
    - (b) Boarding stable or riding academy, subject to § 320-69F.
    - (c) Cemetery, subject to § 320-69H.
    - (d) Kennel, subject to § 320-69Y.
  - (2) Accessory uses.
    - (a) Bed-and-breakfast, subject to § 320-69D.
    - (b) Crematorium accessory to a cemetery, subject to § 320-69O.
    - (c) Family day-care home, subject to § 320-69Q.
    - (d) Home occupation, subject to § 320-69V.

§ 320-22

**§ 320-22. Area and bulk regulations.**

In the R-1 Rural Neighborhood District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for specific permitted uses, conditional uses or uses by special exception contained in Article XI.

- A. Minimum lot area.
- (1) Agriculture, garden nursery or greenhouse: 10 acres.
  - (2) Boarding stable or riding academy: 10 acres.
  - (3) Kennel: five acres.
  - (4) Private stable: five acres.

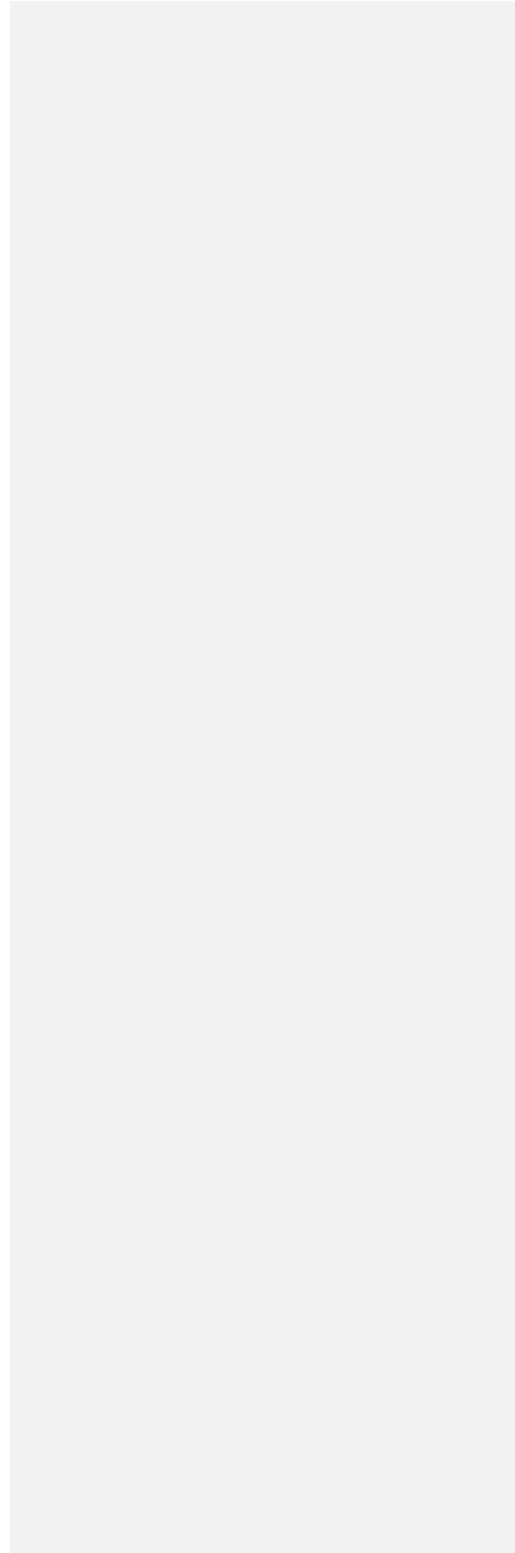


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(5) Single-family dwelling.

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- (a) With public sewers: one acre.
- (b) Without public sewers: two acres.
  
- (6) Golf course: 30 acres.
- (7) All other principal uses: two acres.
- B. Minimum lot width.
  - (1) Single-family dwelling.
    - (a) With public sewers: 100 feet.
    - (b) Without public sewers: 150 feet.
  - (2) All other principal uses: 200 feet.
- C. Maximum lot coverage: 35%.
- D. Minimum front yard: 30 feet.
- E. Minimum rear yard.
  - (1) Principal structures.
    - (a) With public sewers: 35 feet.
    - (b) Without public sewers: 50 feet.
  - (2) Accessory structures: see § 320-73.
- F. Minimum side yard.
  - (1) Single-family dwelling: 15 feet.
  - (2) All other principal structures: 20 feet.
  - (3) Accessory structures: see § 320-73.
- G. Special yard requirements: see § 320-73.
- H. Permitted projections into required yards: see § 320-74.
- I. Maximum height.
  - (1) All principal structures: 2 1/2 stories but no more than 50 feet.
  - (2) Accessory structures.
    - (a) Farm structures: one story but no more than 20 feet.
    - (b) All others: one story but no more than 15 feet.
- J. Height exceptions: see § 320-75.

§ 320-24

**§ 320-23. Parking and loading.**

See Article XIII

§ 320-24

§ **320-24. Signs.**

See Article XIV.

§ **320-25. Screening and landscaping.**

See § 320-72.

§ **320-26. Storage.**

See § 320-79.

§ 320-27

§ 320-26

§ 320-28

ARTICLE VI  
**R-2 Residential District**

§ 320-28

§ 320-29

**§ 320-27. Purpose.**

The purpose of this District is to encourage single-family developments at moderate densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future and to provide for accessory uses and compatible public and semipublic uses as conditional uses.

**§ 320-28. Authorized uses.**

In the R-2 Residential District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

- (a) Essential services.
- (b) Forestry, subject to § 320-84.
- (c) Municipal facility.
- (d) Single-family dwelling.
- (e) Oil and gas drilling. **[Added 8-9-2011 by Ord. No. 1-11]**

(2) Accessory uses.

- (a) Accessory structures, subject to § 320-73.
- (b) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (c) Fences.
- (d) Keeping of domestic pets.
- (e) No-impact home-based business, subject to § 320-83.
- (f) Off-street parking and loading, subject to Article XIII.
- (g) Private residential swimming pools or sports courts.
- (h) Signs, subject to Article XIV.
- (i) Temporary construction trailer, model home or sales offices, subject to § 320-77.

B. Conditional uses.

(1) Principal uses.

- (a) Churches, subject to § 320-69I.
- (b) Day-care center or preschool facility in a church or school, subject to § 320-69P.
- (c) Mobile home park, subject to § 320-69DD.
- (d) Noncommercial recreation, subject to § 320-69HH.
- (e) Oil and gas processing or transfer site, subject to § 320-69EE. **[Added 8-9-2011 by Ord. No. 1-11]**

- § 320-28
- (f) Planned residential development, subject to Article X.
  - (g) Public recreation, subject to § 320-69HH.
  - (h) Public utility installation, subject to § 320-69II.
  - (i) Retirement community, subject to § 320-69JJ.
  - (j) Schools, subject to § 320-69I.
  - (k) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 320-69NN.
- (2) Accessory uses: none.
- C. Uses by special exception.
- (1) Principal uses: none.
  - (2) Accessory uses.
    - (a) Bed-and-breakfast, subject to § 320-69D.
    - (b) Family day-care home, subject to § 320-69Q.
    - (c) Home occupation, subject to § 320-69V.

§ 320-29

**§ 320-29. Area and bulk regulations.**

In the R-2 Residential District, all uses shall be subject to the following regulations, except as they may be modified by Article X governing planned residential developments or by the express standards and criteria for the specific permitted uses, conditional uses or uses by special exception contained in Article XI.

- A. Minimum lot area.
- (1) Single-family dwelling.
    - (a) Without public sewers: two acres.
    - (b) With public sewers: 21,780 square feet.
  - (2) All other principal uses: one acre.
- B. Minimum lot width: 90 feet.
- C. Maximum lot coverage: 50%.
- D. Minimum front yard: 30 feet.
- E. Minimum rear yard.
- (1) Principal structures: 20 feet.
  - (2) Accessory structures: see § 320-73C.
- F. Minimum side yard.
- (1) Principal structures: 10 feet.

§ 320-29

§ 320-33

- (2) Accessory structures: see § 320-73C.

G. Special yard requirements: see § 320-73.

H. Permitted projections into required yards: see § 320-74.

I. Maximum height:

- (1) All principal structures: 2 1/2 stories but no more than 50 feet.
- (2) All accessory structures: one story but no more than 15 feet.

J. Height exceptions: see § 320-75.

**§ 320-30. Parking and loading.**

See Article XIII.

**§ 320-31. Signs.**

See Article XIV.

**§ 320-32. Screening and landscaping.**

See § 320-72.

**§ 320-33. Storage.**

See § 320-79.

§ 320-34

§ 320-35

ARTICLE VII  
**R-3 Village Residential District**

**§ 320-34.** family housing in the Township in appropriate locations that are served by public water and sewage and are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semipublic and accessory uses as conditional uses.

**Purpose**

The purpose of this District is to reserve areas for the development of higher density multif

**§ 320-35. Authorized uses.**

In the R-3 Village Residential District, only the following uses are authorized:

- A. Permitted uses.
  - (1) Principal uses.
    - (a) Apartment in combination with business.
    - (b) Essential services.
    - (c) Forestry, subject to § 320-84.
    - (d) Municipal facility.
    - (e) Single-family dwelling.

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(2) A

- c            essory uses customarily incidental to and on
- c            the same lot with any permitted use,
- e            conditional use or use by special exception
- s            authorized in this District.
- s
- o            (c) Fences.
- r            (d) Keeping of domestic pets.
- y
- u            (e) No-impact home-based business, subject to §
- s            320-83.
- e
- s            (f) Off-street parking and loading, subject to
- .            Article XIII.
- (a) A        (g) Private residential swimming pools or sports
- c            courts, subject to § 320-73C.
- c
- e            (h) Signs, subject to Article XIV.
- s
- s            (i) Temporary construction trailer, model home or
- o            sales office, subject to § 320-77.
- B.        Conditional uses.
- y
- §1)        Principal uses.
- t
- r            (a) Convenience commercial, subject to § 320-
- u            69N.
- c
- t            (b) Day-care center, subject to § 320-69P.
- u            (c) Day-care center or preschool facility in a
- r            church or school, subject to § 320-69P.
- e
- s
- (d)        Garden apartments and townhouses, subject to § 320-69S.
- s
- (e)        Group care facility, subject to § 320-69U.
- b
- (f)        Noncommercial recreation, subject to § 320-69HH.
- c
- (g)        Personal care boarding home, subject to § 320-69U.
- c
- (h)        Public recreation, subject to § 320-69HH.
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- (i)        Public utility installation, subject to § 320-69II.
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- (j) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 320-69NN.
- (k) Tourism, subject to § 320-69OO.
- (2) Accessory uses: none.
- C. Uses by special exception.
  - (1) Principal uses: none.
  - (2) Accessory uses.
    - (a) Bed-and-breakfast, subject to § 320-69D.
    - (b) Family day-care home, subject to § 320-69Q.
    - (c) Home occupation, subject to § 320-69V.

**§ 320-36. Area and bulk regulations.**

In the R-3 Village Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XI.

- A. Minimum lot area.
  - (1) Single-family dwelling: 10,000 square feet.
  - (2) Two-family dwelling: 12,000 square feet.
  - (3) Townhouses and garden apartments: one acre.
  - (4) All other principal uses: one acre.
- B. Minimum lot width.
  - (1) Single-family dwelling: 60 feet.
  - (2) Two-family dwelling: 80 feet.
  - (3) Townhouses and garden apartments: 100 feet.
  - (4) All other principal uses: 100 feet.
- C. Maximum dwelling unit density.
  - (1) Townhouses: 10 units per acre.



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- (2) Garden apartments: 12 units per acre.
- D. Maximum length of residential building: 250 feet.
- E. Maximum number of dwelling units per building.
  - (1) Townhouses: eight units per building.
  - (2) Garden apartments: 36 units per building.
- F. Minimum distance between buildings: 20 feet.  
(Where two or more buildings exist on the same lot)
- G. Maximum lot coverage: 40%.
- H. Minimum front yard: 25 feet.
- I. Minimum rear yard.
  - (1) Single-family or two-family dwellings: 25 feet.
  - (2) Garden apartment or townhouse adjoining any R-R, R-1 or R-2 District: 50 feet.
  - (3) All other rear yards: 25 feet.
  - (4) All other principal structures: 25 feet.
  - (5) Accessory structures: see § 320-73.
- J. Minimum side yard.
  - (1) Single-family dwelling: 7.5 feet.
  - (2) Two-family dwelling: 10 feet.
  - (3) Garden apartment or townhouse adjoining any R-R, R-1 or R-2 District: 50 feet.
  - (4) All other side yards: 20 feet.
  - (5) All other principal structures: 20 feet.
  - (6) Accessory structures: see § 320-73.
- K. Special yard requirements: see § 320-73.
- L. Permitted projections into required yards: see § 320-74.
- M. Maximum height:
  - (1) All principal structures: three stories but no more than 50 feet.
  - (2) All accessory structures: one story but no more than 15 feet.
- N. Height exceptions: see § 320-75.

§ 320-38

**§ 320-37. Parking and loading.**

See Article XIII.

**§ 320-38. Signs.**

See Article XIV.

**§ 320-39. Screening and landscaping.**

See § 320-72.

**§ 320-40. Storage.**

See § 320-79.

§ 320-41

ARTICLE VIII  
**S-C Special Conservation District**

§ 320-43

**§ 320-41. Purpose.**

The purpose of this District is to protect land in public and private, nonprofit ownership that is devoted to permanent park, conservation and other open space uses within the Township.

**§ 320-42. Authorized uses.**

In the S-C Special Conservation District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

- (a) Public recreation.
- (b) Noncommercial recreation.
- (c) State gamelands.
- (d) Flood-control and water supply impoundments.
- (e) Forestry, subject to § 320-84.
- (f) Public or private nonprofit natural conservation areas.
- (g) Public or private nonprofit historic or archaeological sites.

(2) Accessory uses.

- (a) Accessory uses customarily incidental to and on the same lot with any permitted use authorized in this District.
- (b) Off-street parking and loading, subject to Article XIII.
- (c) Signs, subject to Article XIV.

B. Conditional uses.

- (1) Oil and gas drilling, subject to § 320-69EE, which shall also exclude Cross Creek County Park. **[Amended 8-9-2011 by Ord. No. 1-11]**

C. Uses by special exception: none.

**§ 320-43. Area and bulk regulations.**

In the S-C Special Conservation District, all uses shall be subject to the following regulations:

- A. Minimum lot area: none.
- B. Minimum lot width: none.
- C. Maximum lot coverage: 15%.
- D. Minimum front yard: none.
- E. Minimum rear yard:

§ 320-43

- (1) Adjoining R-R, R-1, R-2 or R-3: 100 feet.
- (2) All others: none.

F. Minimum side yard:

- (1) Adjoining R-R, R-1, R-2 or R-3: 100 feet.
- (2) All others: none.

G. Maximum height.

- (1) All principal structures: three stories, but no more than 50 feet.
- (2) All accessory structures: one story, but no more than 15 feet.

H. Height exceptions: see § 320-75.

**§ 320-44. Parking and loading.**

See Article XIII.

**§ 320-45. Signs.**

See Article XIV.

**§ 320-46. Performance standards.**

See § 320-71.

**§ 320-47. Screening and landscaping.**

See § 320-72.

**§ 320-48. Storage.**

See § 320-79.

§ 320-48

ARTICLE IX  
**B-1 General Business District**

**§ 320-49. Purpose.**

The purpose of this District is to provide opportunities for commercial development which meets the general needs of the population within the market area for shopping and services and that allows for an integrated shopping center on one or more larger sites that have access to the regional highway network.

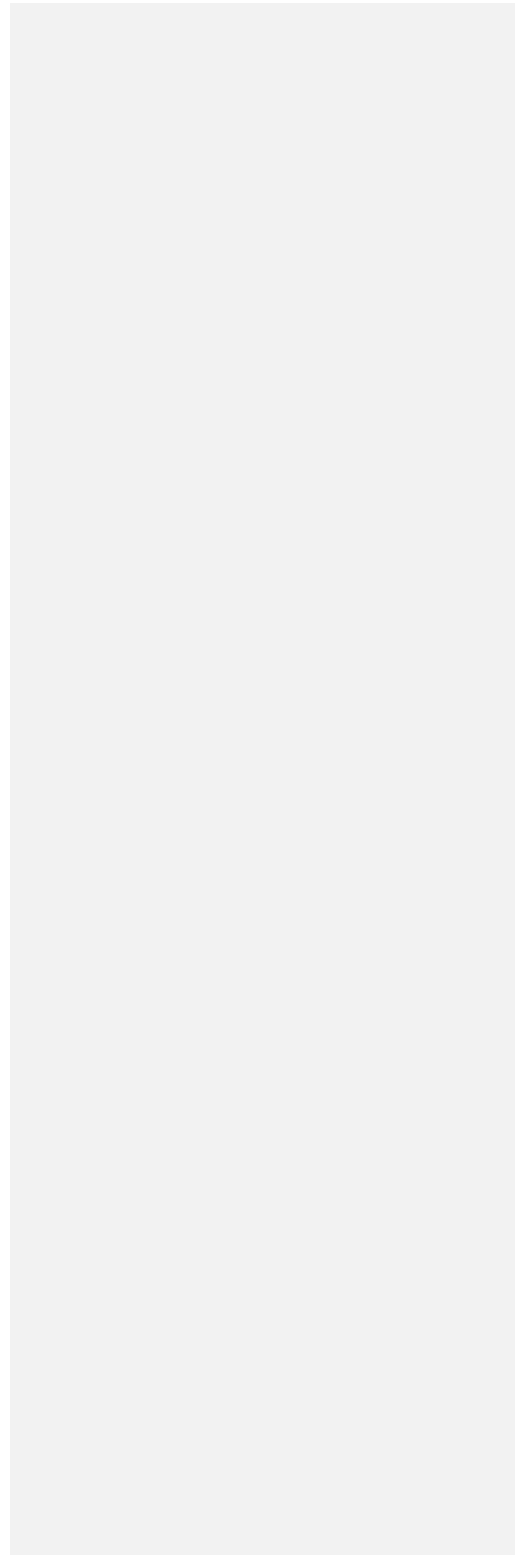
**§ 320-50. Authorized uses.**

In the B-1 General Business District, only the following uses are authorized:

A. Permitted uses.

- (1) Principal uses.
  - (a) Automobile service stations.
  - (b) Bar or tavern.
  - (c) Business services.
  - (d) Business/professional office.
  - (e) Commercial school.
  - (f) Contracting business.
  - (g) Convenience store.
  - (h) Craftsman.
  - (i) Day-care center.
  - (j) Dry cleaner.
  - (k) Essential services.
  - (l) Financial institutions.
  - (m) Food store.
  - (n) Forestry, subject to § 320-84.
  - (o) Garden nursery.
  - (p) Grocery store.
  - (q) Indoor amusement.
  - (r) Laundromat.
  - (s) Machine shop.
  - (t) Motel/hotel.
  - (u) Municipal facility.

(v) Personal services.



§ 320-50

§ 320-50

- (w) Pharmacy.
- (x) Repair shop.
- (y) Restaurant.
- (z) Retail business.
- (aa) Tourism.
- (bb) Vehicle accessory sales and installation.

(2) Accessory uses.

- (a) Accessory structures, subject to § 320-73.
- (b) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (c) Drive-through facilities, subject to § 320-76.
- (d) Fences.
- (e) Off-street parking and loading, subject to Article XIII.
- (f) Signs, subject to Article XIV.
- (g) Temporary construction trailer, model home or sales office, subject to § 320-77.

B. Conditional uses.

(1) Principal uses.

- (a) Adult business, subject to § 320-69A.
- (b) Animal hospital, subject to § 320-69C.
- (c) Billboards, subject to § 320-69E.
- (d) Car wash, subject to § 320-69G.
- (e) Commercial recreation, subject to § 320-69L.
- (f) Crematorium, subject to § 320-69O.
- (g) Funeral home, subject to § 320-69R.
- (h) Hospital, clinic or nursing home, subject to § 320-69W.
- (i) Light manufacturing, subject to § 320-69AA.
- (j) Mini warehouses or self-storage buildings, subject to § 320-69BB.
- (k) Noncommercial recreation, subject to § 320-69HH.
- (l) Private club, subject to § 320-69FF.
- (m) Public parking lot or public parking garage subject to § 320-69GG.
- (n) Public recreation, subject to § 320-69HH.

- § 320-50
- § 320-51
- (o) Public utility installation, subject to § 320-69II.
  - (p) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 320-69NN.
  - (q) Truck and heavy equipment rental, sales and service, subject to § 320-69PP.
  - (r) Vehicle rental, sales and service, subject to § 320-69QQ.
  - (s) Vehicle repair garage, subject to § 320-69RR.
  - (t) Warehouse, wholesale business, subject to § 320-69SS.
- (2) Accessory uses: none.
- C. Uses by special exception.
- (1) Principal uses.
    - (a) Comparable uses not specifically listed, subject to § 320-69M.
  - (2) Accessory uses: none.

**§ 320-51. Area and bulk regulations.**

In the B-1 General Business District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XI.

- A. Minimum lot area: 21,780 square feet.
- B. Minimum lot width: 100 feet.
- C. Maximum lot coverage: 50%.
- D. Minimum front yard: 35 feet.
- E. Minimum rear yard.
  - (1) All principal structures.
    - (a) Adjoining any "R" District: 40 feet.
    - (b) All others: 20 feet.
  - (2) Accessory structures: 15 feet.
- F. Minimum side yard.
  - (1) All principal structures.
    - (a) Adjoining any "R" District: 40 feet.
    - (b) All others: 15 feet.
  - (2) Accessory structures: 15 feet.
- G. Special yard requirements: see § 320-73.



H. Permitted projections into required yards: see § 320-74.

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I. Maximum height.

(1) All principal structures: three stories but no more than 50 feet.

(2) All accessory structures: one story but no more than 15 feet.

J. Height exceptions: see § 320-75.

**§ 320-52. Parking and loading.**

See Article XIII.

**§ 320-53. Signs.**

See Article XIV.

**§ 320-54. Performance standards.**

See § 320-71.

**§ 320-55. Screening and landscaping.**

See § 320-72.

**§ 320-56. Storage.**

See § 320-79.

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ARTICLE X  
**Planned Residential Development**

**§ 320-57. Purpose.**

The purpose of these planned residential development (PRD) regulations is to permit residential development that is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

**§ 320-58. Applicability and relationship to other ordinances.**

- A. A planned residential development shall be permitted in the R-2 District, subject to the standards, criteria, restrictions and procedures outlined in this article.
- B. The provisions of this article for approval of a planned residential development shall be modification to and in lieu of procedures and criteria for approvals otherwise required in this chapter and Chapter 270, Subdivision and Land Development. Failure to comply with the provisions of this article with respect to a recorded development plan shall be deemed to constitute a violation of this chapter.

