

BOROUGH OF GEISTOWN  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Ordinance No. 535

Geistown Borough, Cambria County,  
Pennsylvania

Adopted at a Public Meeting Held on  
February 10, 2021

AN ORDINANCE REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE BOROUGH OF GEISTOWN, CAMBRIA COUNTY, PENNSYLVANIA BY: PROVIDING PROCEDURES FOR THE PREPARATION AND PROCESSING OF SUBDIVISION PLANS; ESTABLISHING DESIGN STANDARDS GOVERNING LOT AND STREET DESIGN, AND PUBLIC USE AND SERVICE AREA; PROVISION OF REQUIRED IMPROVEMENTS SUCH AS STREETS, CURBS, STORM DRAINAGE, SEWAGE DISPOSAL, WATER SUPPLY, AND OTHER IMPROVEMENTS; LAND DEVELOPMENT STANDARDS; PROVISIONS REGARDING MOBILE HOME PARKS; ADMINISTRATION, FEES, REMEDIES, ENFORCEMENT, AND JURISDICTION PURSUANT TO THE AUTHORITY SET FORTH IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS RE-ENACTED AND AMENDED.

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ARTICLE I  
SHORT TITLE AND PURPOSE

SECTION 101 SHORT TITLE

This Ordinance shall be known, and may be cited as, the Borough of Geistown Subdivision and Land Development Regulations.

SECTION 102 PURPOSE AND INTENT

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals, and general welfare of the citizens and residents of the Borough of Geistown by:

- A. Encouraging and promoting flexibility, economy, and innovation in the layout and design of subdivisions and land development including the provisions authorizing the Borough to alter site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development.
- B. Assuring sites suitable for building purposes and human habitation.
- C. Providing for the harmonious development of the Borough of Geistown as outlined in the Cambria County Comprehensive Plan.
- D. Assuring coordination of existing streets and highways with proposed streets, parks, or other features of the official plan or map of the Borough of Geistown.
- E. Assuring equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance the subdivider, land developer and Borough Council.
- F. Planning and managing storm water runoff in each watershed by regulating subdivisions, land development, and mobile home parks in a manner consistent with the Pennsylvania Storm Water Management Act, No. 167.
- G. Utilizing and preserving the desirable existing natural drainage system.
- H. Encouraging recharge of groundwater.
- I. Maintaining the existing flows and quality of streams and water courses in the Borough, County and the Commonwealth.

J. Providing for proper maintenance of all permanent storm water management structures which are constructed in the Borough.

SECTION 103 STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

ARTICLE II  
DEFINITIONS

SECTION 201 GENERAL TERMS

The words "person," "subdivider," and "owner" include an unincorporated association and a partnership, or other legal entity, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

SECTION 202 TERMS OR WORDS NOT DEFINED

Where terms or words are not defined, they shall have their ordinarily accepted dictionary defined meanings or such as the context may imply.

SECTION 203 SPECIFIC TERMS

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory: Additional, something extra or complimentary.

Block: A tract of land, a lot, or group of lots, bounded by streets, public parks, railroad right-of-way, water courses, boundary lines of the Borough, unsubdivided land, or by any combination of the above.

Building: Any enclosed or open Structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers or walls.

Cartway (Roadway): The portion of a street right-of-way, dedicated and accepted, intended for vehicular use.

Clear Sight Triangle: An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

County: Cambria County, Commonwealth of Pennsylvania.

County Planning Commission: The Cambria County Planning Commission.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Detention Basin: A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined



rate. A detention basin can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.

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

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

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

Engineer: A licensed professional engineer with current and valid registration in the Commonwealth of Pennsylvania.

Land Development:

- a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
  2. 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.
- b. A subdivision of land;
- c. Excepting:
  - (i) the conversion of an existing single-family detached or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;
  - (iii) the addition or conversion of buildings or rides within the confines of an enterprise

which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

Lot Area: The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Marker: A metal pipe or pin of at least one-half inch (1/2") in diameter and at least twenty-four inches (24") in length.

Municipality: Borough of Geistown, Cambria County, Pennsylvania.

Municipal Governing Body: The Council of the Borough of Geistown, Cambria County, Pennsylvania

Minor Subdivision: Any subdivision containing not more than three (3) lots fronting on an existing, accepted and dedicated street, and not involving the extension of sanitary water and/or sewer lines, or the creation of any public improvements, and does not adversely affect the natural resources of the Borough, and does not adversely affect the remainder of the parcel or adjoining property, and does not adversely affect the present or future development of the Borough.

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 unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Monument: At a minimum, each monument shall consist of an iron or steel pin at least 1/2" in diameter and 24" in length. This monument

may be encased in concrete with a flat top of at least 6" in diameter (optional).