**§ 320-59. Site area, use and density requirements.**

- A. In all cases, the minimum site required for a planned residential development shall be 10 contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a PRD.
- B. Permitted residential uses and dwelling unit densities in a planned residential development shall be as follows in the districts in which PRDs are authorized:

District	Permitted Uses	Net Density
R-2 District	Single-family dwellings Two-family dwellings Townhouses Garden apartments	4 units per acre

NOTES:

\* See definition of "density, net" in Article II

- C. In addition to the residential uses permitted in a PRD, recreation facilities designed for the use of the residents of the PRD shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the PRD by the Board of Supervisors.

**§ 320-60. Site ownership.**

The site proposed for a planned residential development shall be under single ownership and control. Prior to submitting an application for tentative approval, the applicant shall demonstrate that he is the landowner, as defined by this chapter. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the final development plan.

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**§ 320-61. Access and availability of public services.**

§ 320-62

- A. The site of a PRD that contains multifamily dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter. The projected traffic volumes associated with the proposed PRD shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate that the projected traffic from the PRD shall not materially increase congestion and impair safety on adjacent public streets.
- B. Any PRD that contains multifamily dwellings shall be connected to public water and public sanitary sewer service.
- C. In any instance where the Township determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.
- D. In the absence of public sewerage facilities, the developer shall provide a sanitary sewerage system within the PRD that is approved by the Pennsylvania Department of Environmental Protection (PA DEP) or any successor agency.
- E. Central water service shall be supplied to each building or structure to be erected in a PRD.
- F. The developer shall provide a storm drainage system within a PRD that shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the PRD and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and Chapter 257, Stormwater Management, of the Code of the Township of Cross Creek, as amended.

**§ 320-62. Administration and procedure.**

The PRD provisions of this chapter shall be administered by the Board of Supervisors. The Planning Commission shall review all applications on the basis of the standards specified in this article and make a recommendation to the Board of Supervisors. The Board of Supervisors shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code<sup>76</sup> and shall have the final authority to approve, approve with conditions or disapprove a PRD.

- A. Preapplication conference. Each applicant shall confer with the Zoning Officer to schedule a preapplication conference. Upon written request of the applicant, the Zoning Officer shall schedule a pre-application conference with Township officials. The conference shall include members or a designated representative of the Planning Commission and the Zoning Officer. The Township Solicitor, the Township Engineer, the Board of Supervisors or representatives thereof and local utility service representatives may be included, as deemed appropriate.
- B. Application for tentative approval. Within 120 days following the preapplication conference, three copies of an application for tentative approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this article and shall contain, at a minimum, the following information:
  - (1) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
  - (2) A written statement of planning objectives to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
  - (3) A written statement setting forth the reasons why the proposed PRD would be in the public interest and would be consistent with the Township's Comprehensive Plan.

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76. Editor's Note: See 53 P.S. § 10101 et seq.

- § 320-62
- (4) A written statement of the modifications to Township Zoning and Subdivision regulations otherwise applicable to the property. § 320-62
- (5) A location map that clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within 200 feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- (6) A development plan prepared at a scale no smaller than one inch equals 50 feet showing the following information:
- (a) Existing contours at intervals of five feet; watercourse; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
  - (b) Proposed lot lines and subdivision plat, if any.
  - (c) The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
  - (d) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
  - (e) The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the PRD to public rights-of-way.
  - (f) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two systems.
  - (g) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
  - (h) Subsurface conditions, including slope stability.
  - (i) A minimum of three cross sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
  - (j) A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
  - (k) Evidence of compliance with the environmental performance standards of § 320-71A of this chapter.
  - (l) Any additional information required to determine compliance with the requirements of this article.
- (7) In the case of development plans that call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of tentative approval or as each phase is completed, whichever occurs first.

C. Public hearing.

- (1) Within 60 days following the submission of an application for tentative approval of a PRD that contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice

§ 320-62 by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. § 320-63

- (2) The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX<sup>77</sup> shall apply to the Board of Supervisors.
- (3) The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in § 320-109 of this chapter.

D. Tentative approval.

- (1) Within 60 days following the conclusion of the public hearings or within 180 days after the date of filing of the application, whichever occurs first, the Board of Supervisors shall, by written communication, either: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (a) Grant tentative approval of the development plan, as submitted;
  - (b) Grant tentative approval of the development plan, subject to specified conditions not included in the development plan as submitted; or
  - (c) Deny tentative approval.
- (2) Failure to act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receipt of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

**§ 320-63. Criteria for tentative approval.**

The Board of Supervisors shall grant tentative approval if and only if all applicable requirements of this article are met and all of the following criteria are met:

- A. The proposed application for tentative approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this chapter; preserves the community development objectives of this chapter; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.
- B. Where the proposed application for tentative approval provides standards that vary from this chapter and Chapter 270, Subdivision and Land Development, otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.
- C. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this chapter and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- D. The physical design of the proposed development plan adequately provides for public services, traffic

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77. Editor's Note: See 53 P.S. § 10901 et seq.

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facilities and parking, light, air, recreation and visual enjoyment.

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- E. The proposed development plan is beneficially related to the immediate area in which it is proposed to be located.
- F. The proposed development plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.
- G. In the case of a development plan that proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the PRD in the integrity of the final development plan.

**§ 320-64. Application for final approval.**

After the development plan is granted tentative approval by the Board of Supervisors, the developer shall submit the application for final approval which shall consist of detailed plans for any phase or section of the development plan. No building permit shall be issued until final approval has been granted by the Board of Supervisors for the phase or section in which the proposed development is located. Final approval for any phase or section shall expire if construction is not initiated for the phase or section within one year of the date of final approval of the phase or section by the Board of Supervisors.

- A. In the event that an application for final approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this chapter and the official written communication granting tentative approval, the Board of Supervisors shall, within 45 days of such filing, grant final approval to the development plan.
- B. Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of tentative approval. However, gross and net density established at the time of tentative approval shall not be changed without a public hearing.
- C. The application for final approval shall comply with all applicable chapter provisions and the development plan shall include, as a minimum, the following information:
  - (1) All data required by Chapter 270, Subdivision and Land Development, for a final plan.
  - (2) Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
  - (3) The number of families to be housed in each building or structure and the intended use of each building or structure.
  - (4) A landscaping plan, as defined by this chapter, including the location and types of materials of sidewalks, trails and recreation facilities authorized by this chapter.
  - (5) Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and provisions for the ownership maintenance and operation of common open space facilities.
  - (6) An engineering report that shall include the following data, wherever applicable:
    - (a) Profiles, cross sections and specifications for proposed public and private streets.
    - (b) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
    - (c) Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.

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- (7) An erosion and sedimentation control plan that shall specifically indicate all erosion and sedimentation control measures to be utilized on the site and evidence that the plan has been submitted to the Washington County Conservation District for review and approval. If state permits are required, the applicable permits must be obtained prior to final approval. § 320-64
- (a) The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to, the following:
- [1] The topographic features of the site;
  - [2] The types, depth, slope and extent of the soils by area;
  - [3] The proposed alterations to the site;
  - [4] The amount of runoff from the site area and the upstream watershed;
  - [5] The staging of earthmoving activities;
  - [6] Temporary control measures and facilities during earthmoving;
  - [7] Permanent control measures and facilities for long term protection;
  - [8] A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- (b) If the Washington County Conservation District has not approved the plan before the date on which the Board of Supervisors acts on the application for final approval, evidence of the County Conservation District's approval of the plan shall be made a condition of final approval.
- (8) Variations from plan granted tentative approval.
- (a) In the event that the final development plan as submitted contains variations from the plan granted tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval so advise the landowner, in writing, of such refusal. In the event of such refusal, the landowner may either:
- [1] Refile the application for final approval without the variations objected to; or
  - [2] File a written request with the Board of Supervisors that it hold a public hearing on the application for final approval.
- (b) If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days, if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance.
- (c) If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
- (9) Public hearing.
- (a) Any public hearing held on an application for final approval shall be held pursuant to public notice within 30 days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this article for public hearings on an application for tentative approval. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.



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- (b) Within 30 days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny final approval. The grant or denial of final approval of the development plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for tentative approval.
- D. A final development plan, or any part thereof, that has been granted final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by Chapter 270, Subdivision and Land Development, for public and private improvements in the development plan.
- E. In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors in writing, or, in the event that the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code<sup>78</sup> after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is reclassified by enactment of an amendment to this chapter.

**§ 320-65. Common open space.**

- A. Areas required. Within a planned residential development, the following percentages of the total gross site area shall be devoted to the specified uses indicated:
- (1) A minimum of 30% of the total site area shall be set aside and preserved for usable common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the authority to enforce the preservation of the amenities as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, stream beds and stream valleys.
  - (2) No more than 70% of the total site area shall be devoted to residential use which shall include buildings, streets, driveways, parking areas, private yards and courts that abut and serve residences.
- B. Protection of common open space. Common open space in a planned residential development shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.
- C. Common open space maintenance. In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the final development plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the development plan granted final approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.<sup>79</sup>

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78. Editor's Note: See 53 P.S. § 10508.

79. Editor's Note: See 53 P.S. § 10705(f).

**Express Standards and Criteria for Certain Permitted Uses, Conditional Uses and Uses by Special Exception**

**§ 320-66. Applicability.**

The following procedures shall apply to all applications for approval of a conditional use or use by special exception in all zoning districts.

**§ 320-67. Procedure for approval.**

- A. Approval of conditional uses. The Township Supervisors shall hear and decide requests for conditional uses; however, the Township Supervisors shall not approve a conditional use application unless and until:
- (1) A written application for conditional use approval is submitted to the Zoning Officer no less than 10 working days prior to the regular meeting of the Planning Commission. The application shall indicate the section of this chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
    - (a) A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this chapter.
    - (b) A written statement showing compliance with the applicable express standards and criteria of this article for the proposed use.
    - (c) A list of the names and addresses of all property owners within 300 feet of the entire perimeter of the property for which conditional use approval is requested taken from the most recent records of the Washington County Tax Assessor's office. At least 14 days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
    - (d) A traffic impact analysis prepared by a registered traffic engineer for the following proposed conditional uses:
      - [1] Any proposed use that involves the construction of 50 or more multifamily dwellings.
      - [2] Any proposed use in the B-1 District that involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
    - (e) The application fee required by § 320-121 of this chapter.
  - (2) A written recommendation is received from the Township Planning Commission or 30 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
  - (3) A public hearing is conducted by the Township Supervisors pursuant to public notice and said hearing is scheduled no more than 60 days following the date of submission of a complete and properly filed application.
  - (4) The Township Supervisors shall render a written decision within 45 days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this chapter or any other applicable

rule or regulation shall contain a reference to the provision relied upon and the reasons why the

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conclusion is deemed appropriate in light of the facts found.

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- (5) In considering an application for conditional use approval, the Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this chapter and shall be subject to the enforcement provisions of § 320-115 of this chapter.
  - (6) If land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by Chapter 270, Subdivision and Land Development, may be processed concurrently provided all application requirements of both Ordinances for a conditional use and a land development plan are met.
- B. Expiration of conditional use approval. Conditional use approval shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.
- C. Approval of uses by special exception. The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for use by special exception unless and until:
- (1) A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the section of this chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
    - (a) A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this chapter.
    - (b) A written statement showing compliance with the applicable express standards and criteria of this article for the proposed use.
    - (c) A list of the names and addresses of all property owners within 300 feet of the entire perimeter of the property for which approval of the use by special exception is requested taken from the most recent records of the Washington County Tax Assessor's office. At least 14 days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
    - (d) A traffic impact analysis prepared by a registered traffic engineer for the following proposed conditional uses:
      - [1] Any proposed use that involves the construction of 50 or more multifamily dwellings.
      - [2] Any proposed use in the B-1 District that involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
    - (e) The application fee required by § 320-121 of this chapter.
  - (2) A public hearing pursuant to public notice, as defined herein, is conducted by the Zoning Hearing Board

within 60 days of submission of a complete and properly filed application. Said hearing shall be

§ 320-67 conducted in accordance with the procedures specified by § 320-107 of this chapter. § 320-69

- (3) In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this chapter rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend general public interest such as the health, safety and welfare of the neighborhood rests upon the applicant.
  - (4) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this chapter and shall be subject to the enforcement provisions of § 320-115 of this chapter.
  - (5) If land development approval is required for the use by special exception, the application for approval of a land development required by Chapter 270, Subdivision and Land Development, shall be submitted to the Township Planning Commission following approval of the use by special exception by the Zoning Hearing Board.
- D. Expiration of approval of a use by special exception. Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

**§ 320-68. General standards.**

In addition to the specific standards and criteria listed for each use in § 320-69, below, all applications for conditional use and uses by special exception listed in each zoning district shall demonstrate compliance with all of the following general standards and criteria:

- A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- B. The use shall comply with the performance standards of § 320-71 of this chapter.
- C. The use shall comply with all applicable requirements of Article XIII, governing parking and loading, Article XIV, governing signs, § 320-72, governing screening and landscaping, and § 320-79, governing storage.
- D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- E. Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- F. For all uses that are subject to the requirements of the Americans with Disabilities (ADA) Act,<sup>80</sup> the applicant shall certify that all applicable ADA requirements have been met in the design.

**§ 320-69. Standards for specific uses.**

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in

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**80. Editor's Note: See 42 U.S.C. § 12101 et seq.**

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§ 320-68, above, an application for any of the following uses that are listed in any zoning district as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

A. Adult businesses, subject to:

- (1) Adult businesses shall not be permitted in any zoning district other than the B-1 General Business District.
- (2) An adult business shall not be located within 1,000 feet of a church; public or private pre-elementary, elementary or secondary school; public library; day-care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
- (3) An adult business shall not be located within 1,000 feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- (4) No more than one adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
- (5) An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use when a church, public or private pre-elementary, elementary or secondary school, public library, day-care center or nursery school or public park is located within 1,000 feet, subsequent to the grant or renewal of the adult business permit. This provision applies only to the grant or renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (6) Any adult business, other than an adult motel, that exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than 150 square feet of floor space, a film or video cassette or other video or image production or reproduction that depicts nudity or sexual conduct, as defined herein, shall comply with the following:
  - (a) At least one employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
  - (b) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.
  - (c) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
  - (d) No viewing room shall be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.
  - (e) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one footcandle



- § 320-69 as measured at the floor level. It shall be the duty of the owners and operators and any agent and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises. § 320-69
- (f) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.
  - (g) Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
  - (h) The applicant shall agree to renew the certificate of occupancy annually in accordance with the requirements contained in § 320-118 of this chapter.

B. Agribusiness, subject to:

- (1) The minimum site required shall be 10 acres.
- (2) The agribusiness shall be supplementary to the principal use of the property for agriculture.
- (3) The operator of the agribusiness shall be a member of the family of the operator of the farm and shall be a resident of the farm.
- (4) The agribusiness shall be conducted from one or more accessory farm structures unless the nature of the activity is that it is usually performed outdoors.
- (5) The maximum floor area in all structures devoted to the agribusiness shall be 5,000 square feet.
- (6) Excluding seasonal workers, no more than five persons who are not residents on the farm shall be employed in the agribusiness.
- (7) If customers or clients routinely visit the agribusiness, a minimum of five parking spaces shall be provided adjacent to the farm structure in which the agribusiness is conducted. The parking spaces and driveway leading to them from the public street shall be improved with gravel, slag or other aggregate material.
- (8) Bed-and-breakfast, commercial recreation, low-impact on-site sales accessory to a farm and tourism shall not be considered agribusinesses and shall only be authorized in accordance with the express standards and criteria for those specific uses.
- (9) The annual income derived from the agribusiness shall not exceed the annual income derived from the agricultural operations on the farm.

C. Animal hospital, subject to:

- (1) In the B-1 District, the minimum lot area required for an animal hospital shall be 20,000 square feet. In the R-R District, the minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be two acres. In the R-R District, the minimum lot area for an animal hospital without an outdoor kennel or outdoor runs shall be one acre.
- (2) All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- (3) Outdoor kennels shall be located at least 200 feet from any property line adjoining any residential use or any R-R, R-1, R-2 or R-3 zoning classification and at least 50 feet from any other property line.
- (4) In the B-1 District, overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.

§ 320-69 (5) Kennels associated with animal hospitals shall be licensed by the commonwealth and shall continue to maintain a valid license throughout their operation. any suspension of the license shall be a violation of this chapter and shall be subject to the enforcement provisions of § 320-115 of this chapter. § 320-69

(6) Odors shall be controlled so as to comply with the performance standards of § 320-71 of this chapter.

D. Bed-and-breakfast, subject to:

- (1) The operator shall be a full-time resident of the dwelling in which the bed-and-breakfast is located.
- (2) No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- (3) The maximum length of stay for any guest shall be 14 days in a calendar year.
- (4) Evidence shall be submitted that the Pennsylvania Department of Environmental Protection (PA DEP) has approved the proposed system for sewage disposal as adequate for the proposed number of occupants.
- (5) In addition to the parking required for the dwelling, one parking space shall be required for each sleeping room offered to overnight guests.
- (6) One identification sign shall be permitted and such sign may either be attached to the wall of the dwelling or may be freestanding in the front yard, provided the surface area of any sign shall not exceed six square feet, the height of any freestanding sign shall not exceed four feet and the freestanding sign shall be located at least 15 feet from any property line.
- (7) The identification sign shall contain no information other than the following items:
  - (a) The street address.
  - (b) The name of the establishment.
  - (c) The name of the proprietor.
  - (d) A small logo or other decorative symbol.

E. Billboards, subject to:

- (1) All billboards shall be subject to the express standards and criteria contained in § 320-96 of this chapter.

F. Boarding stable; riding academy, subject to:

- (1) The minimum site shall be 10 acres.
- (2) If horses are pastured, a minimum of one acre per horse shall be provided. If horses are stabled and provided with grain, an adequate area for exercising horses shall be provided; however, no minimum acreage per horse shall be required.
- (3) All animals shall be properly sheltered and humanely kept.
- (4) All stables and other buildings in which animals are kept shall be located at least 200 feet from any existing occupied dwelling on adjacent property, other than the stable owner's dwelling.
- (5) The storage of manure shall be at least 200 feet from any existing dwelling on adjacent property.
- (6) The area of the property used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent properties.

§ 320-69 (7) If there is no occupied dwelling on the site of the boarding stable or riding academy, twenty-four-hour security and supervision shall be provided. § 320-69

G. Car wash, subject to:

- (1) All automated washing facilities shall be in a completely enclosed building, as defined by this chapter. All other car washing facilities shall be under a roofed structure that has at least two walls.
- (2) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- (3) Standing spaces shall be provided in accordance with the requirements specified in § 320-76 for drive-through facilities.
- (4) The facility shall be connected to public sanitary and storm sewers.
- (5) Driveway entrances shall be located at least 30 feet from the right-of-way line of the intersection of any public streets.

H. Cemetery, subject to:

- (1) A cemetery shall not be established on any parcel of property that is less than 10 acres.
- (2) A family plot shall be located on property that comprises at least 10 acres, however, there shall be no minimum lot area required for the family plot. The applicant shall submit a registered survey with the conditional use application indicating the boundaries of the family plot.
- (3) A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- (4) Except for family plots, a groundwater study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- (5) Except for family plots, plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- (6) Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Article XIII.
- (7) All maintenance equipment shall be properly stored in an enclosed building when not in use.
- (8) Burial sites or burial structures in cemeteries and family plots shall not be located within 100 feet of any property line adjoining residential use or zoning classification.

I. Church or school, subject to:

- (1) The minimum lot area required for a post-secondary school shall be 10 acres. The minimum lot area required for all other uses shall be one acre.
- (2) If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than 10 persons shall be housed.
- (3) A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this chapter for single-family dwellings in the zoning district can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- (4) If the school includes dormitories, the dormitories shall be screened along any property line adjoining single-family use or an R-1, R-2 or R-3 zoning classification by buffer area "C", as defined by

§ 320-69 § 320-72A of this chapter.

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- (5) Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
  - (6) Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
  - (7) All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by firefighting equipment.
  - (8) All outside storage shall be screened from public view from streets and adjoining properties by a six-foot-high dense, compact evergreen hedge or opaque fence.
  - (9) The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.
- J. Communications antenna mounted on an existing building or existing public utility storage or transmission structure, subject to:
- (1) Building-mounted antennas shall not be permitted on any single-family dwelling or two-family dwelling.
  - (2) The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
  - (3) The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable airport zoning regulations.
  - (4) Building-mounted antennas shall be permitted to exceed the height limitations of the district by no more than 20 feet. Antennas mounted on an existing public service corporation facility, storage or transmission tower shall not project more than 20 feet above the height of the tower.
  - (5) Omnidirectional or whip antennas shall not exceed 20 feet in height or seven inches in diameter.
  - (6) Directional or panel antennas shall not exceed five feet in height or two feet in width.
  - (7) Satellite and microwave dish antennas mounted on the roof of a building or on a self-supporting communications tower shall not exceed six feet in diameter.
  - (8) Satellite and microwave dish antennas mounted on a monopole communications tower or existing public service corporation facility, storage or transmission structure shall not exceed two feet in diameter.
  - (9) The applicant proposing a building-mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.
  - (10) Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Township.
  - (11) The placement of the equipment cabinet shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement.
  - (12) Unless located within a secured building, the equipment cabinet shall be fenced by a ten-foot-high chain-

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link security fence with locking gate. If the equipment cabinet is visible from any public street or adjoining residential property, the equipment cabinet shall be screened by a minimum six-foot-high dense, compact evergreen hedge or opaque fence.

- (13) If vehicular access to the equipment cabinet is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided that has a minimum width of 20 feet and which shall be improved with a dust-free all-weather surface for its entire length.
- (14) At least one off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet to facilitate periodic visits by maintenance workers.

K. Communications tower, subject to:

- (1) The applicant shall demonstrate that it is licensed or has made application to be licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- (2) Any applicant proposing a new freestanding communications tower shall demonstrate that a good-faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing communications tower. A good-faith effort shall require that all owners within a one-fourth-mile radius of the proposed site be contacted and that one or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
  - (a) The proposed equipment would exceed the structural capacity of the existing building, communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
  - (b) The proposed equipment would cause RF (radio frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
  - (c) Existing buildings, communications towers or other structures do not have adequate space or height to accommodate the proposed equipment.
  - (d) Addition of the proposed equipment would result in NIER (nonionizing electromagnetic radiation) levels that exceed any adopted local, federal or state emission standards.
- (3) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- (4) The base of the communications tower shall be set back from all property lines a minimum distance which represents 20% of the tower height measured from the base of the antenna support structure at grade to the highest point of the structure.
- (5) An antenna that is proposed to be mounted on an existing building or structure, other than an existing communications tower, shall not exceed the height of the building or structure by more than 20 feet.
- (6) The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
- (7) In the case of a freestanding communications tower, the applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- (8) The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris,

§ 320-69 electromagnetic fields or radio frequency interference.

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- (9) All guy wires and guyed towers shall be clearly marked and fenced in compliance with Subsection K(10), below.
- (10) Unless the communications tower is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six-foot-high chain-link fence with self-latching gate to limit accessibility to the general public.
- (11) All tower structures shall be fitted with anticlimbing devices as approved by the manufacturer for the type of installation proposed.
- (12) All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and airport zoning regulations.
- (13) No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- (14) Tower structure's supporting antennas shall be painted or finished in accordance with FAA regulations in order to reduce visual impact.
- (15) If the communications tower is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the commercial communications tower is not fully automated, one parking space shall be provided for each employee on peak shift.
- (16) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA), PA Department of Aviation or the Federal Communications Commission (FCC).

L. Commercial recreation, subject to:

- (1) The minimum lot area required for outdoor recreation facilities shall be one acre. All indoor facilities shall meet the minimum lot area required for the zoning district in which the property is located.
- (2) The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- (3) The property shall be served by public water and public sewers.
- (4) Adequate sanitary facilities available to the public shall be provided.
- (5) Outdoor speakers shall not be permitted if there are dwellings within 500 feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- (6) Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and firefighting equipment.
- (7) Any outdoor facility shall be completely enclosed by a fence that is at least six feet in height with one or more locking gates that shall remain secured when the facility is not in use.
- (8) Any outdoor facility located within 200 feet of an existing dwelling shall cease operations no later than 10:00 p.m.
- (9) Any use that includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

M. Comparable uses not specifically listed, subject to:

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- (1) Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the zoning district in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Board shall consider the following characteristics of the proposed use:
  - (a) The number of employees;
  - (b) The floor area of the building or gross area of the lot devoted to the proposed use;
  - (c) The type of products, materials and equipment and/or processes involved in the proposed use;
  - (d) The magnitude of walk-in trade; and
  - (e) The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of § 320-71 of this chapter.
- (2) The proposed use shall comply with all applicable area and bulk regulations for the zoning district in which it is located.
- (3) The proposed use shall comply with any applicable express standards and criteria specified in this article for the most nearly comparable use by special exception or conditional use listed in the zoning district in which the comparable use is proposed.
- (4) If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a permitted use or use by special exception, the Zoning Hearing Board shall review the proposed use as a use by special exception and shall act on the proposed development plan.
- (5) If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a conditional use, the Zoning Hearing Board shall forward the application to the Board of Supervisors to conduct a public hearing and act on the development plan in accordance with the requirements of § 320-67A.
- (6) The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.

N. Convenience commercial in the R-3 District, subject to:

- (1) The authorized uses shall be limited to one or more of the following:
  - (a) Professional office.
  - (b) Personal services.
  - (c) Business services.
  - (d) Ice cream shop or confectionery.
  - (e) Restaurant; tearoom; delicatessen; bar or tavern.
  - (f) Florist or gift shop.
  - (g) Antique shop.
  - (h) Food store.
  - (i) Funeral home.
  - (j) Laundromat.

- § 320-69 (k) Craftsman. § 320-69
- (l) Craft or hobby shop.
- (2) The lot shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.
- (3) The maximum gross floor area devoted to an individual commercial business shall be 10,000 square feet.
- (4) Off-street parking shall be provided in accordance with the requirements of Article XIII. All off-street parking located adjacent to a property in the R-1, R-2 or R-3 Districts shall be screened by buffer area "C" as defined by § 320-72A.
- O. Crematorium, subject to:
- (1) The minimum site required shall be five acres.
- (2) The crematory shall not be located within 500 feet of any existing dwelling.
- (3) The use shall comply with the performance standards of § 320-71 of this chapter.
- (4) The use shall comply with all applicable regulations of the Commonwealth of Pennsylvania.
- P. Day-care center or preschool facility, subject to:
- (1) The facility shall be registered with or licensed by the Commonwealth of Pennsylvania, if applicable.
- (2) Outdoor play areas shall be provided that shall have a minimum area of 65 square feet per child and that shall be secured by a four-foot-high fence with self-latching gate.
- (3) The general safety of the property proposed for a day-care center, nursery school or preschool facility shall meet the needs of small children.
- (4) Off-street parking shall be provided in accordance with the requirements of Article XIII of this chapter.
- Q. Family day-care home, subject to:
- (1) An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four-foot-high opaque fence.
- (2) Outdoor play areas shall have a minimum area of 400 square feet.
- (3) A safe area shall be provided for dropping off and picking up children that does not obstruct the free flow of traffic on any public street.
- (4) The family day-care home shall be licensed by, or approved by, the Commonwealth of Pennsylvania, as required by the laws of the commonwealth, and continued compliance with the license or approval and all applicable laws of the commonwealth shall be maintained throughout the operation of the family day-care home.
- (5) All applicable criteria of § 320-69V governing home occupations shall be met.
- R. Funeral home, subject to:
- (1) The minimum lot area shall be 100,000 square feet.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector street.



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- (3) All off-street parking areas that adjoin an R-1, R-2 or R-3 zoning classification shall be screened by buffer area "C" as defined by § 320-72A of this chapter.
  - (4) Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.
- S. Garden apartments or townhouses in the R-3, subject to:
- (1) The minimum site required to construct garden apartments or townhouses shall be one acre.
  - (2) The maximum dwelling unit density shall be 10 units per acre for townhouses and 12 units per acre for garden apartments.
  - (3) All applicable area and bulk regulations of the R-3 District for the proposed dwellings shall apply.
  - (4) All parking areas adjacent to property containing a single-family dwelling shall be screened by buffer area "C" as defined by § 320-72A.
  - (5) All portions of the property not covered by buildings, driveways, parking and recreation facilities shall be suitably landscaped with grass, ground cover and decorative shrubs or trees.
  - (6) The design and orientation of the buildings on the property shall take into account compatibility with and visual impact on adjacent single-family residential properties.
  - (7) On lots containing more than 24 dwelling units, indoor or outdoor recreational facilities appropriate to the needs of the residents shall be provided.
- T. Golf course, golf or country club, subject to:
- (1) The minimum site required shall be 30 acres.
  - (2) Clubhouses shall be located at least 200 feet from any property line adjoining property in an R-1, R-2 or R-3 District and at least 50 feet from all other property lines.
  - (3) Where eating and/or drinking facilities are provided, off-street parking requirements of Article XIII for restaurants shall be met.
  - (4) Where a swimming pool is provided, parking requirements for swimming pools shall apply in addition to the parking requirements for golf courses.
  - (5) All off-street parking that adjoins any R-1, R-2 or R-3 District shall be screened by buffer area "C" as defined by § 320-72A of this chapter.
  - (6) The clubhouse and any other outdoor recreation facility other than the golf course, such as a swimming pool or tennis courts, shall be screened by buffer area "B" as defined by § 320-72A of this chapter along all property lines that adjoin property in any R-1, R-2 or R-3 District.
  - (7) Outdoor operations shall be discontinued between the hours of 11:00 p.m. and 6:00 a.m.
- U. Group care facility; personal care boarding home; transitional dwelling, subject to:
- (1) The minimum area and bulk regulations for a group care facility, personal care boarding home or transitional dwelling shall be the same as those required for a principal use in the district in which the facility is located.
  - (2) In the R-3 District, a group care facility or personal care boarding home shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
  - (3) No group care facility, personal care boarding home or transitional dwelling shall be located within 500

§ 320-69 feet of another existing or proposed group care facility, personal care boarding home or transitional dwelling. § 320-69

- (4) Adequate provisions shall be made for access by emergency medical and firefighting vehicles.
- (5) Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.
- (6) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs.
- (7) Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

V. Home occupation, subject to:

- (1) The home occupation shall be carried on by a member of the family residing in the dwelling. No more than one person who is not a resident of the dwelling shall be employed in the dwelling.
- (2) In the R-2 and R-3 Districts, the home occupation shall be conducted entirely within the principal dwelling and shall not be conducted in any accessory structure. No more than 25% of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- (3) In the R-R and R-1 Districts, the home occupation may be carried on in the principal dwelling or in an accessory structure, provided the gross floor area devoted to the home occupation shall not exceed 25% of the gross floor area of the principal dwelling.
- (4) Products shall be limited to handicrafts made by the residents produced on the site for sale off the premises. Such articles shall not be displayed on the premises, except that samples may be displayed for the purpose of accepting orders.
- (5) There shall be no display on the premises of merchandise for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.
- (6) There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than one square foot in surface area containing only the name of the resident and the nature of the home occupation. Such sign may be attached to the mailbox or to the wall of the dwelling.
- (7) The use shall not require internal or external alterations or construction features that are not customary to a dwelling or which change the fire rating of the structure.
- (8) Objectionable ~~noise~~, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the performance standards of § 320-71 of this chapter.
- (9) The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the immediate area.
- (10) There shall be no use of materials or equipment except that of a similar power and type normally used in a residential dwelling for domestic or household purposes.
- (11) The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the immediate area.
- (12) In the R-2 and R-3 Districts, commercial vehicles in excess of 8,000 pounds GVW shall not be parked

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on the premises.

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- (13) In the R-2 and R-3 Districts, there shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- (14) Any home occupation where customers, clients or students routinely visit the premises shall provide an off-street parking area with a dust-free, all-weather surface in accordance with the requirements of Article XIII for the specific use in addition to the spaces required for the dwelling.
- (15) The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
  - (a) Artist, photographer or handicrafts studio;
  - (b) Catering off the premises;
  - (c) Contracting business, excluding on-site storage of equipment;
  - (d) Computer programmer, data processor, writer;
  - (e) Consultant, clergy, counselor, bookkeeping, drafting or graphics services;
  - (f) Dressmaker, tailor;
  - (g) Professional offices that involve routine visitation by customers or clients;
  - (h) Housekeeping or custodial services;
  - (i) Interior design;
  - (j) Jewelry or watch repair, not including wholesale or retail sales;
  - (k) Lawnmower or small engine repair in the R-R and R-1 Districts only;
  - (l) Locksmith;
  - (m) Mail order business;
  - (n) Manufacturer's representative;
  - (o) Repair of small household appliances that can be hand carried;
  - (p) Telemarketing;
  - (q) Travel agent;
  - (r) Tutoring or any other instruction to no more than five students at a time;
  - (s) Word processing, typing, secretarial services.
- (16) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:
  - (a) Beauty shops and barbershops containing more than two chairs;
  - (b) Blacksmith and metal working;
  - (c) Boarding stable or riding academy;

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- (d) Clinic, hospital or nursing home;
- (e) Funeral home;
- (f) Group care facility, personal care boarding home or transitional dwelling;
- (g) Kennel, veterinary clinic;
- (h) Private club;
- (i) Private instruction to more than five students at a time;
- (j) Restaurants, tea rooms;
- (k) Retail or wholesale sales;
- (l) Tanning, nail or massage salon;
- (m) Tourist or boarding home, other than bed-and-breakfast;
- (n) Vehicle or equipment rental, repair or sales;
- (o) Vehicle repair garages.

(17) The acceptability of any proposed home occupation not specifically listed above shall be determined by the Zoning Hearing Board in accordance with the standards of this § 320-69V and the applicable criteria for comparable uses not specifically listed in § 320-69M.

W. Hospital, clinic or nursing home, subject to:

- (1) The minimum lot area required for a hospital shall be five acres. The minimum lot area required for a clinic or nursing home shall be one acre.
- (2) The property shall be served by public water and public sewers.
- (3) All hospitals and nursing homes shall be licensed by the commonwealth.
- (4) Water pressure and volume shall be adequate for fire protection.
- (5) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (6) The parking and circulation plan shall be referred to the Township Police Department and volunteer fire company for comments regarding traffic safety and emergency access.
- (7) Nursing homes shall have a bed capacity of at least 20 beds, but no more than 200 beds.
- (8) All property lines adjoining residential use or zoning classification shall be screened by buffer area "C", as defined by § 320-72A of this chapter.
- (9) A private use helipad for air ambulance shall be permitted as part of a hospital, provided all of the following criteria are met:
  - (a) Helipads shall be located at least 250 feet from any property line or public street.
  - (b) Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
  - (c) Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.

- § 320-69 § 320-69
- (d) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
  - (e) The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
  - (f) An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
  - (g) Lighting shall be shielded away from adjacent properties and streets.
- (10) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

X. Junkyard, subject to:

- (1) The minimum site required shall be 20 acres.
- (2) The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- (3) No garbage, hazardous materials or hazardous waste as defined by federal statute, or other organic waste shall be stored on the premises.
- (4) The handling and disposal of motor oil, battery acid and other substances regulated by federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of § 320-115 of this chapter.
- (5) The manner of storage of junk or other materials or equipment on the site shall facilitate access for firefighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- (6) The junk or salvage yard operation shall comply with the performance standards of § 320-71 of this chapter.
- (7) No junk shall be stored or accumulated and no structure shall be located within 100 feet of any dwelling or within 40 feet of any property line or public street.
- (8) The premises shall be enclosed by a metal chain-link fence not less than eight feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the buffer area required by Subsection X(10), below.
- (9) The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- (10) Buffer area "A," as defined by § 320-72A of this chapter, shall be provided along all property lines adjoining residential use or R-1, R-2 or R-3 zoning classification.
- (11) The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
- (12) In January of each year, the operator shall apply to the Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and any required state permits.

Y. Kennel, subject to:

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- (1) In the R-R and R-1 Districts, kennels shall be accessory to a farm or, when proposed as a principal use, shall have a minimum site area of five acres.
  - (2) Outdoor kennels shall be located at least 300 feet from any occupied dwelling on an adjacent lot, and at least 200 feet from any property line adjoining property in an R-R, R-1, R-2 or R-3 District.
  - (3) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence at least eight feet in height secured with self-latching gate and shall be screened by buffer area "C," as defined by § 320-72A of this chapter.

Z. Landfill, subject to:

- (1) The minimum site required for a landfill shall be 200 acres.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- (3) The site shall not be located in the watershed of any high quality stream identified by the commonwealth.
- (4) The driveway or haul road entering the site from a public street shall be paved for a distance of 500 feet from the public street.
- (5) A tire-washing station shall be located on the site to service trucks exiting the facility.
- (6) Bond.
  - (a) Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.
  - (b) Any failure to complete the reconstruction required by this chapter shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.
- (7) Landfill operations shall not be conducted within 1,000 feet of any property lines adjoining residential use or zoning district classification.
- (8) All property lines adjoining residential use or R-1, R-2 or R-3 zoning district classification shall be screened by buffer area "A," as defined by § 320-72A of this chapter.
- (9) Fencing at least eight feet in height shall be provided around any work area for security and to control windblown refuse.
- (10) The applicant shall show compliance with all applicable federal and state laws regulating landfills.
- (11) The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.
- (12) The required federal or state permits shall be maintained throughout the duration of all operations.
- (13) Any suspension or revocation of the required state or federal permits shall constitute a violation of this chapter and shall result in the suspension or revocation of the zoning certificate or enforcement of the

§ 320-69 penalty provisions of this chapter or both.

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- (14) In January of each year, the operator shall apply to the Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and the required state or federal permits.

AA. Light manufacturing, subject to:

- (1) All activities shall comply with the performance standards specified in § 320-71 of this chapter.
- (2) Buffer area "C" shall be provided in accordance with the requirements of § 320-72A of this chapter along all property lines that adjoin residential use or R-1, R-2 or R-3 zoning classification.
- (3) The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- (4) Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- (5) Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

BB. Mini warehouse; self-storage buildings, subject to:

- (1) The minimum site area required shall be two acres.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- (3) Vehicular access to the site shall be limited to one two-way or two one-way driveways from each arterial or collector street on which the site has frontage.
- (4) All interior driveways shall be improved with an aggregate surface sufficient for the loads the driveways are expected to bear, and concrete aprons shall be provided at the unit entrances.
- (5) Parking shall be provided in accordance with the following:
  - (a) Two spaces for manager's quarters, if any;
  - (b) One space for each 25 storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;
  - (c) One space for each 10 storage units equally distributed throughout the storage area to be used by the customers.
- (6) Buffer area "C" shall be provided in accordance with the requirements of § 320-72A of this chapter along all property lines that adjoin residential use or R-1, R-2 or R-3 zoning classification.
- (7) The perimeter of the site shall be fenced with a minimum eight-foot-high chain-link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material that creates a visual barrier that is at least 80% opaque.
- (8) Maximum building height shall be 20 feet.
- (9) The maximum length of any storage building shall be 200 feet.
- (10) The minimum distance between storage buildings shall be 20 feet.

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- (11) Maximum lot coverage by all buildings shall be 60%.
- (12) Office space may be provided which shall not exceed 5% of the total area devoted to storage.
- (13) Storage units shall not be equipped with water or sanitary sewer service.
- (14) No business activity other than rental of storage units shall be conducted on the premises.
- (15) Operations shall be regulated so that nuisances such as visual blight, glare, ~~noise~~, blowing debris or dust shall not be created.
- (16) Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- (17) No advertising sign shall be placed on the buildings or on their rooftops.
- (18) Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
- (19) If public water is available, a minimum of one fire hydrant shall be provided on the site, subject to approval by the Township. The facility shall comply with the Township Fire Code.

CC. Mineral extraction, subject to:

- (1) Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) are met.
- (2) There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- (3) Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a wilderness trout stream, by the Pennsylvania Department of Environmental Protection (PA DEP) as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.<sup>81</sup>
- (4) No mineral removal shall be conducted within 300 feet of any public building, school, church, community or institutional building, commercial building, public park or recreational area.
- (5) No mineral removal shall be conducted within 100 feet of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate state or federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
- (6) No mineral removal shall be conducted that will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic sight.
- (7) No mineral removal shall be conducted within 100 feet of a cemetery.
- (8) No mineral removal shall be conducted within 300 feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.
- (9) The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation

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81. Editor's Note: See 16 U.S.C. § 1271 et seq.



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will not adversely affect any of the following:

- (a) Lawful existing or permitted use of adjacent properties.
- (b) The quality or adequacy of any public or private water supply source.
- (c) Any flood-prone or landslide-prone areas within the Township.

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- (10) The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- (11) If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- (12) The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- (13) The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on state, county and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- (14) The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets that may be damaged during the mineral removal operations.
- (15) Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- (16) The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required state or federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this chapter.
- (17) Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six months after the date of approval.
- (18) Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required federal and state permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.
- (19) During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

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DD. Mobile home park, subject to:

- (1) The application shall comply with all applicable requirements of Chapter 270, Subdivision and Land Development, governing mobile home parks.
- (2) The minimum site required for a mobile home park shall be 15 acres.
- (3) The site shall have frontage on and direct vehicular access to a street defined by this chapter as arterial or collector.
- (4) The site shall be served by public sewers or a community treatment system approved by the Pennsylvania Department of Environmental Protection (PA DEP).
- (5) The minimum mobile home lot shall be 3,000 square feet.
- (6) The minimum yard requirements for each mobile home lot shall be 25 feet for front yards, 20 feet for rear yards and 10 feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- (7) A minimum fifty-foot setback shall be provided around the entire perimeter of the mobile home park site.
- (8) Buffer area "B," as defined by § 370-72A of this chapter, shall be provided along all property lines adjoining property in an R-R, R-1, R-2 or R-3 District.
- (9) Every mobile home slab shall have access to a public or private street paved in accordance with the requirements of Chapter 270, Subdivision and Land Development.
- (10) Each mobile home lot shall provide two off-street parking spaces.

EE. Oil and gas drilling, subject to:

- (1) Oil and gas drilling shall not be permitted on any property or portion of property that is an historic or archaeological site.
- (2) No drilling shall be permitted within 400 feet of any building or intensively used recreation facilities such as playing courts or fields, playgrounds and similar facilities.
- (3) No drilling shall be permitted within 300 feet of any stream, wetland or body of water.
- (4) No drilling shall be permitted within 300 feet of any wildlife refuge or propagation area.
- (5) No drilling shall be permitted within 200 feet of any trail, road or existing road or utility right-of-way.
- (6) Salt water shall be managed and disposed of in such a manner to prevent it from affecting or entering into any lake, stream, flood-control facility or water supply impoundment.
- (7) Oil and gas drilling sites, water storage facility, recycled water storage facility, temporary supervisor structures (permitted uses) and oil and gas processing or transfer site (conditional use) shall be considered subject to the following express standards and additional criteria where applicable: **[Added 8-9-2011 by Ord. No. 1-11<sup>82</sup>]**
  - (a) A buffer zone of 1/4 mile (1,320 feet) shall be maintained around all areas zoned R-3 Village Residential District and SC (Special Conservation) District excluding Cross Creek County Park. No surface oil and gas drilling, water storage facility, recycled water storage facility, temporary

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82. Editor's Note: This ordinance also added a number of oil-and-gas-related definitions to § 320-8, and further provided that all other terms will be as defined in Pennsylvania's Oil and Gas Act (Act 223) Title 58, Oil and Gas, Chapter 11, Oil and Gas Act. Said Ch. 11 was repealed 2-14-2012, eff. 4-15-2012, by P.L. 87, No. 13; see now Title 58 of Pa.C.S.A., particularly 58 Pa.C.S.A. § 3201 et seq. and 58 P.S. § 3301 et seq.