Official Plans: The Comprehensive Development Plan and/or Official Map and/or Topographical Survey and/or such other Plans, or portions thereof, as may have been adopted by the Borough of Geistown pursuant to statute, for the area of the Municipality in which the subdivision is located.

Paved or Pavement: An all-weather permanent surface composed of bituminous asphalt or concrete applied over a base of stone and used to convey motor vehicles.

PennDOT: The Pennsylvania Department of Transportation

Planning Commission: The Planning Commission of the Borough of Geistown

Plat: The map or plan of a subdivision or land development, whether preliminary or final. The word Plat includes the word Plan.

Public Grounds: Includes:

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

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the PA Sunshine Law and 65 PA C.S. CH. 7 (relating to open meetings).

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

Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan as specified in Article III, Section 311, of these regulations. Other plattings shall be considered as constituting a new subdivision of land. See "Subdivision."

Record Plan: The copy of the Final Plan which contains the original endorsements of the Planning Commission, and/or Municipality, and which is intended to be recorded with the County Recorder of Deeds.

Reverse Frontage Lot: A lot extending between and having frontage on two (2) generally parallel streets, (excluding service streets) with vehicular access solely from one street.

Right-of-way (ROW): The total width of any land reserved or dedicated as a street, crosswalk, or for other public or semi-public purposes.

Roadway: See "Cartway."

Runoff: That part of precipitation which flows over the land.

Sanitary Sewage Disposal, On-Lot: An individual sewage system which uses a system of piping, tanks, or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field, into the waters of the Commonwealth or by means of conveyance to another site for final disposal.

Sanitary Sewage Disposal, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and/or disposal facility, generally serving a neighborhood area.

Sanitary Sewage Disposal, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Septic Tank: A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Sewage Enforcement Officer: An official of the Borough who reviews permit applications and sewage facilities planning modules, issues permits as authorized by Act 537 (sewage enforcement) and conducts investigations and inspections that are necessary to implement the Act and the regulations thereunder.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point four and one-half feet (4-1/2') above the centerline of the road surface to a point one-half foot (1/2') above the centerline of road surface.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for an on-lot sanitary sewage disposal system by measuring the absorptive capacity of the soil at a given location and depth.

Soil Probe: An excavation into the soil to allow for the evaluation of individual soil horizons to support the establishment of soil suitability for any lot where the installation of an on-lot sewage disposal system is proposed.

Solicitor: The solicitor appointed by the Borough Council.

Storm Water Management Plan: The plan for managing storm water runoff within Cambria County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act."

Street: A strip of land, including the entire right-of-way not limited to the cartway), intended for use by the general public as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, thoroughfare, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further defined as follows:

1. Minor Street: A street used primarily to provide access to abutting properties.
2. Cul-de-sac Street: A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turn-around.
3. Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
4. Marginal Access Street: A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.
5. Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial and commercial subdivisions shall generally be considered collector streets.)
6. Major Street (Minor Arterial): A street serving a large volume comparatively high speed and long distance traffic,

including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

7. Service Street: A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

All streets, of any nature, shall be constructed according to the design standards, as included in Article V, Section 502, and approved in writing by the Borough and the Borough Engineer.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: Any individual, firm, partnership, association, estate, trust, or any other group or combination acting as a unit (or agent authorized in writing thereby) which undertakes the subdivision of land, as defined by these regulations as the owner, equitable owner (or agent authorized in writing thereby) of the land being subdivided. Subdivider can also be defined as a land developer.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. This definition specifically includes the merger, or recombination, of previously subdivided lots.

Substantially Completed: Where, in the judgment of the Borough engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Surveyor: A surveyor holding current and valid registration and licensure in the Commonwealth of Pennsylvania.

Water Distribution System, On-site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Community: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Zoning Officer: The agent or official designated by the Borough of Geistown to administer and enforce the Borough of Geistown zoning ordinance.

ARTICLE III  
SUBMISSION AND REVIEW PROCEDURES

SECTION 301 PROCEDURE

A. General

Hereafter all plans for the subdivision or development of land within the limits of the Borough of Geistown shall be reviewed by the Geistown Planning Commission and other Borough, State, or County officials as necessary and shall be approved or disapproved by the Borough of Geistown in accordance with procedures specified in these regulations. The provisions and requirements of these regulations shall apply to and control all land subdivisions which have not been recorded in the office of the Recorder of Deeds in and for Cambria County, Commonwealth of Pennsylvania, prior to the effective date of these regulations provided, however, that any change in a recorded plan, except as noted in Article III, Section 311, shall constitute a resubdivision and shall make said plan subject to any and all of these regulations. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Ordinance.