- § 320-69 supervisor structures or oil and gas processing or transfer site shall be permitted within this § 320-69 buffer area. Underground horizontal drilling may take place within the buffer and the R-3 and SC Districts.
- (b) No oil and gas drilling within 1,000 feet of a protected structure and no oil and gas processing or transfer site within 2,000 feet of a protected structure unless waived by the structure owner.
  - (c) The applicant or owner of the oil or gas well, processing or transfer site shall execute an excess maintenance agreement with the Township and post a bond in favor of the Township in a form acceptable to the Township prior to beginning any work on a drill site. The bond is to guarantee restoration of Township roads for damages as a result of hauling associated with the drilling operation.
  - (d) The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. The operator is to meet with a Township official and develop a unique plan that addresses safety issues at the prospective site.
  - (e) Driveways.
    - [1] Driveways accessing the drill site shall be paved with an impervious material from the public street cartway 50 feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation.
      - [a] Compacted subgrade.
      - [b] PADOT Class 4 geotextile fabric.
      - [c] Eight inches AASHTO No. 2 crushed aggregate base course.
      - [d] Two inches PADOT 2A aggregate (choke material).
      - [e] Four inches (compacted) - Superpave 25 mm binder course.
    - [2] The remainder of the driveway to the well pad shall be constructed with the following material:
      - [a] Compacted subgrade.
      - [b] Eight inches AASHTO No. 1 crushed aggregate base course.
      - [c] Two inches PADOT 2A aggregate (choke material).
  - (f) Proper and adequate stormwater runoff controls for driveways shall be installed to prevent concentration of runoff onto adjacent properties or public streets.
  - (g) In accordance with OSHA, the Material Safety Data Sheet (MSDS) will be located at the drill site and available at all times. The local Fire Departments will be provided with appropriate training.
    - [1] Prior to development, the operator shall provide to the Township's first responders, and to the Zoning/Code Officer a copy of its Preparedness, Prevention and Contingency (PPC) Plan. The owner or operator of an oil and gas development shall provide to the Township at least one week prior to drilling the first well at a well site:
    - [2] The number of wells to be drilled during the next 12 months and a description of equipment and structures to be installed, to the extent known.
    - [3] The 911 address of the well site, as determined by the Township or county for information of emergency responders.

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- [4] A copy of the well location plat for each well planned on the well site that has been submitted to the Department as part of the application for an oil and gas drilling permit, and the drilling permit that has been issued by the Department.
  - [5] The Preparedness, Prevention and Contingency ("PPC") Plan for the well site. Any updates to the PPC Plan shall be provided to the Township within 30 days of any such update.
- (h) Information and notice.
- [1] At least 10 days, but no more than 180 days, prior to commencing drilling in the Township, and, if requested by the Township, annually thereafter for so long as drilling is continuing or is planned within the Township, a public meeting shall be scheduled where a presentation shall be made to the Township's residents describing the planned development activities and allowing for questions from Township residents and business owners. The operator shall be responsible to advertise the meeting(s) in a newspaper of general circulation within or including the Township. The notice shall include the purpose of the meeting, and the date, time and location within the Township of the meeting.
  - [2] Prior to drilling an oil or gas well or multiple oil or gas wells at a well site, the following information shall be provided to each resident whose nearest property line is located within 2,500 feet of the planned surface location of the well(s):
    - [a] A copy of the well survey plat showing the location(s) of the planned well(s);
    - [b] A general description of the planned operations at the planned well site and associated equipment used in the development of the well(s);
    - [c] The contact information for the operator; and
    - [d] Arrangements to hold a meeting with such residents to present plans for the well(s) and to allow for questions and answers. This meeting shall be held prior to drilling of the first well at a well site.
- (i) The access driveway off the public road to the drill site, processing facility or transfer site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. Gates shall be at least 50 feet off of public road so as not to interfere with road traffic.
- (j) Any newly established private easements/roadways constructed on the parcel containing the well shall be located at least 25 feet from any property line unless consent is obtained from the adjoining property owner. Existing easements/roadways shall be exempt from the requirement to obtain consent from adjoining property owner; provided, however, that the Board of Supervisors may permit a permanent easement/roadway to be located closer than 25 feet from any property line upon showing by the applicant that the location of such easement/roadway cannot be constructed as required due to topographical or environmental constraints.
- (k) Lighting. No drill site, processing facility or transfer site lighting used for the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property in the general vicinity of the drill site. To the maximum extent practicable and taking into account safety considerations, site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties.
- (l) Dust, vibration, and odors. All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best accepted practices

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incident to drilling for oil or gas in urban/suburban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity.

(m) Noise.

- [1] The following oil and gas development activities and associated equipment are not subject to these noise conditions: the normal and typical sounds resulting from heavy equipment performing well pad and other well site construction, truck traffic and similar sounds resulting from mobile or portable equipment properly equipped with mufflers or similar standard sound mitigation devices.
- [2] The only oil and gas development activities and equipment subject to noise conditions shall be drilling and hydraulic fracturing activities and equipment.
- [3] The following conditions shall establish all of the noise conditions applicable to oil and gas development. No other Township noise or sound provisions shall be applicable.
- [4] The following noise mitigation conditions and measures shall only be applicable and required where:
  - [a] There are one or more of any of the following buildings — a residence, place of business, school, or similar routinely occupied structure located within 2,500 feet of the surface location of the well bore of an oil or gas well during drilling; and
  - [b] The noise mitigation conditions and measures have not been waived, in writing, by the owners of all of the proximate inhabited buildings.
- [5] Noise mitigation conditions. The operator shall take the following steps to mitigate noise that may result from and during oil or gas well drilling or hydraulic fracturing:
  - [a] Erect barriers around individual equipment that the operator has reasonably determined to be primary sources of noise and also apply mitigation measures to muffle the sound generated from releasing air pressure from the drill string during air drilling; or
  - [b] Erect a noise wall or barrier around the perimeter of the drilling site on all sides facing a proximate inhabited building.
  - [c] In addition to these mitigation measures, the operator shall complete two separate evaluations to determine if the noise level, as described below, is exceeded, within five calendar days of commencement of drilling and within five calendar days of commencement of hydraulic fracturing.
  - [d] The two noise level evaluations shall be required for the initial well drilled at a well site, only. The evaluation shall be conducted by continuously monitoring the sound at the noise determination location(s) for 48 hours. The "noise determination location" shall be: a) the property line directly between the sound source (drilling rig or hydraulic fracturing equipment) and a proximate inhabited building; or b) 100 feet from the proximate inhabited building on a line directly to the sound source, whichever is closer to the proximate inhabited building.
  - [e] The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent capabilities.

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- [f] The noise level at the noise determination location shall be the greater of:
  - [i] 55 dBA (during drilling) and 55 dBA (during hydraulic fracturing); or
  - [ii] 7 dBA (during drilling) and 10 dBA (during hydraulic fracturing) above the site-specific background sound level.

The site-specific background sound level would be determined by performing a continuous seventy-two-hour test at the noise determination location(s) and would be performed prior to drilling and such that the results are unaffected by any oil and gas development activities or equipment. The determination of a site-specific background sound level may or may not be performed at the discretion of the operator.

- [6] The noise level shall be determined to be exceeded if either or both noise level evaluations result in sound levels above the noise level for any duration, except that the noise level is not exceeded for short term increases of sound as set forth below:

Increase above Noise Level (dBA)	Duration of Increase (minutes)*
5	15
10	10
15	5
20	1

\* Cumulative minutes during any one hour.

- (n) The operator shall provide documentation of any established, seventy-two-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA to the Township's Zoning Officer within 10 business days of such a request from the Zoning Officer.
- (o) All drill site pads, water storage facilities, recycled water storage facilities and off-site fracture ponds shall be secured with a Township approved temporary fence. All transfer sites, processing facilities, shall be secured with a permanent fence with a secured gate as follows:
  - [1] The fence shall be a minimum of six feet in height, chain link or seven strands of high tensile with electrification.
  - [2] The fencing shall be in place throughout the drill operation including any associated ponds, both fresh and fracture.
  - [3] The chain-link fence shall have a minimum thickness of 11 gauge.
  - [4] Upon completion of drilling and hydraulic fracturing at any well site located within 1,000 feet of any occupied residential structure, place of business structure, school building, or similar routinely occupied structure, security fencing consisting of a permanent chain-link fence shall be installed to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
- (p) At the time of conditional use application, a survey of the site with all permanent facilities (tanks or other surface installations) with locations and distances to property lines shall be filed with the

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application. Upon completion, as-built/record drawings shall be filed with the Township and Fire Department.

- (q) All permanent facilities shall be painted (and kept in good repair) an earth-tone color to blend in with the surrounding area. The Township may require fencing and/or landscaping to buffer the facilities from adjacent properties.
- (r) After the operation is complete, the operator shall clean the site, complete all restoration activities in accordance with Section 206 of the Pennsylvania Oil and Gas Act.<sup>83</sup> Any damage to public property caused by such operations shall be repaired/restored within 60 days of completing the operation.
- (s) After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the PA DEP inspectors all waste materials from any public or private property affected by such spills, leak or malfunction. Cleanup operations must begin immediately upon knowledge that a spill, leak or malfunction occurs.
- (t) The public street entrance and the property on which a site is located shall at all times be kept free to mud, debris, trash or other waste materials.
- (u) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (v) All work associated with preparing the site (grading, installation of erosion and sedimentation controls, roadway construction, etc.) shall be performed only between dawn and dusk. Any burning of trees or brush shall be done in accordance with Township burning regulations.
- (w) During the active operation at a site, key Township staff (Zoning/Code Enforcement Officer, Engineer, Emergency Response Director, Fire Chief and Supervisors) shall have reasonable access to the site to determine continuing compliance with the conditional use approval.
- (x) No oil and gas drilling and oil and gas processing or transfer site shall contain any structures used for temporary housing of workers except for supervisory personnel. Conditions as set forth in Appendix 3<sup>84</sup> shall apply.
- (y) A holding tank agreement from WCSC or comparable agency is necessary to address the installation of temporary sewage holding tanks at the drill pads.
- (z) Any modification to an existing oil or gas well site that materially increases the size, location, number of wells (beyond the number of wells identified in Section 6.B<sup>85</sup>) or adds significant accessory equipment or structures shall require a modification of the zoning certificate. Like-kind replacement of equipment shall not require a certificate modification.
- (aa) Cross Creek Township reserves the right to impose any other reasonable additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular site in accordance with the Pennsylvania Municipalities Planning Code (PAMPC).

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83. Editor's Note: Pennsylvania's Oil and Gas Act (Act 223) (58 P.S. §§ 601.101 through 601.605) was repealed 2-14-2012, P.L. 87, No. 13; see now Title 58 of Pa.C.S.A., particularly 58 Pa.C.S.A. § 3201 et seq. (Development) and 58 Pa.C.S.A. § 3301 et seq. (Local Ordinances Relating to Oil and Gas Operation).

84. Editor's Note: Said appendix is included as an attachment to this chapter.

85. Editor's Note: So in original. This may be intended to refer to § 320-69EE(7)(g)[2].

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- (8) No oil and gas drilling sites, water storage facility, recycled water storage facility, temporary supervisor structures or oil and gas processing or transfer site of any type or nature shall be drilled, constructed or erected nor shall any work in preparation thereof be commenced within the boundaries of Cross Creek Township unless and until the person or entity has first registered with Cross Creek Township for the purpose of commencement of operations. Appendixes 1, 2, 3,<sup>86</sup> as well as, all applicable ordinances adopted by Cross Creek Township, and federal and state laws and regulations shall be adhered to by the applicant. Each registration shall be accompanied by the following items and by payment of a fee, set by resolution, made payable to "Cross Creek Township." **[Added 8-9-2011 by Ord. No. 1-11]**
- (a) The Township shall be provided the name of the person supervising the drilling operation, and a phone number where such person can be reached 24 hours a day shall be updated to the extent necessary if contact information changes.
  - (b) The oil and gas drill sites shall only be permitted on property that is a minimum of 10 acres or larger. Multiple property owners can combine adjoining parcels to achieve the minimum 10 acres required.
  - (c) Prior to beginning any work on a drill site, the applicant shall submit to the Township a copy of all permits (general, ESCGP-1) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the Township shall be provided copies of all plans (erosion and sedimentation control, grading, etc.) required by DEP. All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension or revocation of zoning approval.
  - (d) Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) highway occupancy permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the highway occupancy permit and enter into a road use maintenance agreement as provided for in Appendix 4.<sup>87</sup>
  - (e) The applicant must provide the Township with a plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to minimize the impact on collector, connector and local streets within the Township. The Township reserves the right to designate required truck hauling routes involving Township roads. Any safety issues to public roads or other facilities should be mitigated and repaired immediately.

FF. Private club, subject to:

- (1) Any establishment that includes a restaurant or tavern shall be subject to the off-street parking requirements of Article XIII for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- (2) Any rental of the facility to nonmembers shall require on-site management and/or security personnel during the event.
- ~~(3) Activities on the site and within the building shall comply with the noise standards specified in § 320-71 of this chapter.~~
- ~~(4)(3)~~ All off-street parking that adjoins an R-1, R-2 or R-3 zoning classification shall be screened by buffer area "C" as defined by § 370-72A of this chapter.

GG. Public parking lot or public parking garage, subject to:

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86. Editor's Note: Said appendixes are attached to this chapter.

87. Editor's Note: Said appendix is included as an attachment to this chapter.



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- (1) All public parking lots or public parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this chapter.
- (2) All public parking lots or public parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.
- (3) The design of any public parking garage proposed to be located on property that adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas that are compatible with the residential character of adjoining properties.
- (4) Any public parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

HH. Public recreation and noncommercial recreation, subject to:

- (1) A minimum lot area of one acre shall be required; however, the minimum lot area required may be reduced to not less than 12,000 square feet for public facilities that are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.
- (2) All principal structures shall be located at least 30 feet from any property line.
- (3) Buffer area "C," as defined by § 370-72A of this chapter, shall be provided where parking for the use or other intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
- (4) The use shall comply with the performance standards of § 320-71 of this chapter.
- (5) All lighting shall be shielded away from adjoining streets and properties.
- (6) Any outdoor facility located within 200 feet of an existing dwelling shall cease operations at 10:00 p.m.

II. Public utility installation, subject to:

- (1) The minimum lot area required shall be 20,000 square feet. In the case of unmanned accessory structures such as equipment cabinets and regulators, there shall be no minimum lot area required.
- (2) Outdoor storage of materials or equipment, including maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six-foot fence with locking gate.
- (3) Any area of the building that is used for business offices shall comply with the parking requirements of Article XIII of this chapter for that use. Any area of the building that is used for storage of material, vehicles or other equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted to that use.

JJ. Retirement community, subject to:

- (1) The minimum site required for a retirement community shall be 20 acres.
- (2) The site proposed for a retirement community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this chapter as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled "emergency only" access may be provided from a local Township street, if approved by the Township.
- (3) A retirement community may include one or more of the following:

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- (a) Single-family dwellings.
  - (b) Two-family dwellings.
  - (c) Townhouse buildings containing no more than five dwelling units per building.
  - (d) Garden apartment buildings containing no more than 50 dwelling units per building.
- (4) In addition to the foregoing dwelling types, a retirement community shall include common leisure and/or recreational areas.
- (5) In addition, a retirement community may include one or more of the following supporting uses, subject to approval by the Township.
- (a) Common dining area;
  - (b) Postal station for use of the residents and staff only;
  - (c) Banking facility for use of the residents and staff only;
  - (d) Pharmacy and/or medical offices for use of the residents only;
  - (e) Personal services for the use of the residents only, including beauty shop, barber hop, common laundry facilities, dry cleaning valet;
  - (f) Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
  - (g) Personal care boarding home, provided the use meets all the conditional use criteria contained in § 370-69U of this chapter;
  - (h) Nursing home licensed by the commonwealth;
  - (i) Elderly day-care center licensed by the commonwealth;
  - (j) Taxi, van or similar transportation services for the residents.
- (6) The maximum dwelling unit density permitted in a retirement community shall be 12 dwelling units per acre.
- (7) No principal structure shall be less than 50 feet from any property line adjoining property in an R-R, R-1 or R-2 District. Along all other property lines, no principal structure shall be less than 20 feet from any property line of the development site.
- (8) Buffer area "B," as defined by § 370-72A of this chapter, shall be provided along all property lines adjoining property in an R-R, R-1 or R-2 District.
- (9) There shall be a minimum of one parking space for each dwelling unit plus one parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of § 320-88 of this chapter for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

KK. Seasonal processing of game animals, other than in a slaughterhouse, subject to:

- (1) Seasonal processing of game animals shall be permitted on properties in the R-R District that are less than 20 acres provided they comprise at least two acres.
- (2) An adequate water supply shall be available and the operator shall provide an acceptable plan for the

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disposal of animal waste.

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(3) In the case of seasonal processing of game animals, the Zoning Hearing Board may grant approval subject to annual inspection by the Zoning Officer and annual renewal of the certificate of occupancy.

LL. Slaughterhouse.

- (1) In the R-R District, the primary purpose of the slaughterhouse shall be to slaughter and dress farm animals raised on-site for sale.
- (2) Non-farm-animals killed in hunting season may be butchered at the slaughterhouse.
- (3) The minimum site required for a slaughterhouse in the R-R District shall be 20 acres.

MM. Sportsmen's club, subject to:

- (1) The minimum site required shall be 10 acres.
- (2) All buildings shall be set back at least 200 feet from any property line adjoining a residential dwelling.
- (3) Discharging of firearms and archery shall not be permitted outdoors in any R-1 District.
- (4) In the R-R District, operating a firing range shall not be permitted within 1,000 feet of any existing residence.
- (5) If the shooting area is on separate property, one parking space shall be provided for each shooting position or station.
- (6) All activities on the site shall comply with the performance standards of § 320-71 of this chapter.
- (7) All off-street parking that adjoins any R-1, R-2 or R-3 District shall be screened by buffer area "C" as defined by § 370-72A of this chapter.
- (8) Unless the perimeter of the site is densely wooded, all property lines that adjoin property in any R-1, R-2 or R-3 District shall be screened by buffer area "B" as defined by § 370-72A of this chapter.
- (9) Any club that includes a restaurant or tavern shall further be subject to the off-street parking requirements of Article XIII for the portion of the building devoted to restaurant or tavern use.
- (10) Any use of the facility by nonmembers shall require on-site management and/or security personnel during the event.

NN. Temporary use or structure, subject to:

- (1) Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this section as a condition of issuing a certificate of occupancy.
- (2) Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than 72 consecutive hours shall not be subject to the provisions of this section. Any such activity that exceeds 72 consecutive hours in duration shall be subject to approval under this section.
- (3) A transient merchant license as may be required by Township ordinance shall be obtained.
- (4) Approval of temporary uses or structures shall be granted for a specific time period not to exceed six months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.

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- (5) All temporary uses or structures shall be removed within 10 days of the expiration of the specific period for which the structure or use is approved.
  - (6) All temporary uses or structures that are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of § 320-88 for the proposed use.
  - (7) Vehicular access for all temporary uses or structures that are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
  - (8) All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the zoning district in which they are located. All temporary uses or structures that are proposed to be used as accessory uses or structures shall comply with the requirements of the zoning district for accessory structures.
  - (9) Temporary uses or structures that are proposed as principal uses or structures and that are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

OO. Tourism, subject to:

- (1) In the R-3 District, the minimum lot area required for tourism shall be one acre.
- (2) Minimum site area in R-R District.
  - (a) In the R-R District, the minimum site area required for tourism shall be based on the number of parking spaces required for the use, as follows:
    - [1] Fifty or fewer parking spaces: 10 acres.
    - [2] Fifty-one to 75 parking spaces: 25 acres.
    - [3] Seventy-six to 100 parking spaces: 50 acres.
    - [4] More than 100 parking spaces: 100 acres.
  - (b) A tourism use shall not be expanded to provide additional parking unless the foregoing minimum site area requirements are met.
- (3) When tourism is proposed on a farm, the farm shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter, if more than 50 parking spaces are provided to support the proposed use. An existing tourism operation on a farm shall not be expanded to include more than 50 total parking spaces unless the farm has frontage on and direct vehicular access to an arterial or collector street as defined herein.
- (4) Parking for the tourism use shall be based on the following ratios:
  - (a) One parking space for each guest room.
  - (b) One parking space for each 250 square feet of retail sales area.
  - (c) One parking space for each 500 square feet of display or growing area accessible to the public, retail sales area, educational or recreational area located outdoors.
- (5) Off-street parking accessory to tourism and the driveway leading to the parking spaces from the public street shall be improved with a gravel, slag or other aggregate surface.
- (6) When tourism is proposed on a farm, the operator of the tourism use must be the owner, operator or occupant of the farm.

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- (7) When tourism that involves retail sales is proposed on a farm, 50% of the gross sales shall come from products grown, raised, produced or processed on the farm. § 320-69
- (8) If guest rooms are provided as part of the tourism use on a farm, the number of guest rooms shall be limited to one guest room for each two acres of the site area of the farm.
- (9) Excluding seasonal workers and temporary workers hired for special events, the maximum number of employees employed in the tourism use shall be related to the size of the site devoted to tourism, as follows:

Site Size	Employees
10 acres	5
11 to 25 acres	10
26 to 50 acres	15
51 to 99 acres	20
100 or more acres	25 for each 100 acres

- (10) All buildings and parking areas shall be screened by buffer area "C" as defined by § 370-72A of this chapter along any property line adjoining any R-R, R-1, R-2 or R-3 District for the distance necessary to minimize the visual impact of the buildings and parking areas.
- (11) If the proposed use is a seasonal use, the use shall be further subject to all applicable criteria of § 370-69NN.
- (12) Adequate sanitary facilities available to the public shall be provided. Evidence of PA DEP and Local Sanitary Council approval of the proposed sanitary treatment system adequate to serve the proposed occupancy shall be submitted to the Township.

PP. Truck and heavy equipment rental, sales and service, subject to:

- (1) The minimum site required shall be one acre.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- (3) No vehicle or other merchandise displayed outdoors shall be less than five feet from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.
- (4) Storage of parts, dismantled vehicles or equipment and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area that is screened by a six-foot-high dense, compact evergreen hedge or opaque fence.

QQ. Vehicle rental, sales and service, subject to:

- (1) New and used vehicle sales and service establishments shall be limited to those establishments that are factory authorized dealerships or that have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.
- (2) The minimum lot area required shall be one acre.
- (3) The property shall have frontage on and direct vehicular access to an arterial or collector street.
- (4) The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed

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- (5) The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of § 320-115 of this chapter.
- (6) All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than 2,000 square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.
- (7) No vehicle or other merchandise displayed outdoors shall be less than five feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
- (8) No vehicle shall be displayed for sale that has a registration with an expiration date of more than one year and that does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.
- (9) All lights and light poles shall be located at least 10 feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- (10) No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.
- (11) All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- (12) Storage of parts, dismantled vehicles or vehicles awaiting repair shall be kept in an enclosed building or in an outdoor storage area that is screened by a six-foot high dense, compact evergreen hedge or opaque fence.
- (13) Buffer area "B," as defined by § 370-72A of this chapter, shall be provided along all property lines adjoining residential use or zoning classification.

RR. Vehicle repair garage, subject to:

- (1) Such use shall not be located within 100 feet of any property line adjoining residential use or R-1, R-2 or R-3 District.
- (2) Buffer area "B," as defined by § 370-72A of this chapter, shall be provided along all property lines adjoining residential use or zoning classification.
- (3) Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area that is screened by a six-foot-high dense, compact evergreen hedge or opaque fence.
- (4) There shall be no more than four vehicles displayed for sale on the premises at any one time.
- (5) All repair work shall be performed within an enclosed building that has adequate ventilation and fire-protection provisions in accordance with the Township Building Code.
- (6) All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- (7) The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to

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- (8) Storage, handling and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

SS. Warehouse; wholesale sales, subject to:

- (1) Any site that involves a warehouse or wholesale sales shall have direct access to an arterial or collector street, as defined by this chapter.
- (2) All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six-foot-high dense, compact evergreen hedge or opaque fence.
- (3) No shipping or receiving shall be permitted within 300 feet of property in a residential zoning district between the hours of 7:00 p.m. and 7:00 a.m.
- (4) All shipping and receiving facilities adjoining residential use or zoning classification shall be screened by buffer area "B," as defined by § 370-72A of this chapter.
- (5) The storage or handling of hazardous or potentially hazardous materials shall not be permitted.

TT. Wind power generating facility (WPGF), subject to:

- (1) The minimum site required shall be 10 acres.
- (2) These provisions shall apply to WPGF and WPGF substations that generate electricity to be sold to wholesale or retail markets.
- (3) No WPGF or WPGF substation shall be constructed, erected, installed or located within Cross Creek Township unless prior siting approval has been obtained for each individual WPGF and WPGF substation as a conditional use under this chapter.
- (4) A permit shall be required from Cross Creek Township for every WPGF or WPGF substation, installed at any location within Cross Creek Township.
- (5) A WPGF or WPGF substation shall be permitted on a property with an existing principal use subject to the following land development standards:
  - (a) The minimum lot area, minimum setbacks and maximum heights required by this chapter for the WPGF shall apply, and the land remaining for accommodation of the existing principal use on the lot shall also continue to comply with a minimum lot area, density and other requirements.
  - (b) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the proposed facility and vehicular access is provided to the facility.
  - (c) A fence may be required around WPGFs, WPGF substations, or other equipment unless the design of the structure adequately provides for safety.
  - (d) Landscaping. Landscaping may be required to screen as much of the WPGF or WPGF substation ground facilities as possible, and in general buffer the WPGF ground features from neighboring properties. Cross Creek Township may permit any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
  - (e) Licenses and other regulations; insurance. The applicant shall demonstrate that it has obtained the

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required licenses from governing state and federal agencies. The applicant shall also document

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compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the WPGF or WPGF substation, and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount of \$1,000,000 per occurrence covering the WPGF.

- (f) Communications interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- (6) Siting approval. The conditional use application shall contain or be accompanied by the following information:
  - (a) A WPGF project summary, including, to the extent available:
    - [1] A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer, type of WPGF, number of WPGFs, and name plate generating capacity of each WPGF; the maximum height of the general location of the project; and
    - [2] A description of the applicant, owner and operator, including their respective business structures;
  - (b) The name, address, and telephone number of the applicant, owner and operator, and all property owners, if known;
  - (c) A site plan for the installation of the WPGF showing the planned location of each WPGF tower, guy wires, and anchor bases (if any), primary structures, property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substations ancillary equipment, third-party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
  - (d) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this chapter; and
  - (e) Any other information normally required by Cross Creek Township as part of this chapter.
- (7) Design and installation.
  - (a) WPGFs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL) or an equivalent third party.
  - (b) A professional engineer shall certify as part of the conditional use application that the foundation and tower design of the WPGF is within accepted professional standards, given local soil and climate conditions.
  - (c) All WPGFs shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
  - (d) All electrical components of the WPGF shall conform to applicable local, state and national codes, and relevant national and international standards (i.e., ANSI and International Electrical Commission).
  - (e) Towers and blades shall be painted white or gray or another nonreflective, unobtrusive color and

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shall contain no advertising.

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- (f) The applicant for the WPGF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
  - (g) A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - (h) Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
  - (i) All WPGF towers must be unclimbable by design or protected by anticlimbing devices.
  - (j) All WPGF towers shall be set back at least 500 feet from any primary structure. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WPGF tower to the center of the WPGF tower foundation. The owner of the primary structure may waive this setback requirement, but in no case shall a WPGF tower be located closer to a principal structure than 1.10 times the WPGF tower height.
  - (k) All WPGF towers shall be set back a distance of at least 1.10 times the WPGF tower height from public roads, third party transmission lines and communications towers. Cross Creek Township may waive this setback requirement if the waiver is not detrimental to public safety.
  - (l) All WPGF towers shall be set back a distance of at least 1.10 times the WPGF tower height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
  - (m) Nothing in this chapter is intended to preempt other applicable state and federal laws and regulations.
  - (n) An applicant, owner or operator proposing to use any Township road for the purpose of transporting WPGF or substation parts and/or equipment for construction, operation or maintenance of the WPGF(s) or substation(s), shall:
    - [1] Identify all such Township roads; and
    - [2] Obtain applicable weight and size permits from relevant government agencies prior to construction.
  - (o) An applicant, owner or operator must obtain a weight permit from Cross Creek Township and shall:
    - [1] Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
    - [2] Secure financial assurance, as defined herein, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to Township roads caused by constructing, operating or maintaining the WPGF.
- (8) Operation.
- (a) The owner or operator of the WPGF must submit, on an annual basis, a summary of the operation and maintenance reports to Cross Creek Township. In addition to the above annual summary, the owner or operator shall furnish such operation and maintenance reports as Cross Creek Township reasonably requests.
  - (b) Any physical modification to the WPGF that alters the mechanical load, mechanical load path or major electrical components shall require recertification under § 370-69TT(7)(a) of this chapter.

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Like-kind replacements shall not require recertification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third party certifying entity identified in § 370-69TT(7)(a).

- (c) The applicant shall provide the applicable microwave transmission providers and local emergency service providers (911 operators) with copies of the project summary and site plan, as set forth in § 370-69TT(6). To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the WPGF(s), the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WPGF, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take all steps necessary to remedy the matters that are the subject of the complaint.
  - (d) If, after construction of the WPGF, the owner or operator receives a written complaint related to interference with local broadcast residential television, the owner or operator shall take all steps necessary to remedy the matters that are the subject of the complaint.
- (9) Coordination with local Fire Department:
- (a) The applicant, owner or operator shall submit to the local Fire Department a copy of the site plan.
  - (b) Upon request by the local Fire Department, the owner or operator shall cooperate with the local Fire Department to develop the Fire Department's emergency response plan.
  - (c) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
  - (d) Upon request by the local Fire Department, the owner or operator shall on a yearly basis participate in high-angle rescue using a WPGF tower.
- (10) Materials handling, storage and disposal:
- (a) All solid wastes related to the construction, operation and maintenance of the WPGF shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
  - (b) All hazardous materials related to the construction, operation and maintenance of the WPGF shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws.
- (11) Noise level. Noise levels from each WPGF unit or substation shall not exceed fifty decibels (50 dBA) for any period of time when measured at any residence, school, hospital, church or public building existing on the date of conditional use approval of the WPGF.
- (12) Birds. A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study as part of the conditional use application to determine if the installation of WPGF will have a substantial adverse impact on birds.
- (13) Decommissioning plan. Prior to receiving conditional use approval under this chapter, the applicant, owner and/or operator shall formulate a decommissioning plan to ensure that the WPGF project is properly decommissioned. The decommissioning plan shall include:
- (a) Provision describing the triggering events for decommissioning the WPGF project;
  - (b) Provisions for the removal of structures, debris and cabling, including those below the soil surface;
  - (c) Provisions for the restoration of the soil and vegetation;
  - (d) An estimate of the decommissioning costs certified by a professional engineer;

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- (e) Financial assurance, as defined herein, secured by the owner/operator, for the purpose of adequately performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs;
  - (f) Identification of and procedures for Cross Creek Township's access to financial assurances; and
  - (g) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns or heirs.

UU. Wind power generating facility (WPGF) system, small, subject to:

- (1) The minimum site required to install a small WPGF shall be 10 acres.
- (2) The maximum height of a small WPGF tower height shall be 100 feet.
- (3) The applicant shall provide evidence that the proposed small WPGF tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- (4) The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission governing generation of electricity for private use.
- (5) The small WPGF generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem identified after initiation of the operation within 90 days of identification.
- (6) The minimum distance between the ground and any protruding blades utilized on a small WPGF shall be 15 feet measured at the lowest point of the arc of the blades.
- (7) The lowest point of the arc of the blades utilized on a small WPGF shall be 10 feet above the height of any structure located within 150 feet of the base of the small WPGF.
- (8) The small WPGF tower shall be enclosed by a six-foot-high fence, unless the small WPGF tower is fitted with anticleimbing devices for a distance of 12 feet above the ground.
- (9) The applicant shall submit evidence from the manufacturer regarding the structural integrity of the small WPGF tower, base and footings and the installation's ability to withstand expected windloads.
- (10) The small WPGF tower shall be set back a distance of 150% of the small WPGF tower height plus the blade length from any inhabited dwelling on adjacent property, unless notarized consent of the adjacent property owner is presented.
- (11) The small WPGF tower shall be set back a distance of 110% of the small WPGF tower height of the tower plus the blade length from all adjacent property lines.
- (12) Small WPGFs shall comply with all applicable requirements of the Federal Aviation Administration (FAA).
- (13) Small WPGFs shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).
- (14) No small WPGF tower shall have any sign, writing or picture that may be construed as advertising.
- (15) Small WPGF towers shall maintain a noncorrosive finish, unless FAA standards require otherwise.
- (16) Small WPGFs shall not exceed 60 dBA, as measured at the closest property line, except during short-term emergencies such as utility outages and/or severe windstorms.
- (17) A small WPGF that is not used for 12 successive months shall be deemed abandoned and shall be

§ 320-69 dismantled and removed from the property at the expense of the property owner pursuant to an enforcement notice issued in accordance with § 320-115 of this chapter. § 320-69

ARTICLE XII  
**Supplemental Regulations**

**§ 320-70. Applicability.**

The supplementary regulations in this article supplement the requirements of Articles IV through IX governing each zoning district and shall apply to all uses in all zoning districts.

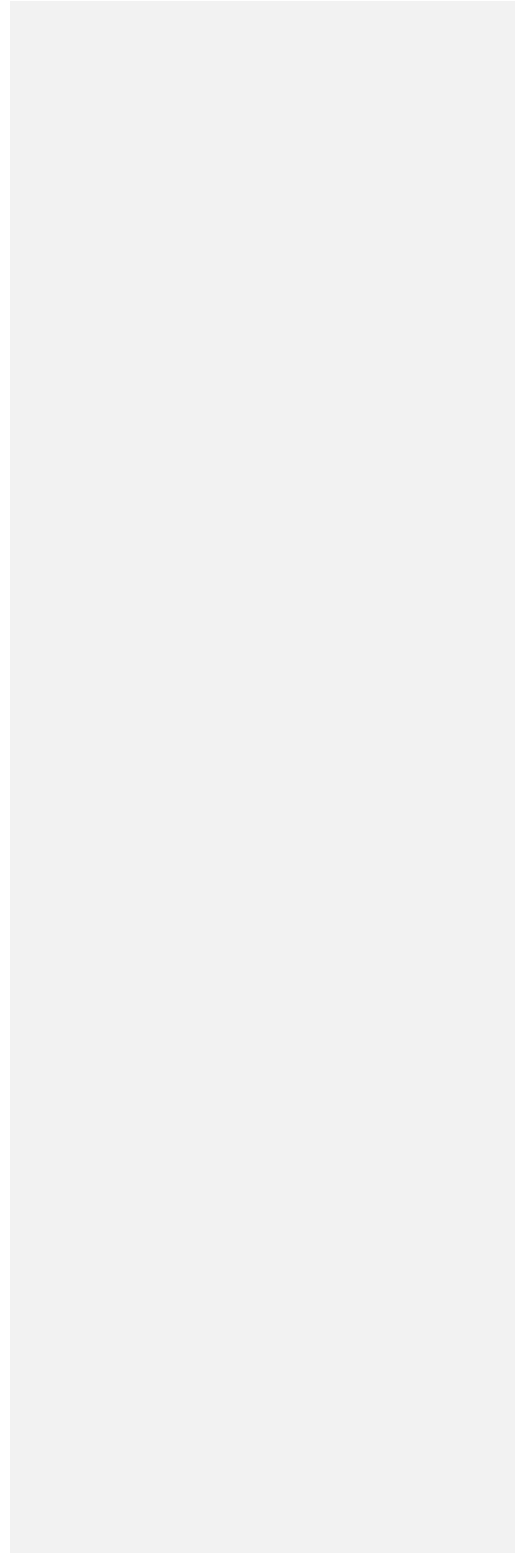
**§ 320-71. Performance standards.**

The following standards shall apply to all permitted uses, conditional uses and uses by special exception in all zoning districts. In order to determine whether a proposed use will conform to the requirements of this chapter, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

- A. Environmental performance standards. All properties shall be subject to the following environmental performance standards.
- (1) Floodplains. All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of the Township Floodplain Management Ordinance No. 4 of 2015.<sup>88</sup> **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (2) Steep slopes. Steep slopes in excess of 25% may be disturbed by grading, alteration or removal of vegetation only if a geotechnical report prepared by a civil engineer registered in the Commonwealth of Pennsylvania with experience in geotechnical engineering is submitted that indicates the following:
    - (a) The finished slopes after excavating or grading will be stable and will not create hazards for adjoining property from erosion, sedimentation or stormwater runoff.
    - (b) The foundations of any structures proposed to be erected in any natural steep slope areas or any steep slope areas that have been disturbed will be structurally sound, including recommendations for special foundation design, if warranted.
    - (c) Restoration of all slopes from which cover has been removed shall be finished and seeded within a reasonable time after such clearance activity. The phrase "a reasonable time" shall mean within 30 days after grading and/or construction activities are completed, unless those activities are completed between November 1 and April 1. In such cases, the required seeding or sodding shall occur by May 1. In all cases, erosion and sedimentation control measures shall be maintained on the site until replacement cover can be accomplished.
  - (3) Areas with adverse subsurface conditions.
    - (a) On sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data indicates the potential for landslides, subsidence or other subsurface hazards, a geotechnical report by a qualified registered professional engineer shall be submitted regarding soil and subsurface conditions and the probable measures needed, if any, to be considered in the design of the development and its infrastructure, the location of structures and the design of foundations.
    - (b) The geotechnical report shall provide, at a minimum, the following information. Any site-specific issues identified by the applicant's geotechnical engineer not specifically listed below shall be addressed in the geotechnical study:

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**88. Editor's Note: See Ch. 160, Floodplain Management.**





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- [1] Foundation bearing materials and associated settlement.
  - [2] Fill embankment base preparations, support, maximum allowable slope, suitable borrow material and compaction requirements.
  - [3] Maximum allowable slope and stability of cut slopes.
  - [4] Coal mining below the site, mine location and amount of cover and measures to prevent mine subsidence, if required.
  - [5] Presence and control of groundwater.
  - [6] Identification of potentially expansive carbonaceous materials or slag to be encountered in excavations and measures to prevent their detrimental effects.
  - [7] Delineation of on-site fill materials and their impact on site development.
  - [8] All areas where public infrastructure is proposed.
- (c) Geotechnical engineering reports shall be signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania.
- (d) The Township Engineer may require that the geotechnical engineering report and site development drawings be reviewed by a separate geotechnical engineering consultant selected by the Township. The applicant required to submit the report shall be required to pay for the cost of the independent consultant review.

~~B. Noise. The ambient noise level of any operation [other than those exempted in Subsection B(4), below] shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this chapter, ambient noise level is the average decibel level recorded during observations taken in accordance with the procedure specified below taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.~~

- ~~(1) Averaging may be done by instrument analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:~~
- ~~(a) Observe a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.~~
  - ~~(b) Repeat the observations as many times as necessary to determine that there are decibels between the lowest low indication and the highest high indication.~~
  - ~~(c) Calculate the arithmetical average of the observed central tendency indications.~~
- ~~(2) No operation or activity shall cause or create noise in excess of the sound levels prescribed below: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]~~
- ~~(a) Business districts. At no point on or beyond the boundary of any lot within the B-1 District shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA.~~
- ~~(3) Exemptions. The following uses or activities shall be exempted from the noise regulations:~~
- ~~(a) All uses on properties located in the R-R Rural Resource District;~~
  - ~~(b) Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.;~~

§ 320-71 § 320-72  
~~(c) — Noises caused by safety signals, warning devices and other emergency related activities or uses;~~

~~(d) — Noises emanating from public recreational uses between 7:00 a.m. and 10:00 p.m.~~

~~(4) — In addition to the above regulations, all uses and activities within the Township shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.~~

~~E.B.~~ B. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

~~E.C.~~ C. Glare. Lighting devices that produce objectionable direct or reflected glare greater than one footcandle on adjoining properties or public streets shall not be permitted.

~~E.D.~~ D. Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

~~E.E.~~ E. Continuing enforcement.

- (1) The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.
- (2) If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with § 320-115 of this chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this chapter and shall result in the revocation of the occupancy permit for the facility or use.

#### § 320-72. Screening and landscaping.

A. Buffer areas described. Buffer Areas, as defined by this chapter and required by § 320-72B, shall meet all of the following criteria:

- (1) Buffer area "A" shall contain two rows of plantings. Each row shall consist of a mixture of 30% deciduous and 70% evergreen spaced within the row a minimum of 15 feet apart, measured from the vertical center lines of adjacent trees. The two rows shall be staggered in a manner that shall result in adjacent trees on two different rows being no more than 10 feet apart, measured from the vertical center lines of the trees. The depth of buffer area "A" shall be 25 feet as measured from the property line.
- (2) Buffer area "B" shall contain one row of plantings that shall consist of a mixture of 30% deciduous and 70% evergreen spaced within the row a minimum of 10 feet apart, measured from the vertical center lines of adjacent trees. The depth of buffer area "B" shall be 15 feet as measured from the property line.
- (3) Buffer area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature that are a minimum of six feet in height at the time of planting. The depth of buffer area "C" shall be 10 feet as measured from the property line.

- § 320-72 (4) None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of 2 1/2 feet from the property line that constitutes the exterior boundary of the buffer area. § 320-72
- (5) In the event that existing vegetation and/or existing topography provides screening that is adequate to meet the intent of the required buffer area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required buffer area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved buffer area.
- (6) In the event that a public street right-of-way, dedicated and accepted by the Township separates the two dissimilar uses specified, the buffer area shall not be required, provided the width of the right-of-way equals or exceeds the width of the required buffer area and one row of low-level plantings or a landscaped earthen mound is provided on the property to screen headlights from view.
- (7) Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of § 320-73D of this chapter.
- (8) No structures or uses shall be permitted in the required buffer area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the buffer area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required buffer area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.
- B. Buffer areas required. Buffer areas "A," "B," and "C" listed in § 320-72A above are required under the following circumstances:
- (1) Buffer area "A": Buffer area "A" shall be required:
- (a) Along all property lines where any development in the B-1 District adjoins property in an R-R, R-1, R-2 or R-3 District.
- (b) Where the express standards and criteria for a conditional use or use by special exception in § 320-69 of this chapter specify that buffer area "A" is required.
- (c) Along all property lines where a planned residential development that contains townhouses or garden apartments adjoins property in an R-R, R-1, R-2 or R-3 District.
- (2) Buffer area "B": Buffer area "B" shall be required:
- (a) Where the express standards and criteria for a conditional use or use by special exception in § 320-69 of this chapter specify that buffer area "B" is required.
- (b) Along all property lines where a planned residential development that contains single-family and two-family dwellings adjoins property in an R-R, R-1, R-2 or R-3 District.
- (3) Buffer area "C": Buffer area "C" shall be required:
- (a) Where the express standards and criteria for a conditional use or use by special exception in § 320-69 of this chapter specify that buffer area "C" is required.
- (b) On developed properties in the B-1 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for buffer area "B" along a property line that adjoins property in the R-R, R-1, R-2 or R-3 District.

- § 320-72 (c) Along all property lines in the R-3 District where townhouses and garden apartments adjoin R-3-zoned property containing a single-family dwelling or two-family dwelling. § 320-72
- C. Conflict between buffer areas and yard requirements. When the width of a required buffer area is in conflict with the minimum yard requirements of Articles IV through IX, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the yard requirement.
- D. Existing structure and buffer areas. In instances where an existing structure is located within any required buffer area, the buffer area may be reduced, provided the buffer area is not less than the minimum distance between the existing structure and the property line. This reduced buffer area width shall apply only to the side of the existing structure that encroaches on the required buffer area. The required buffer area, as determined by § 320-72B, shall apply on all other sides of the existing structure.
- E. Existing trees in buffer areas.
- (1) Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission will not be unreasonably denied; however, those who violate this section shall be subject to the maximum penalties authorized by this chapter.
- (2) When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.
- F. Size of trees in required buffer areas.
- (1) Any existing trees within the required buffer area that are a minimum of four inches in diameter at a point one foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.
- (2) All trees required to be planted within the buffer area shall be a minimum of two inches in diameter at a point one foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
- G. Responsibility for maintenance. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- H. Stormwater management facilities in buffer areas. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
- I. Landscaping of open areas. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur within two weeks of April 1.
- J. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications:

- § 320-72 § 320-73
- (1) Planting required in buffer areas as outlined in § 320-72B cannot be substituted for any required planting mandated in this section.
  - (2) A landscaping plan, with detailed drawings, must be submitted prior to building permit application and this landscaping plan must contain and show the following information:
    - (a) All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
    - (b) All required planting independent of any buffer area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
    - (c) Any planting in excess of the requirements in § 320-72A and B of this chapter.
    - (d) Any existing trees or vegetation that are to be preserved, accurately identifying their relative location.
    - (e) Any existing trees or vegetation that will be removed, accurately identifying their relative location.
  - (3) At least one deciduous tree must be planted for each 1,000 square feet of lot area occupied by the building footprint in conjunction with any nonresidential development.
  - (4) At least one deciduous tree must be planted for each dwelling unit in conjunction with any multifamily development.
  - (5) All trees that are required to be planted as per the regulations of this section shall be a minimum of two inches in diameter at a point one foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
  - (6) In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight hours per day, 40 hours per week basis (utilizing a five day on, two day off, standard work week basis) within 30 days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
  - (7) Any existing trees that are not disturbed and are not located within a required buffer area and are a minimum of four inches in diameter at a point one foot above the ground shall count towards the required number of trees to be planted outside of the buffer area.
  - (8) Whenever an open parking area abuts a public street, a planting strip, at least five feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.
  - (9) All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in § 320-72I of this chapter.
- K. Posting of bond for landscaping. A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of 15% of the total cost of landscaping shown on the approved landscaping plan for a period of two years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

§ 320-73

**§ 320-73. Special yard requirements.**

§ 320-75

In addition to the yard requirements specified in each zoning district, the following yard requirements shall apply in all zoning districts to the applicable circumstances described below:

- A. Corner lots. Corner lots shall provide front yards on each street frontage. The remaining two yards shall constitute side yards.
- B. Nonconforming lots of record: see § 320-100.
- C. Accessory structures:
  - (1) In the R-R District, storage structures and other accessory structures, including detached garages may be located in the minimum required front, side or rear yards, provided they are at least 10 feet from any property line.
  - (2) Storage structures accessory to a single-family dwelling that have a total floor area of 180 square feet or less shall be located at least five feet from the rear property line and shall be located at least 10 feet from a side property line, but shall not be located in any front yard. All storage structures accessory to a dwelling that have a total floor area of more than 180 square feet and all detached garages shall not be located in the required front yard, required rear yard or required side yards.
  - (3) Storage structures and other accessory structures in the B-1 Districts shall be located at least 20 feet from the side or rear property lines and shall not be located in any required front yard.
- D. Visibility at intersections. No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three feet as measured from the lowest elevation of the center line of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:
  - (1) The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of 30 feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle. (See Appendix A, Clear Sight Triangle, for illustration.)<sup>89</sup>

**§ 320-74. Permitted projections into required yards.**

The following shall be permitted to project into any required yard in any zoning district as follows:

- A. Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than 18 inches.
- B. Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three feet and shall be no closer to the rear property line than 20 feet.
- C. Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than 36 inches.

**§ 320-75. Height exceptions.**

The height limitations of this chapter shall not apply to the following structures: church spires, chimneys, elevator

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<sup>89</sup>. Editor's Note: Said appendix is included as an attachment to this chapter.

§ 320-75 bulk heads and other mechanical equipment that is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, gas, oil or mineral extraction drilling rigs and supporting facilities, public utility structures, barns and other structures not intended for human habitation which do not exceed the height limitations of the zoning district by more than 15 feet. § 320-77

**§ 320-76. Drive-through facilities.**

All businesses that propose drive-through facilities, as defined by this chapter, as accessory uses or principal uses shall meet all of the following requirements.

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- B. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in one lane, with a total length of 100 feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets, or berms.
- C. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

**§ 320-77. Temporary construction trailers, model homes or sales offices.**

Temporary construction trailers, model homes or sales offices shall be permitted in any zoning district subject to the following conditions:

- A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when 90% of the required improvements in the completed phase have been installed as determined by the Township Engineer.
- B. Model homes or sales offices shall be permitted only until 90% of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six months of the completion of 90% of the lots or dwelling units in the prior phase.
- C. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six months.
- D. Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within 25 feet of any property line adjoining residential use.
- E. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- F. No combustible materials shall be stored in temporary construction trailers.
- G. Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the zoning district in which they are located. Sales offices may be located in a model home or may be

- § 320-77 located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within 25 feet of any property line adjoining residential use. § 320-79
- H. Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this section.
- I. Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

**§ 320-78. Agriculture.**

Agriculture, as defined herein, greenhouses, stables and kennels, where authorized by this chapter, shall be subject to the following requirements:

- A. Storage of manure shall be located at least 200 feet from any existing dwelling on adjacent property.
- B. Any building used for the sheltering, raising or feeding of livestock and poultry shall be located at least 200 feet from any street line and from any existing well or existing dwelling located on adjacent property and not less than 100 feet from the landowner's well.
- C. Concentrated animal operations shall be subject to compliance with the Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
- D. Greenhouse heating plants shall be at least 100 feet from any property line. The retail sales area for a greenhouse shall not exceed 1,000 square feet for every 10 acres of land farmed. The growing area shall not be considered sales area.
- E. The minimum lot area for keeping horses shall be five acres. The minimum lot area for keeping horses shall not be less than two acres per horse.
- F. No stable shall be located within 200 feet of any existing dwelling on adjacent property.
- G. All grazing and pasture areas shall be adequately fenced.
- H. Outdoor kennels shall be located at least 300 feet from any property line that adjoins an R-1, R-2 or R-3 District.

**§ 320-79. Storage.**

- A. Outdoor storage in a business district.
- (1) Except for nurseries, garden supply, building supply, custom crafting and similar businesses that require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or dense, compact evergreen hedge that is at least six feet in height.
- (2) In the B-1 District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location that screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a dense, compact evergreen hedge or opaque fence at least six feet in height.
- (3) All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or dense, compact evergreen hedge that is at least six feet in height.



§ 320-79 least six feet in height.

§ 320-82

- B. Storage of travel trailers and mobile homes. The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.
- C. Storage of non-agricultural commercial and construction equipment. Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of 40 horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any R-2 or R-3 District, except within a completely enclosed building.

**§ 320-80. Americans with Disabilities Act (ADA) compliance.**

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).<sup>90</sup>

**§ 320-81. Mobile homes on individual lots.**

A mobile home that is proposed to be used as a single-family dwelling and is to be erected on an individual lot of record outside a mobile home park shall meet the following requirements:

- A. The lot shall meet all applicable requirements for a single-family dwelling in the zoning district in which it is proposed to be located.
- B. The mobile home shall meet the specifications for manufacture of mobile homes as set forth in the United States Standards Institute, "Standards for Mobile Homes" USA Standard A119.1-1969 NFPA No. 501B-1968 and any subsequent modification or amendment of such standards.
- C. The mobile home shall bear the seal of the U.S. Department of Housing and Urban Development (HUD).
- D. The mobile home shall be installed upon, and securely fastened to, a frost-free foundation or footer, and, in no event, shall it be erected on jacks, loose blocks or other temporary materials.
- E. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- F. The mobile home shall be connected to public water and a public sewer system, if available. If not, the owner shall provide a potable water supply from his own, or an adjacent well, and shall provide an on-lot sewage disposal system that shall meet the standards of the Pennsylvania Department of Environmental Protection (DEP).
- G. Prior to occupancy, the mobile home shall be connected to available utilities in order to provide the dwelling unit with adequate heat and light.
- H. Any garage, utility shed or other outbuilding constructed on the lot shall conform with the standards applicable to such accessory structures provided in this chapter.

**§ 320-82. Low-impact on-site sales accessory to farm and greenhouses.**

In the R-R and R-1 Districts, greenhouses and retail sales of agricultural products accessory to a farm shall be permitted, subject to the following regulations:

- A. All sales shall be conducted on the premises of a farm or greenhouse, as defined and regulated by this chapter.

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**90. Editor's Note: See 42 U.S.C. § 12101 et seq.**

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- B. At least 50% of the gross sales shall be from products raised, grown or produced on the farm or in the greenhouse. Products not produced on the farm or in the greenhouse shall be an incidental part of the business. Farm-related equipment and supplies may be sold as incidental items to the business. § 320-84
- C. All permanent structures shall comply with the yard requirements for principal structures in the R-R or R-1 Districts.
- D. Seasonal roadside stands may be located no closer than 15 feet to any street right-of-way or property line, provided they are removed at the end of each growing season.
- E. Buildings used for retail sales of agricultural products shall not exceed 1,000 square feet of sales floor area for every 10 acres of land farmed. No building used for agricultural products shall exceed 5,000 square feet of sales area.
- F. Off-street parking for permanent structures shall be provided in accordance with the requirements of § 320-88 for retail businesses. Off-street parking for permanent structures shall be designed in accordance with the requirements of § 320-87.
- G. Off-street parking for seasonal roadside stands shall be designed in accordance with § 320-87, however the requirements for surfacing, marking, screening and landscaping shall not apply.
- H. Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of § 320-88 for retail businesses; however, in no case shall less than 10 spaces be provided.
- I. Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street right-of-way and do not park or stand on any street or berm.
- J. One nonilluminated freestanding sign shall be permitted to announce the agricultural sales, provided the maximum surface area of the sign shall not exceed 24 square feet, the height of the sign shall not exceed eight feet and the sign shall be located no closer than 10 feet to any property line or street right-of-way.

**§ 320-83. No-impact home-based business.**

No-impact home-based businesses, as defined herein, shall comply with the following:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity shall not use any equipment or process that creates vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- G. The business activity shall not generate any solid waste or sewage discharge, in volume or type, that is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and shall not occupy more than 25% of the habitable floor area of the dwelling.
- I. The business shall not involve any illegal activity.

**§ 320-84. Forestry.**

Forestry, as defined herein, shall be conducted in accordance with the following provisions:

- A. All hauling and loading operations shall be located at least 300 feet from any existing dwelling on adjacent properties, unless the dwelling owner consents, in writing, to a lesser distance.
- B. All operations shall be discontinued between 7:00 p.m. and 7:00 a.m., provided further that such operations shall not take place during any hours on Sundays or legal bank holidays.
- C. Routes to be used by the hauling trucks shall be approved by the Township and the operator shall demonstrate that there shall be no negative impact on Township streets from the proposed operation.
- D. A performance bond shall be posted in favor of and in an amount required by the Township to guarantee restoration of Township streets used as hauling routes.
- E. The applicant shall submit a copy of the state permit for hauling on state roads.
- F. The operator shall be responsible for cleaning dirt and debris from public streets daily during the operation.
- G. The applicant shall supply the Township with the name of an on-site contact person.
- H. Permit requirements.
  - (1) The applicant shall provide the Township with copies of the permits issued under the following regulations of the commonwealth. A copy of the erosion and sedimentation control plan shall be provided to the Township.
    - (a) Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law.<sup>91</sup>
    - (b) Stream crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachments Act,<sup>92</sup> if required.
    - (c) Stormwater management plans and regulations issued pursuant to the Pennsylvania Storm Water Management Act,<sup>93</sup> if required.
  - (2) All necessary permits shall be maintained during the operation. Any suspension or revocation of a state permit shall constitute revocation of the zoning certificate and the operator shall be subject to the enforcement provisions of § 320-115 of this chapter.
- I. A logging plan prepared by a practicing consulting forester who is a member of the Association of Consulting Foresters or the Pennsylvania Council of Professional Foresters or a forester certified by the Society of American Foresters shall be submitted that shows at a minimum:
  - (1) The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
  - (2) The design, construction and maintenance of water control measures and structures such as culverts, broad based dips, filter strips and water bars;
  - (3) The design, construction and maintenance of stream and wetland crossings, if any;
  - (4) The general boundaries of the proposed operation in relation to Township and state streets, including

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91. Editor's Note: See 35 P.S. § 691.1 et seq., with regulations found at 25 Pa. Code § 102.1 et seq.

92. Editor's Note: See 32 P.S. § 693.1 et seq., with regulations found at 25 Pa. Code § 105.1 et seq.

93. Editor's Note: See 32 P.S. § 680.1 et seq.

any accesses to those streets.

- (5) The site location, including boundaries of the property and boundaries of the proposed harvest area;
  - (6) Significant topographic features;
  - (7) The location of all earth-disturbance activities such as roads, landings and water control measures and structures;
  - (8) The location of all crossings of the waters of the commonwealth.
- J. Felling or skidding on or across any public street is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation (Penn DOT) whichever is responsible for maintenance of the street.
- K. No tops of trees or debris shall be left within 50 feet of any public street or any private street providing access to adjoining residential property.
- L. No tops of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner.
- M. Upon completion of the forestry operation, haul roads shall be restored to their original condition.

**§ 320-85. (Reserved)<sup>94</sup>**

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<sup>94</sup> Editor's Note: Original Section 1215, Oil and gas drilling, which immediately preceded Art. XIII, was repealed 8-9-2011 by Ord. No. 1-11. Said ordinance also added a number of oil-and-gas-related definitions and provisions to this chapter.

§ 320-86

ARTICLE XIII  
**Off-Street Parking and Loading**

§ 320-87

**§ 320-86. Applicability.**

Off-street parking spaces shall be provided in accordance with the specifications in this article in any district whenever any new use is established or existing use is enlarged.

**§ 320-87. Off-street parking design.**

Parking areas in all zoning districts shall comply with the following standards:

- A. Size. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine feet in width and 20 feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.
- B. Design. The minimum dimensions of aisles and driveways shall be as follows:
  - (1) Minimum width of aisles providing two-way travel shall be 24 feet.
  - (2) Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:
    - (a) Parallel: 12 feet.
    - (b) Thirty degree: 14 feet.
    - (c) Forty-five degree: 16 feet.
    - (d) Sixty degree: 20 feet.
  - (3) The minimum width of entrance and exit drives shall be:
    - (a) For one-way travel, a minimum of 12 feet.
    - (b) For two-way travel, a minimum of 24 feet.
    - (c) A maximum of 35 feet at the street right-of-way line and 54 feet at the inside edge of the curb.
    - (d) Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of 10% within 12 feet of the street right-of-way line.
- C. Access. Access to parking areas shall be provided in accordance with the following requirements:
  - (1) Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking area.
  - (2) Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any district other than a residential district, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.
  - (3) The number of access drives from a single lot or development to any public street shall not exceed two for every 400 feet of street frontage.
  - (4) Except on corner lots, access drives shall be located at least 200 feet from the intersection of any two street right-of-way lines. Where a site has frontage on more than one street, access shall be provided from the street with the lower traffic volume, if physically practical.
  - (5) Access drives entering state highways are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering Township streets shall

§ 320-87 be subject to a driveway permit. § 320-87

- (6) Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- D. Joint use of facilities. Two or more uses may provide the required parking in a common parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total as a use by special exception to be granted by the Zoning Hearing Board, provided it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- E. Safety requirements. The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards that endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.
- F. Marking. In paved parking areas that contain five or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. All parking spaces shall be provided with bumper guards or wheel stops for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Handicapped parking shall be appropriately marked by signage.
- G. Location of parking areas.
- (1) Required parking spaces shall be located on the same lot with the principal use.
  - (2) No parking area containing more than five parking spaces shall be located closer than 10 feet to any adjoining property line and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.
- H. Screening and landscaping.
- (1) Parking areas containing more than five parking spaces shall be effectively screened by buffer area "C," as defined by § 320-72B of this chapter, along any property line that adjoins a residential use or residential zoning district classification.
  - (2) In addition, a planting strip at least five feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard that fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three feet in height that shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
- I. Surfacing. All parking areas and access drives shall be improved with a dust-free, all-weather surface.
- J. Lighting. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any residential zoning district or residential use and away from any streets or highways. The lighting system shall furnish an average minimum of 2.0 footcandles during hours of operation.
- K. Stormwater management. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of Chapter 270, Subdivision and Land Development, and to

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review and recommendation by the Township Engineer.

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**§ 320-88. Off-street parking requirements.**

Any new use or change of use in any zoning district shall comply with the following minimum requirements for the provision of off-street parking spaces.

- A. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.
- B. Where more than one use exists on a lot, parking requirements for each use shall be provided.
- C. The following table of parking requirements specifies the number of spaces required for various categories of uses in any zoning district.

Use	Parking Spaces Required
Animal hospital	1 space for each employee plus 1 space for each treatment room
Banks and financial institutions	1 space per 300 square feet of gross floor area plus 1 per employee on peak shift plus 5 off-street waiting spaces per drive-in window
Bowling alleys	5 spaces for each alley
Business and professional offices	1 space for every 300 square feet of net floor area
Business services	1 space for every 300 square feet of net floor area
Churches	1 space per 4 seats or 80 lineal inches of pew, or if there are no pews or seats, 1 space per 15 square feet of floor area used for assembly
Clinics	1 space for each staff plus 3 spaces for each examining or treatment room or other patient service position
Day-care centers	1 space for each teacher and/or employee on largest shift plus 1 space per each 6 students
Fast-food establishments	1 space per 50 square feet of gross floor area plus 1 space per employee on peak shift
Flex space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this section for that specific use
Funeral homes	25 spaces for first parlor plus 10 spaces for each additional parlor
Garden apartments	2 spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve
Golf courses	8 spaces for each hole plus 1 space for each employee
Group care facility	1 space for each employee on peak shift plus 1 space for each resident authorized to drive plus 1 space for each 6 beds



Use	Parking Spaces Required
High-rise apartment	1 1/2 spaces per dwelling unit provided indoors
Hospitals and nursing homes	1 per 3 beds and 1 for each employee on the peak working shift
Hotel/motel	1 space per employee on peak shift plus 1 per sleeping unit
Indoor amusement	1 space for each 100 square feet of gross floor area
Indoor places of assembly	1 space for each 75 square feet of net floor area
Libraries/museums	1 space for each 250 square feet of gross floor area
Manufacturing	1 space for each 1,500 square feet of gross floor area or 1 space for each employee on the peak working shift, whichever is greater
Mixed use building	1 space for each 75 square feet of net floor area
Nursery school	1 space for each teacher and/or employee on largest shift plus 1 space per each 6 students
Personal care boarding home	1 space for each employee on peak shift plus 1 space for each resident authorized to drive plus 1 for each 6 beds
Private club	1 space for each 100 square feet of floor area accessible to the members
Public utility installation	1 space per employee on peak shift plus 1 space for each service vehicle stored on the lot
Restaurant	1 space for each 75 square feet of gross floor area plus 1 space for each employee on peak working shift
Retail businesses, personal service establishments	1 space for each 250 square feet of gross floor area
Schools, elementary and junior high	1 space for each employee or faculty member
Schools, secondary and post-secondary	1 space for each employee or faculty member plus 1 space for each 10 students
Service station/vehicle repair garages	4 spaces for each bay plus 1 space for each employee on peak shift plus 1 space for each business vehicle
Single-family dwelling	2 spaces per dwelling unit
Swimming pools, public/commercial	1 space for each 50 square feet of surface water area
Tavern	1 space for each 75 square feet of gross floor area plus 1 space for each employee on peak working shift
Tennis, racquetball and handball courts	1 space per employee plus 4 spaces for each court
Theater, auditorium or gymnasium	1 space per 4 seats
Townhouses	2 spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve

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Use	Parking Spaces Required
Transitional dwelling	1 space for each employee on peak shift plus 1 space for each resident authorized to drive plus 1 for each 6 beds
Two-family dwelling	2 spaces per dwelling unit
Warehouses, freight terminals, wholesale businesses	1 space for each employee on peak working shift plus 1 space for each 3,000 square feet of gross floor area

D. All other uses shall provide one space for each three occupants at maximum permitted occupancy or one space for each 300 square feet of gross floor area whichever is greater.

**§ 320-89. Off-street loading.**

In all zoning districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this section.

A. Off-street loading design.

- (1) **Size.** Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
- (2) **Access.** Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
- (3) **Location.** All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.
- (4) **Screening.** Loading berths shall be screened by a six-foot-high dense, compact evergreen hedge, opaque fence or wall on all sides that face residential use or zoning district classification.
- (5) **Surfacing.** All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
- (6) **Lighting.** Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

B. Off-street loading requirements. In all zoning districts, every use that requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

- (1) **Uses.** Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

Gross Floor Area (square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1 berth

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Gross Floor Area (square feet)	Number of Berths Required
20,000 to 39,999	2 berths
40,000 to 65,000	3 berths
For each additional 20,000	1 additional berth

- (2) Uses. Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses that receive deliveries by tractor-trailer:

Gross Floor Area (square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1 berth
60,000 to 99,999	2 berths
100,000 to 160,000	3 berths
Over 160,000	4 berths

- C. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

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**ARTICLE XIV**  
**Signs**

§ 320-91

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**§ 320-90. Applicability.**

The regulations contained in this article shall apply to all signs in all zoning districts.

**§ 320-91. Types and classes.**

Signs in all zoning districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this section.

A. Classes. Signs are classified by physical attributes into the following categories:

- (1) Freestanding. A sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building.
  - (a) Pole sign. A freestanding sign that is supported by one or more poles, uprights or braces and that has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this chapter.
  - (b) Ground sign. A freestanding sign that is affixed to the ground by means of a permanent foundation and that provides a maximum clearance of 18 inches between the bottom edge of the sign and the adjacent ground level.
- (2) Wall. A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six inches from the wall of the building.
- (3) Arcade sign. A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.
- (4) Bulletin. A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.
- (5) Roof sign. A sign erected and maintained upon or above the roof of any building that projects no more than six feet above the roof.
- (6) Overhanging. A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six inches, including awnings, marquees or similar structures used for business identification.
- (7) Billboard. Any off-premises sign with a changeable advertising face that advertises an establishment, person, activity, product or service that is unrelated to or unavailable on the premises on which the sign is located.
- (8) Changeable copy. A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
- (9) Indirectly illuminated. A sign that is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and that is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.
- (10) Internally illuminated. A sign that is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

B. Types. Signs are categorized by use, function or purpose into the following types:

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- (1) Residential identification sign. A sign containing only the name and address of the occupant of the premises.
  - (2) Home occupation identification sign. A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.
  - (3) Residential plan identification sign. A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.
  - (4) Real estate sign. A temporary sign advertising the sale or rental of the premises. The signs may also bear the words "sold," "sale pending" or "rented" across their face.
  - (5) Development sign. A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
  - (6) Construction sign. A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.
  - (7) Notification sign. A sign bearing legal and/or property notices such as: "no trespassing," "private property," "no turnaround," "safety zone," "no hunting" and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.
  - (8) Off-premises directional sign. A sign, other than a billboard, that directs the public to an establishment, activity, person, product or service that is not sold, produced or available on the property on which the sign is located.
  - (9) On-premises directional sign. A sign that directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.
  - (10) Political sign. A temporary sign that indicates the name, cause or affiliation of anyone seeking public office or that refers to an issue concerning which a public election is scheduled to be held.
  - (11) Business identification sign. A sign that contains the name, address and goods, services, facilities or events available on the premises.
  - (12) Temporary special event display. A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period not exceeding 30 days whose sole purpose is to advertise a special event.
  - (13) Window display. A sign or group of signs affixed to the inside of a display window in a commercial establishment that advertises a product or service available on the premises or that announces or promotes a special sale or special event.

**§ 320-92. General regulations.**

The following regulations shall apply to signs in all zoning districts:

- A. Restricted signs. The following signs shall not be permitted in any zoning district:
- (1) A-frame or sandwich board signs;
  - (2) Portable or wheeled signs, other than temporary special event displays authorized by this chapter;
  - (3) Banners and pennants, other than temporary special event displays authorized by this chapter;

- § 320-92 (4) Inflatable structures of any kind, other than temporary special event displays authorized by this chapter; § 320-92
- (5) Moving or flashing signs, except for that portion of a permitted sign that indicates time or temperature;
  - (6) Roof signs;
  - (7) Signs on trees, utility poles or official traffic control devices or signs;
  - (8) Signs that imitate traffic control devices;
  - (9) Signs painted on walls or chimneys of a building or on fences or walls;
  - (10) Strings of lights, flashers, flags, pennants or other display paraphernalia except those displays specifically authorized by this article;
  - (11) Signs on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, that are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- B. Exempt signs. The following signs shall be exempt from these regulations:
- (1) Political signs;
  - (2) Residential identification signs, as defined herein;
  - (3) Holiday decorations displayed for recognized federal or state holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public hazard;
  - (4) Memorial/historical plaques, as defined herein;
  - (5) Window displays, as defined herein, provided they shall not exceed 20% of the gross surface area of all windows in an establishment;
  - (6) Signs erected by a governmental agency, including street signs and official traffic signs, but not including off-premises directional signs regulated by § 320-93G.
- C. Lots with multiple street frontage. In all zoning districts, lots fronting on more than one street shall be permitted to have one sign which is authorized per lot on each street frontage.
- D. Temporary signs. In all zoning districts where authorized by § 320-93, real estate, construction and development signs shall be considered temporary signs that shall be removed within 30 days of the completion of sales or construction. Temporary special event displays shall be regulated by § 320-93E.
- E. Notification signs. In all zoning districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all zoning districts, legal notification signs posted on private property by property owners such as "no trespassing," "no hunting" and the like shall be limited to a surface area not exceeding two square feet. The placement and maximum number of signs permitted along road frontages shall be one sign for every 30 feet of road frontage.
- F. Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by § 320-73D.
- G. Illumination. Illumination, when authorized by this chapter, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be

- § 320-92 stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties. § 320-93
- H. Maintenance and inspection. All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within 10 days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
- I. Removal of signs. Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
- J. Permits required. No permit shall be required for the following types of signs as described in § 320-91B above: notification, real estate, political and construction signs and off-premises directional signs erected by a governmental agency. Permits shall be required for all other signs authorized by §§ 320-93 through 320-95. The Zoning Officer shall issue the required permits upon submission of an application that complies with all applicable provisions of this chapter and payment of the required fee established from time to time by resolution of the Board of Supervisors.
- K. Expiration of permits. Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
- L. Sign location. Except for billboards, political signs and off-premises directional signs, as defined herein, where authorized by this chapter, all signs shall be located on the premises that they are intended to serve.

**§ 320-93. Signs authorized in all zoning districts.**

The following signs are authorized in all zoning districts:

- A. Bulletin sign. One bulletin sign that is nonilluminated or indirectly or internally illuminated and that does not exceed 24 square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semipublic building.
- B. Real estate sign. One nonilluminated temporary real estate sign shall be permitted on each lot provided the sign shall not exceed six feet in height. The real estate sign shall not exceed 12 square feet in surface area when located in any residential zoning district and shall not exceed 32 square feet in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the property on which it is located.
- C. Development sign. One nonilluminated temporary development sign shall be permitted on each lot provided the surface area of the sign shall not exceed 32 square feet in surface area. The development sign shall not exceed six feet in height when located in any residential zoning district and shall not exceed 10 feet in height in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the last lot or completion of the proposed construction in the development.
- D. Construction sign. One nonilluminated temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed 12 square feet in surface area and shall be removed within 30 days of the completion of the work.
- E. Temporary special event display. One nonilluminated temporary special event display sign, as defined by this chapter, shall be permitted to be erected on the face of a public building, church or building housing a nonprofit organization, provided that the surface area of the signs shall not exceed 40 square feet and provided the sign is displayed for a period no longer than 30 days and is removed within five days following the event

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that it is erected to promote.

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- F. Home occupation identification sign. One nonilluminated home occupation identification sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed one square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.
- G. Off-premises directional signs.
- (1) A maximum of four off-premises directional signs shall be permitted to be erected along an arterial or collector street, as defined by this chapter by any agency or business other than a governmental agency, except that home occupations shall not be permitted to have any off-premises directional signs.
  - (2) The off-premises directional signs shall be located within 100 feet of an intersection of an arterial or collector street with any other arterial or collector street and the maximum number of signs located at any intersection shall be four signs.
  - (3) The off-premises directional signs shall be nonilluminated and shall not exceed six square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than 10 feet from the edge of the right-of-way or no more than 15 feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.
- H. On-premises directional signs.
- (1) On any lot that contains two or more multifamily or nonresidential buildings and/or on any lot that provides more than 100 parking spaces, on-premises directional signs shall be permitted, provided that the surface area of any one sign shall not exceed four square feet.
  - (2) On lots with areas less than one acre, a maximum of four nonilluminated or indirectly illuminated on-premises directional signs shall be permitted. On lots with areas of one acre or more, a maximum of six nonilluminated or indirectly illuminated on-premises signs shall be permitted on the first acre. For each additional acre or fraction thereof over one acre, two additional on-premises directional signs shall be permitted.

**§ 320-94. Signs authorized in residential zoning districts.**

The following signs shall be permitted in all R-1, R-2 and R-3 Zoning Districts:

- A. Residential plan identification sign. One nonilluminated or indirectly illuminated permanent wall or freestanding ground residential plan identification sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development that shall not exceed 24 square feet in surface area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
- B. Convenience commercial uses in the R-3 District.
- (1) Each business establishment shall be permitted to have one wall sign that may be illuminated or nonilluminated. The maximum surface area of the wall sign shall not exceed 24 square feet in area. In place of a wall sign, a business establishment shall be permitted to have one overhanging sign that may be illuminated or nonilluminated, provided the surface area of the sign shall not exceed six square feet and the sign shall be erected no higher than the top elevation of the first floor of the building.



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(2) In addition to the wall sign or overhanging sign, one freestanding ground sign shall be permitted on the lot regardless of the number of businesses on the lot. The maximum surface area of the ground sign shall not exceed 24 square feet. The ground sign may be illuminated or nonilluminated. The ground sign shall be located at least 10 feet from any property line or street right-of-way. The maximum height of the ground sign shall not exceed four feet.

C. Other business identification signs. One nonilluminated or indirectly illuminated wall or freestanding ground identification sign shall be permitted for any business use that is a legal nonconforming use or that is authorized as a conditional use or use by special exception in a residential zoning district, provided the surface area of the sign shall not exceed 12 square feet.

**§ 320-95. Signs authorized in business districts.**

The following signs shall be permitted in all business districts:

A. Temporary special event display. Temporary special event displays, as defined by this chapter, shall be permitted provided that:

- (1) No more than two signs or banners shall be permitted on any establishment at any one time;
- (2) The temporary special event display signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;
- (3) Temporary special event display signs shall be displayed for a period not exceeding 30 days, either consecutively or cumulatively, in any twelve-month period;
- (4) The aggregate surface area of all temporary special event display signs shall not exceed 40 square feet per establishment. In the event that there is more than one establishment on a site, the maximum aggregate surface area of all temporary special event display signs on the site at any one time shall not exceed 100 square feet;
- (5) Portable signs shall not be considered temporary special event display signs; and
- (6) Temporary special event display signs shall be nonilluminated.

B. Changeable copy signs. In addition to the authorized business identification signs, one nonilluminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, that shall not exceed 30 square feet in area and that shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot.

C. Business identification signs.

- (1) Wall signs. Each business establishment shall be permitted to have wall signs that may be illuminated or nonilluminated. The aggregate area of all wall signs shall not exceed two square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of 100 square feet, whichever is less. The wall identification sign shall not be located on the roof nor extend above the height of the building.
- (2) Ground signs. In addition to the wall signs, one freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
  - (a) No freestanding pole sign exists or is proposed to be erected on the lot.
  - (b) The maximum surface area of the ground sign shall not exceed 24 square feet in the B-1 District.
  - (c) The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total

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height exceed six feet.

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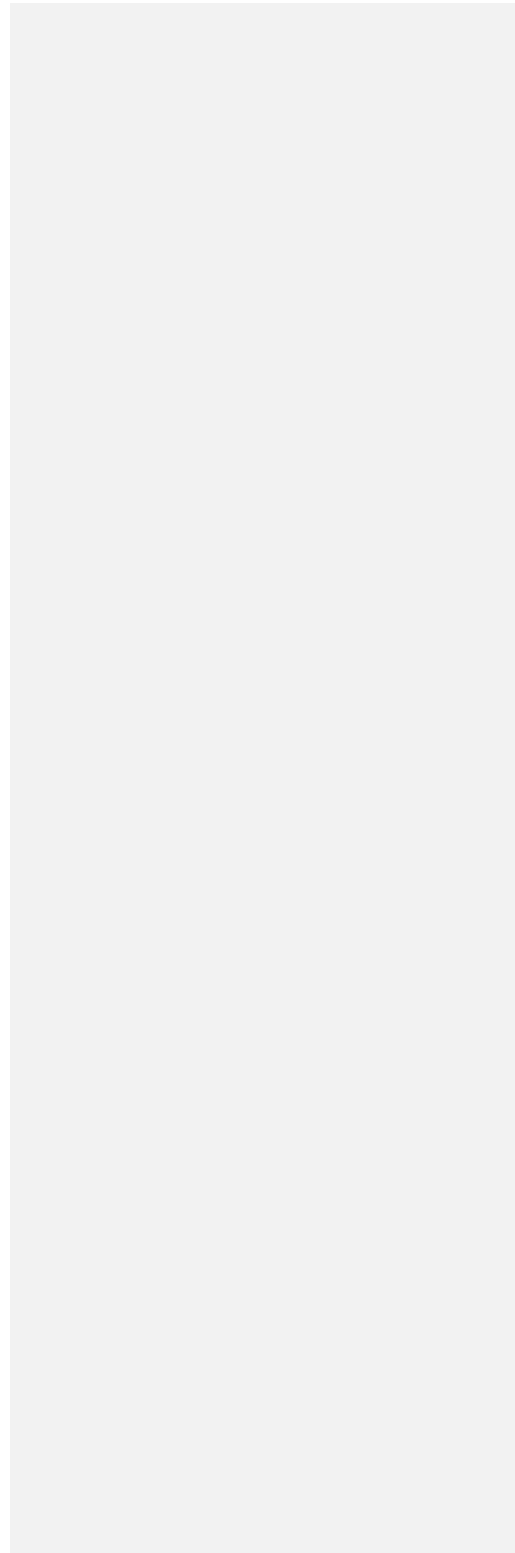
- (d) Ground signs shall be nonilluminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
  - (e) All freestanding ground signs shall be located at least 10 feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (3) Pole signs. In addition to the authorized wall signs, one freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- (a) No freestanding ground sign exists or is proposed to be erected on the lot.
  - (b) The pole sign shall be nonilluminated, indirectly illuminated or internally illuminated.
  - (c) The maximum height of the top of the pole sign shall be 20 feet.
  - (d) The minimum height of the bottom edge of the sign shall be eight feet.
  - (e) The maximum surface area of the freestanding pole sign shall not exceed 40 square feet if there is only one business on the lot and shall not exceed 64 square feet if there is more than one business on the lot. Neither dimension of such sign shall be less than five feet.
  - (f) No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection.
  - (g) All freestanding pole signs shall be set back at least 10 feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (4) Arcade signs. In shopping centers or office complexes that have pedestrian access ways covered by a roof, marquee or exterior arcade, one arcade sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight square feet.

**§ 320-96. Billboards.**

Billboards shall not be permitted in any "R" zoning district. Billboards shall be permitted only as conditional uses on property located in the B-1 District following recommendation by the Planning Commission and a public hearing by the Board of Supervisors, provided all of the following requirements are met:

- A. Location. Billboards may be authorized as a conditional use only in the B-1 District, provided all of the following requirements are met:
- (1) Billboards shall not be erected within 500 feet of the boundary line of any "R" zoning district or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
  - (2) On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveledway.
  - (3) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from

the center-most point of the billboard structure along a line extending from the center-



- § 320-96 most point of the billboard that is parallel to the center line of the roadway to which the billboard is oriented.
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- (4) No billboard shall be located closer than 10 feet to any public street right-of-way.
  - (5) The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
  - (6) No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements.
  - (7) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
  - (8) No sign shall be erected over any sidewalk or public right-of-way.
  - (9) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- B. Size and height. A billboard shall have a maximum allowable gross surface area of 250 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
- (1) A billboard shall have no more than two sign faces per billboard structure that may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
  - (2) The dimensions of the gross surface area of the billboard's sign face shall not exceed 10 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
  - (3) A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 40 feet.
- C. Construction methods. Billboards shall be constructed in accordance with applicable provisions of the Township Building Code and shall meet all of the following additional requirements:
- (1) A billboard structure shall have a maximum of one vertical support being a maximum of three feet in diameter or width and without additional bracing or vertical supports.
  - (2) A billboard sign face shall be independently supported and have vertical supports of metal that are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
  - (3) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 100 mile per hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Township with the application for conditional use.
  - (4) The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.
  - (5) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet placed in such manner as to screen the foundation of the structure.
  - (6) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
  - (7) No bare cuts shall be permitted on a hillside.

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- (8) All cuts or fills shall be permanently seeded or planted.
- (9) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.
- (10) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
- (11) No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
- (12) The use of colored lighting shall not be permitted.

D. Maintenance.

- (1) A billboard structure shall be entirely painted every three years, unless constructed of an approved corrosive-resistant material.
- (2) Every 10 years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania-registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.
- (3) Annual inspections of the billboard may be conducted by the Township to determine compliance with this chapter.
- (4) Billboards found to be in violation of this chapter shall be brought into compliance or removed within 30 days upon proper notification by the Township.
- (5) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

E. Liability insurance. The applicant for a sign permit to erect a billboard shall provide a certificate of insurance for public liability and property damage that holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Board of Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving 10 days' notice to the Township.

F. Permits.

- (1) Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Federal Aviation Administration (FAA), when applicable.
- (2) Approval of the conditional use shall be valid for six months from the date of action by the Board of Supervisors granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.
- (3) The issuance of a sign permit for a billboard that has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (PennDOT) for billboards along state highways. If the applicant fails to submit evidence of the required approval by PennDOT within 30 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.
- (4) The applicant may reapply for the required sign permit, upon submission of evidence of PennDOT approval, without payment of any additional sign permit fee, provided the application is filed within the six-month period during which the conditional use approval is valid.

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G. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Board of Supervisors.

H. Nonconforming billboards.

- (1) Any billboard that does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section.
- (2) Any billboard that is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.

ARTICLE XV  
**Nonconforming Uses, Structures and Lots**

**§ 320-97. Applicability.**

This article shall apply to all nonconforming uses, structures and lots as defined by this chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this chapter or any amendment thereto.

**§ 320-98. Nonconforming uses.**

These regulations shall apply to any use of a structure or lot in any zoning district that is a nonconforming use as defined by this chapter. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

- A. Continuation. Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this article.
- B. Enlargement or expansion.
  - (1) No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this chapter, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the zoning district in which it is located.
  - (2) No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this chapter.
  - (3) Any nonconforming use may be extended throughout any part of a structure that was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, except on a lot or portion of a lot owned at the time the use became nonconforming.
- C. Change of use.
  - (1) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:
    - (a) The new use will more closely correspond to the uses permitted in the district.
    - (b) The changed use will be in keeping with the character of the neighborhood in which it is located.
    - (c) The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of § 320-105 for obtaining a variance.
  - (2) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XIII for the use and shall be subject to the area, bulk and buffer area regulations for such use in the district where such use is authorized.
  - (3) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot

§ 320-98 unless the nonconforming use is discontinued. § 320-100

- D. Abandonment. When a nonconforming use, structure and/or lot is discontinued or abandoned for 12 consecutive months, the structure and/or lot shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.
- E. Damage or destruction.
  - (1) Residential dwellings that are nonconforming uses in the B-1 District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three years of the date of destruction.
  - (2) In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves 50% or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within 18 months of the date of destruction.
  - (3) In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than 50% of its total floor area, the structure shall be reconstructed only to house a conforming use.

**§ 320-99. Nonconforming structures.**

These regulations shall apply to all nonconforming structures as defined by this chapter in all zoning districts.

- A. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.
- B. Damage or destruction. Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within 18 months of the date that the original structure was damaged or destroyed.
- C. Moving. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- D. Signs.
  - (1) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than 50% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this chapter.
  - (2) Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- E. Repair or maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

**§ 320-100. Nonconforming lots.**

The following regulations shall apply to nonconforming lots, as defined by this chapter.



A. Lot area and lot width. Any lot of record existing at the effective date of this chapter may be used for the

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erection of a structure conforming to the use regulations of the zoning district in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this chapter; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the zoning district wherein it is located.

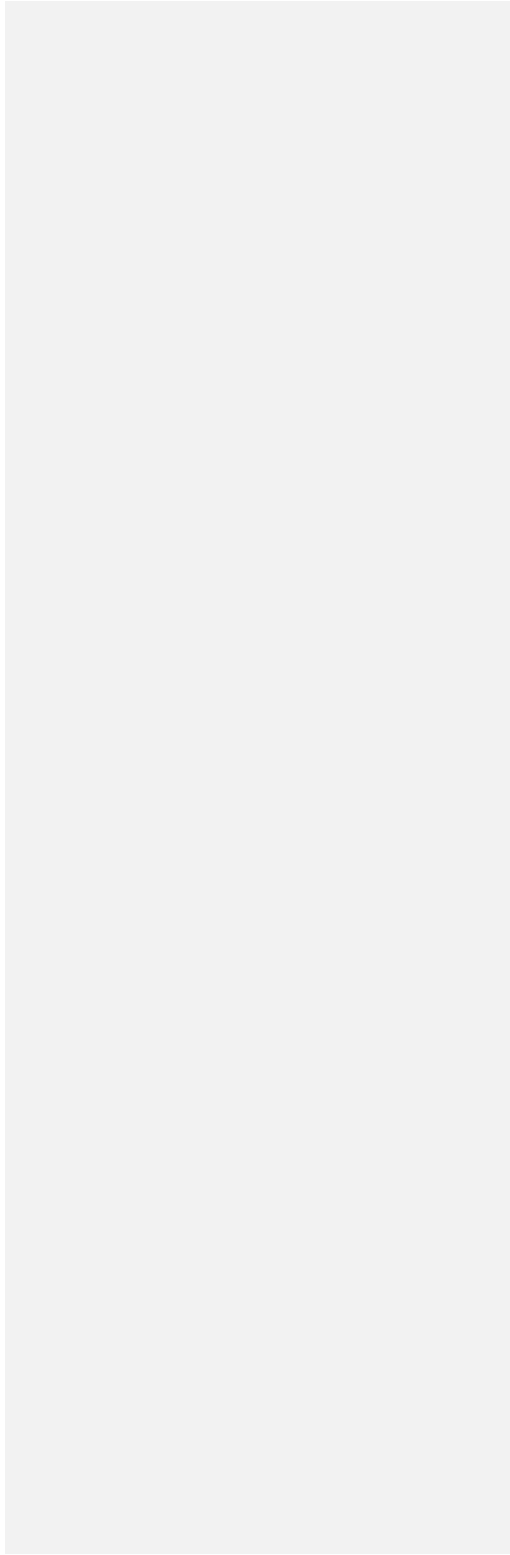
- B. Front yard setback. Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot.

**§ 320-101. Registration of nonconformity.**

- A. The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this chapter or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by Washington County Assessor's tax parcel number as a legal nonconforming use.
- B. In the course of administering this chapter and reviewing applications for zoning certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

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ARTICLE XVI  
**Zoning Hearing Board**

**§ 320-102. Membership.**

The membership of the Zoning Hearing Board shall consist of three residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township. The membership of the Zoning Hearing Board may be increased to five members in accordance with the provisions of Section 903(a) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).<sup>95</sup>

**§ 320-103. Alternate members.**

- A. Appointment of alternate members. The Board of Supervisors may appoint by resolution at least one, but no more than three, residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of § 320-103B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including service as a member of the Planning Commission or as a Zoning Officer nor shall any alternate be an employee of the Township. Any alternate may participate in any proceedings or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to § 320-103B of this chapter.
- B. Participation by alternate members. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

**§ 320-104. Jurisdiction of the Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

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<sup>95</sup> Editor's Note: See 53 P.S. § 10903(a).

- § 320-104 § 320-107
- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance pursuant to § 320-105.
- F. Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XI and § 320-106.
- G. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).<sup>96</sup>
- H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

**§ 320-105. Variances.**

The Board, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this chapter. A variance may be granted if all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and protect the public health, safety and welfare.

**§ 320-106. Uses by special exception.**

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this chapter, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article XI. The Board shall approve a use by special exception only if it meets all applicable requirements of this chapter and the express standards and criteria set forth in Article XI. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this chapter, as it may deem necessary to properly implement this chapter and protect the public health, safety and welfare.

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<sup>96</sup> Editor's Note: See 53 P.S. § 10916.2

§ 320-107

**§ 320-107. Notice and conduct of hearings.**

§ 320-109

A public hearing shall be held on any appeal filed under § 320-104 of this chapter within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this chapter. In addition to the public notice, at least one week prior to the public hearing, the Board shall post at least one copy of the notice on the affected property. At least 14 days prior to the public hearing, the Board shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended)<sup>97</sup> regarding conduct of the public hearing and rendering a decision.

**§ 320-108. Failure to render decision.**

- A. Where the Board fails to render a decision within the required forty-five-day period or fails to commence, conduct or complete the required hearing within the time periods specified by Section 908(1.2) of the Pennsylvania Municipalities Planning Code, (Act 247, as amended),<sup>98</sup> the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- B. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner prescribed in § 320-107. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

**§ 320-109. Mediation option.**

- A. Parties to proceedings authorized in this article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of the mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
  - (1) Funding mediation.
  - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  - (3) Completing mediation, including time limits for such completion.
  - (4) Suspending time limits otherwise authorized in this chapter or in the Pennsylvania Municipalities Planning Code (Act 247, as amended),<sup>99</sup> provided there is written consent by the mediating parties, and by an applicant or Township decisionmaking body, if either is not a party to the mediation.
  - (5) Identifying all parties and affording them the opportunity to participate.

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<sup>97</sup>. Editor's Note: See 53 P.S. § 10101 et seq.

<sup>98</sup>. Editor's Note: See 53 P.S. § 10908(1.2).

<sup>99</sup>. Editor's Note: See 53 P.S. § 10101 et seq.

- § 320-109 § 320-588
- (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in this chapter.
- C. No offers or statements made in the mediation session, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**§ 320-110. Fees and expenditures.**

- A. Fees. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- B. Stenographer's appearance fee and transcripts. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- C. Expenditures. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

**§ 320-111. Time limitations.**

- A. No person shall file any proceeding before the Zoning Hearing Board later than 30 days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended)<sup>100</sup> shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

**§ 320-112. Stay of proceedings.**

Upon filing of any proceeding and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action

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<sup>100</sup>Editor's Note: See 53 P.S. § 10916.2.

§ 320-112 thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 320-113

**§ 320-113. Appeals.**

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).<sup>101</sup>

§ 320-114

ARTICLE XVII  
**Administration and Enforcement**

§ 320-115



**§ 320-114. Zoning Officer powers and duties.**

- A. The provisions of this chapter shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elected office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.
- B. The Zoning Officer shall have all the powers and duties conferred upon him by this chapter and the Pennsylvania Municipalities Planning Code (Act 247, as amended).<sup>102</sup> The Zoning Officer's duties shall include the following:
- (1) Receive and examine all applications for building/zoning permits and certificates of occupancy.
  - (2) Process applications for building/zoning permits and certificates of occupancy for all permitted uses.
  - (3) Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of a building/zoning permit or certificate of occupancy for the proposed use.
  - (4) Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of a building/zoning permit or certificate of occupancy for the proposed use.
  - (5) Issue permits only where there is compliance with the provisions of this chapter, with other Township ordinances and the laws of the commonwealth.
  - (6) Following denial of a building/zoning permit or certificate of occupancy, refer any appeal of the denial to the Zoning Hearing Board for action thereon.
  - (7) Conduct inspections and surveys to determine compliance or noncompliance with this chapter.
  - (8) Issue notices of violation in accordance with the requirements of § 320-115, below.
  - (9) With the approval of the Board of Supervisors, or when directed by the Board, institute, in the name of the Township, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
  - (10) Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.
  - (11) Record and file all applications for building/zoning permits and certificates of occupancy with accompanying plans and documents, which files shall be a public record.
  - (12) Maintain the Official Zoning District Map for the Township.
  - (13) Register nonconforming uses, structures and lots in accordance with § 320-101 of this chapter.

**§ 320-115. Enforcement; violations and penalties.**

- A. Violations. Failure to comply with any provisions of this chapter; failure to secure a building/zoning permit

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<sup>101</sup> Editor's Note: See 53 P.S. § 10101 et seq.

§ 320-115 prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure an occupancy permit for the use or change of use or occupancy of structures or land, shall be a violation of this chapter. § 320-116

B. Enforcement notice. The enforcement notice shall contain the following information:

- (1) The name of the owner of record and any other person against whom the Township intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this chapter.
- (4) The date before which steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this chapter.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

C. Enforcement remedies.

- (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.
- (2) Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and, thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.
- (3) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (4) Nothing contained in this subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this subsection.

D. Causes of action. In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this chapter or of any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use that constitutes a violation.

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**§ 320-116. Zoning permit required.**

§ 320-118

- A. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a building/zoning permit has been obtained from the Zoning Officer.
- B. In the instances where a building permit is required and applied for, such application shall be considered to include both the building permit and the zoning permit. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land or structure shall be considered to include both the zoning permit and the certificate of occupancy.

**§ 320-117. Application requirements for zoning permit.**

- A. In those instances where a zoning permit is applied for, the application shall be made in writing by the owner, tenant, vendee under contract of sale or authorized agent, on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include the following information:
  - (1) A statement as to the proposed use of the building, structure or land.
  - (2) A plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - (3) The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening and landscaping.
  - (4) The location, size, capacity and arrangement of all areas to be used for vehicular access, off-street parking, off-street loading and unloading and provision to be made for lighting such areas.
  - (5) The dimensions, location and methods of illumination for signs, if applicable.
  - (6) The location and dimensions of sidewalks and all other areas devoted to pedestrian use.
  - (7) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
  - (8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed gross density.
  - (9) A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing glare, air pollution, water pollution, fire hazards, traffic congestion and other safety hazards. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (10) Description of methods to be employed in controlling any excess air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (11) Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this chapter.
- B. Where the information required for a zoning permit duplicates the information required for a building permit and the application is being considered a combined application, submission of one drawing with the required information will meet the requirements for both applications.

**§ 320-118. Certificate of occupancy required.**

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§ 320-118

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, until a certificate of occupancy has been issued therefor by the Zoning Officer. Said certificate of occupancy shall state that the proposed use of the building, structure or land conforms to the requirements of this chapter.
- B. Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be acted upon within five working days after inspection by the Zoning Officer of the work completed under a building permit.
- C. Certificates of occupancy for a new use or changed use where no building permit is required shall be part of the application for a zoning permit and shall be acted upon by the Zoning Officer within 15 days of submission of a completed application for a zoning permit.
- D. A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six months to permit partial occupancy of a building while work is being completed, provided such temporary certificate of occupancy may require such conditions and safeguards as may be warranted to protect the health and safety of the occupants and the public.
- E. Failure to obtain a certificate of occupancy shall be a violation of this chapter and shall be subject to enforcement remedies as provided in this chapter.
- F. The Zoning Officer shall maintain a record of certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

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**§ 320-119. Planning Commission.**

The Township Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code<sup>103</sup> to fulfill the advisory role to the Board of Supervisors in the administration of this chapter and Chapter 270, Subdivision and Land Development.

A. Membership.

- (1) The membership of the Planning Commission shall consist of five members, all of whom shall be residents of the Township. At least three of the five members shall be citizen members and shall not be officers or employees of the Township.
- (2) The term of office for each member shall be four years and the terms of no more than two members shall expire in any calendar year.
- (3) When any vacancies occur, the Chairman shall promptly notify the Board of Supervisors and the Board shall fill the vacancy for the unexpired portion of the term.
- (4) The Board of Supervisors may appoint as many alternate members to serve on the Planning Commission as it deems appropriate, who shall serve only in the event that an appointed member of the Planning Commission is unable, unwilling or cannot serve for any other reason. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (5) The Board of Supervisors may permit the compensation of members of the Planning Commission, provided that said amount of compensation is set through the passage of a resolution at a public meeting of the Board of Supervisors, which may be amended from time to time through the passage of a subsequent resolution. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Duties of the Planning Commission.

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- (1) The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:
  - (a) Prepare the Comprehensive Plan for the development of the Township in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code<sup>104</sup> and present it for consideration by the Board of Supervisors.
  - (b) Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.
- (2) The Planning Commission, at the request of the Board of Supervisors, may:
  - (a) Make recommendations to the Board of Supervisors concerning adoption or amendment of an official map, as defined herein.
  - (b) Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations to the Board of Supervisors on proposed amendments to it.
  - (c) Prepare and recommend subdivision and land development and planned residential development regulations and amendments thereto and make recommendations to the Board of Supervisors on applications submitted under those regulations.
  - (d) Prepare and present to the Board of Supervisors a building code and a housing code and make recommendations concerning proposed amendments thereto.
  - (e) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
  - (f) Prepare and present to the Board of Supervisors an environmental study.
  - (g) Submit a recommended capital improvements program to the Board of Supervisors.
  - (h) Prepare and present to the Board of Supervisors a water survey that shall be consistent with the state water plan and any applicable water resources plan adopted by a river basin commission conducted in consultation with any public water supplier in the area to be surveyed.
  - (i) Promote public interest in, and understanding of, the Comprehensive Plan and planning.
  - (j) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
  - (k) Hold public hearings and meetings.
  - (l) Present testimony before any board.
  - (m) Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.
  - (n) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.
  - (o) Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
  - (p) Review the zoning ordinance, subdivision and land development ordinance and such other ordinances and regulations governing the development of land no less frequently than it reviews

§ 320-119 the Comprehensive Plan.

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- (3) In the performance of its powers and duties, any act or recommendation of the Planning Commission that involves engineering considerations shall be subject to review and comments of the Township Engineer, that shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.
- C. Records. The Secretary of the Planning Commission shall keep minutes of all meetings and shall maintain a file of the Commission's records that shall be the property of the Township.

**§ 320-120. Procedure for amendments.**

The Board of Supervisors may introduce and/or consider amendments to this chapter and to the Zoning District Map, as proposed by the Board of Supervisors or by the Planning Commission or by a petition of a landowner of property within the Township.

- A. Petitions. Petitions for amendments shall be filed with the Planning Commission at least 10 calendar days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned and a statement justifying the request and shall pay a filing fee, in accordance with the fee schedule fixed by resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.
- B. Referral. Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Washington County Planning Commission shall be referred to these agencies for review at least 30 days prior to the public hearing by the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral, whichever comes first.
- C. Posting of property. If the proposed amendment involves a change to the Zoning District Map, a minimum of two notices of the public hearing shall be conspicuously posted on the property at least seven days prior to the date of the public hearing. At least 14 days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the notices shall be paid by the applicant, if an applicant requests the amendment. If the Township initiates the amendment, the Township shall pay the cost of mailing the certified notices.
- D. Public notice and public hearing. Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this chapter, and mailed notice and electronic notice if applicable per 53 P.S. § 10109, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- E. Readvertisement and rehearing. If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, and mailed notice and electronic notice if applicable, before proceeding to vote on the amendment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- F. Publication, advertisement and availability.
  - (1) Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined

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without charge or obtained for a charge not greater than the cost thereof.

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- (2) The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provision in reasonable detail. If the full text is not included:
- (a) A copy thereof shall be provided to the newspaper at the time public notice is published.
  - (b) An attested copy of the proposed ordinance shall be filed in the County Law Library.
- G. Action. Within 90 days of the date when the public hearing on the proposed amendment is officially closed, the Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Board of Supervisors shall readvertise in one newspaper of general circulation in the Township a brief summary of the amendments at least 10 days prior to enactment.
- H. Filing amendment with County Planning Commission. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the Washington County Planning Commission.
- I. Mediation option. The Board of Supervisors may offer the mediation option as an aid in completing proceeding authorized by § 320-109. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in § 320-109 of this chapter.

**§ 320-121. Fees.**

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this chapter. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary.

**§ 320-122. Landowner curative amendments.**

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this chapter or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

- A. Procedure. The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.<sup>105</sup> As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Washington County Planning Commission at least 30 days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Sections 610 and 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code<sup>106</sup> and all references in that section to the Zoning Hearing Board shall be references to the Board of Supervisors.
- B. Evaluation of merits of curative amendment. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

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<sup>105</sup> Editor's Note: See 53 P.S. § 10609.1. Section 1004 was repealed by P.L. 1329, No. 170.

<sup>106</sup> Editor's Note: See 53 P.S. § 10908(4) through (8).



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- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or Zoning District Map;
  - (3) The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
  - (5) The impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.
- C. Declaration of invalidity in court. If the Township does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.

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**Disposition List**

**Chapter DL**

**DISPOSITION LIST**

The following is a chronological listing of legislation of the Township of Cross Creek reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for this publication of the Code was Ord. No. 1-22, adopted June-21,-2022.

**§ DL-1. Disposition of legislation.**

**KEY:**

NCM = Not Code material (legislation is not general or permanent in nature).

Ord. No.	Adoption Date	Subject	Disposition
1-52	12-9-1952	Social Security	NCM
3-65	6-8-1965	Taxation: Earned Income Tax	Superseded by Ord. No. 1-10
1-66	11-15-1966	Wage Tax for 1967	NCM
3-67	12-21-1967	Sewers: Individual and Community Sewage Disposal Systems	Superseded by Ord. No. 1-1987
1-69	7-15-1969	Occupancy, Demolition and Use Permits	Superseded by Ord. No. 2-75
1-70	3-17-1970	Taxation: Realty Transfer Tax	Ch. 277, Art. I
1-73	2-21-1973	Junkyards	Superseded by Ord. No. 4-06
1-74	6-19-1974	Streets and Sidewalks: Street Openings and Excavations	Repealed by Ord. No. 1-74-01
2-74	7-17-1974	Vehicles and Traffic: Parking Prohibited Along Part of Rte 62185	Superseded by Ord. No. 1-88
1-75	6-24-1975	Franchise Agreement: Blue Devil Cable TV, Inc.	NCM
2-75	8-21-1975	Occupancy, Demolition and Use Permits	Superseded by Ord. No. 4-77
3-75	9-17-1975	Streets and Sidewalks: Driveways and Entrances onto Private Properties	Ch. 264, Art. I
4-75	12-17-1975	Franchise Agreement: Blue Devil Cable TV, Inc. Amendment	NCM
2-77	6-15-1977	Rental Property: Rental Occupancy Reports	Ch. 225, Art. I
3-77	6-15-1977	Dangerous Buildings and Nuisances	Superseded by Ord. No. 2-02
4-77	8-17-1977	Occupancy, Demolition and Use Permits	Superseded by Ord. No. 2-09
5-77	8-17-1977	Planning Commission	Superseded by Ord. No. 2-88
1-80	7-15-1980	Planning Commission Amendment	Superseded by Ord. 2-88
1-83	2-8-1983	Local Government Investment Trust	NCM
2-83	11-15-1983	Joint Purchasing Council	NCM
1-1984	12-28-1984	Floodplain Management	Superseded by Ord. No. 4-15
1-86	8-19-1986	Obscenity	Ch. 208
1-1987	5-19-1987	Sewers: On-Lot Sewage Disposal Systems Permits	Superseded by Ord. No. 2-09

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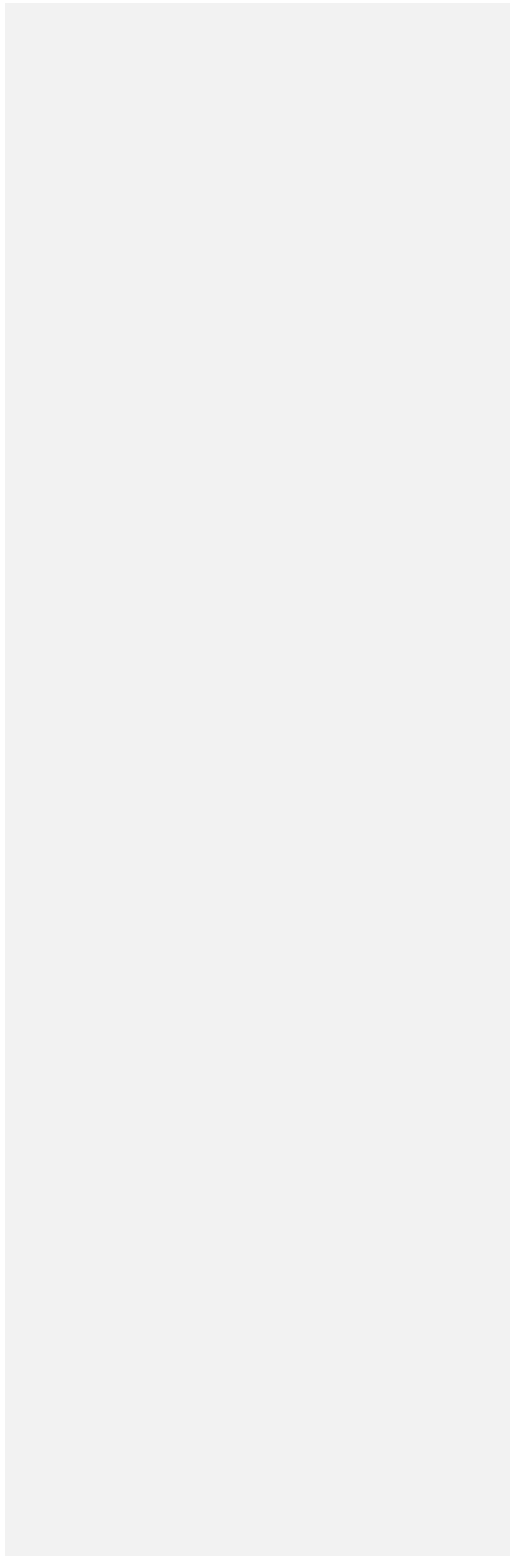
Ord. No.	Adoption Date	Subject	Disposition
1-88	1-19-1988	Vehicles and Traffic: Speed Limits and Parking Prohibitions	Ch. 286, Art. I
2-88	1-19-1988	Planning Commission	Superseded by Ord. No. 4-06
1-1989	1-16-1989	Intergovernmental Cooperation: Local Cooperative Sanitation Council	NCM
1-91	1-15-1991	Solid Waste: Garbage and Rubbish Collection	Ch. 250, Art. I
2-91	1-15-1991	Solid Waste: Waste Hauler Licensing	Ch. 250, Art. II
1-92-01		Cable Television Franchise	NCM
1-93	7-20-1993	Taxation: Local Economic Revitalization Tax Assistance Program	Ch. 277, Art. II
2-93	1993	Intergovernmental Cooperation: Joint Municipal Authority for Infrastructure Projects	NCM
3-93	9-21-1993	Burning, Open	Ch. 131
1-94	5-17-1994	Streets and Sidewalks: Street Naming and Building Numbering	Ch. 264, Art. II
1-95	12-26-1995	Salaries and Compensation: Board of Supervisors	Ch. 46, Art. I
1-96	10-15-1996	Water: Mandatory Connection	Ch. 301, Art. I
1-97	12-22-1997	Pensions	See Ch. 35
1-98	1-20-1998	Violations and Penalties Amendment	Ch. 131; Ch. 208; Ch. 225, Art. I; Ch. 250, Art. I; Ch. 250, Art. II; Ch. 264, Art. I; Ch. 264, Art. II; Ch. 301, Art. I
2-98	9-15-1998	Insurance: Fire Loss Claims	Ch. 179, Art. I
3-98	9-15-1998	Vehicles and Traffic: Weight Limit Restrictions	Ch. 286, Art. II
4-98	11-17-1998	Zoning Amendment	Repealed by Ord. No. 4-06
1-99	3-23-1999	Vehicles and Traffic: Stop Intersections	See Ch. 286, Art. IV
2-99	4-20-1999	Alarm Systems	Ch. 100
1-00	7-25-2000	Vehicles and Traffic: Speed Limits and Parking Prohibitions Amendment	Ch. 286, Art. I
2-00	9-19-2000	Sewers: Holding Tanks	Ch. 233, Art. I
1-74-01	6-19-2001	Streets and Sidewalks: Openings and Excavations	Repealed by Ord. No. 1-08
2-02	8-20-2002	Buildings, Dangerous	Ch. 123
3-02	11-18-2002	Nuisances	Ch. 202
4-02	12-17-2002	Taxation: Real Estate Tax Certifications	Superseded by Ord. No. 2-20

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Ord. No.	Adoption Date	Subject	Disposition
1-03	6-17-2003	Grading and Excavation	Ch. 170
2-03	7-15-2003	Subdivision and Land Development	Ch. 270
3-03	8-19-2003	Stormwater Management	Ch. 257
4-03	11-18-2003	Taxation: Earned Income Tax	Superseded by Ord. No. 1-10
1-04	2-17-2004	Planning Commission	Superseded by Ord. No. 4-06
3-04	4-20-2004	Building Construction: Administration and Enforcement of Uniform Construction Codes	Ch. 117, Art. I
5-04	9-21-2004	Animals: Noise Nuisances	Ch. 108, Art. I
6-04	12-21-2004	Vehicles and Traffic: Weight Limit Restrictions Amendment	Ch. 286, Art. II
2-05	10-18-2005	Sewers: Individual and Community Sewage Disposal Systems Amendment; Occupancy, Demolition and Use Permits	Superseded by Ord. No. 2-09
3-05	7-19-2005	Buildings, Dangerous Amendment	Ch. 123
4-05	12-20-2005	Sewers: Mandatory Connections	Ch. 233, Art. II
5-05	12-20-2005	Sewers: Certifications for Real Estate Sales	Ch. 233, Art. III
1-06	2-6-2006	Cable Television Franchise Amendment Comprehensive Plan Addendum	NCM NCM
3-06	5-23-2006	Subdivision and Land Development Amendment	Ch. 270
4-06	6-20-2006	Zoning	Ch. 320
5-06	8-15-2006	Gas and Oil Wells	Repealed by Ord. No. 1-11
6-06	9-19-2006	Insurance: Fire Loss Claims Amendment	Ch. 179, Art. I
7-06	12-19-2006	Realty Transfer Tax	Ch. 277, Art. I
1-07	4-17-2007	Sex Offender Residency Restrictions	REP
2-07	5-15-2007	Recreational Vehicles	REP
3-07	6-19-2007	Curfew	Ch. 144
4-07	11-20-2007	Taxation: Per Capita Tax	Ch. 277, Art. III
5-07	12-18-2007	Taxation: Amusement Devices Tax	REP
6-07	12-18-2007	Taxation: Local Services Tax	Ch. 277, Art. IV (repeals Ord. No. 1-05)
1-08	2-19-2008	Streets and Sidewalks: Openings and Excavations	Ch. 264, Art. III
1-09	3-17-2009	Sewers: Regulation and Administration of On-Lot Sewage Disposal Systems	Ch. 233, Art. IV

2-09	3-17-2009	Building Construction: Construction, Alteration, Occupancy and Use Permits	Ch. 117, Art. II
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Ord. No.	Adoption Date	Subject	Disposition
1-10	3-16-2010	Taxation: Earned Income Tax	Ch. 277, Art. V
2-10	6-15-2010	Fees Amendment	Superseded
3-10	6-15-2010	Grading and Excavation Amendment	Ch. 170
4-10	12-21-2010	Manager	Ch. 22
1-11	8-9-2011	Zoning Amendment	Ch. 320
2-11	10-18-2011	Taxation: Earned Income and Net Profits Tax Amendment	Ch. 277, Art. V
3-11	10-18-2011	Taxation: Local Services Tax Amendment	Ch. 277, Art. IV
1-12	2-21-2012	Recreational Vehicles Amendment	REP
1-14	5-13-2014	Vehicles and Traffic: Road Agreements for Weight, Cuts and Borings	Ch. 286, Art. III
2-14	11-18-2014	Sewers: Mandatory Connections Amendment	Ch. 233, Art. II
1-15	1-20-2015	Sewers: Building Permit Procedures for Sewage Authorizations	Ch. 233, Art. V
2-15	1-20-2015	Intergovernmental Agreement, PSATS Unemployment Compensation Group Trust	NCM
3-15	1-20-2015	Zoning Map Amendment	NCM
4-15	9-15-2015	Floodplain Management	Ch. 160
1-18	3-20-2018	Taxation: Volunteer Service Tax Credit	Ch. 277, Art. VI
2-18	7-20-2018	Cross Creek Valley Regional Planning Commission Membership	NCM
1-19	11-19-2019	Pensions	See Ch. 35
1-2020	9-20-2020	Street Vacation	NCM
2-20	10-20-2020	Taxation: Real Estate Tax Certifications	Ch. 277, Art. VII
1-22	6-21-2022	Vehicles and Traffic: Speed Limits and Parking Prohibitions Amendment; Weight Limit Restrictions Amendment (Street Renaming NCM)	Ch. 286, Art. I; Ch. 286, Art. II