B. Phasing Development

If a developer proposes a large-scale development (10 acres or more) he may desire to construct said development in steps or phases. As the Pennsylvania Municipalities Planning Code (Act 247) allows for such phased developments, the Borough shall grant preliminary approval for the entire project, or for that portion of the project that can be completed within five (5) years of preliminary or final plan approval. The developer shall then submit an application for final plan approval in phases, as delineated on the preliminary plan. As so submitted, site improvements would also be constructed in phases and not all at once. As each phase is completed, the developer shall submit an application for final approval of the next phase of development. This process shall continue until all phases of the project (development) are complete. If, however, no development takes place within five (5) years from date of plan approval, the developer shall comply with any change in local ordinances that have been enacted since his preliminary plan was approved. Applicants are urged to consult the Cambria County Conservation District for assistance in determining the most effective storm water management measures to be utilized on the development site both during and after construction. The applicant is also urged to submit a sketch plan with a narrative description of these measures.



SECTION 302 SUBMISSION OF SKETCH PLAN (VOLUNTARY)A. Plan to be Filed with Borough:

A Sketch Plan for the proposed subdivision or land development is encouraged to be submitted to the Borough Secretary and/or Borough Zoning Officer by the subdivider or developer or his/her representative authorized in writing to submit the plan.

B. Number of Copies:

Four legible black-line or blue-line paper prints of the Sketch Plan shall be required.

C. Distribution of Sketch Plan:

The Borough Secretary and/or Borough Zoning Officer (or his/her representatives) shall immediately refer the Sketch Plans to the following:

- (1) One copy to the Borough Engineer (Optional).
- (2) One copy to the Borough Zoning Officer.
- (3) One copy to the Borough Planning Commission, if so desired by the applicant. Review of the Sketch Plan by the Borough Planning Commission is optional.

SECTION 303 REVIEW OF SKETCH PLAN (VOLUNTARY)

A. A Sketch Plan shall be considered as a submission for informal discussion between the subdivider/developer and the Borough of Geistown. Submission of a Sketch Plan shall not constitute official submission of a plan to the Borough of Geistown.

## B. Review by the Borough Planning Commission and Staff:

- (1) Whenever a Sketch Plan has been submitted to the Borough Secretary and/or Borough Zoning Officer, the Secretary and/or Zoning Officer shall notify and distribute all Sketch Plan materials to the Borough of Geistown Planning Commission (if requested by the applicant) and relevant staff as noted by Section 302 above. At the request of the applicant, the Chairman of the Borough Planning Commission shall then schedule a meeting to review the Sketch Plan within thirty (30) days of its receipt by the Borough of Geistown Planning Commission.
- (2) Feedback from the Borough staff and Planning Commission shall be informal and utilized by the applicant to prepare

the formal submission of Preliminary and Final Plans as required by this Section.

SECTION 304 SUBMISSION OF PRELIMINARY PLAN

A. Plan to File with the Borough:

Copies of the Preliminary Plan and all required supporting data (Department of Environmental Protection, PennDOT, and Cambria County Conservation District) shall be officially submitted to the Borough Secretary and/or Borough Zoning Officer by the subdivider/developer or his representative authorized in writing to submit the plan.

B. Submission of Preliminary Plan Shall Comprise:

- (1) Three (3) completed copies of the Application Form for a Preliminary Plan.
- (2) Eight (8) legible black-line or blue-line paper prints of the Preliminary Plan which shall fully comply with the requirements of Article IV, Section 402 of these regulations. Nine (9) copies are required if a PennDot road abuts or traverses subdivision.
- (3) Four (4) completed and approved copies of the DEP Sewage Facilities Planning Module for Land Development or Exemption Card and a DEP letter of approval for same whenever on-lot sewage disposal is proposed.
- (4) Three (3) copies of all other required information (DEP Sewage Facilities Planning Approval, Cambria County Conservation District, PennDOT).

C. Filing Fee:

The Borough Secretary and/or the Borough Zoning Officer shall collect a filing fee as established by the Borough Council, by Resolution, for all subdivisions and land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions/ developments. The subdivider/developer shall pay the fee at the time of application for review of a preliminary plan.

D. Distribution of Preliminary Plan:

The Borough Secretary and/or Borough Zoning Officer shall immediately (next business day) refer the Preliminary Plan, after all required fees have been collected, to the following:

- (1) One (1) copy of the plan to the Borough Planning Commission, including one (1) copy of the application form and other required reports.
- (2) One (1) copy of the plan to the County Planning Commission and one (1) copy of all required supporting documents.
- (3) One (1) copy of the plan to the Borough Council (plus Borough File Copy) including one (1) copy of the application form and other required reports.
- (4) One (1) copy of the plan, and approved sewage facilities planning module to the Borough Engineer.
- (5) One (1) copy of the plan to the Borough Zoning Officer.
- (6) One (1) copy of the plan to the District Office of PennDot (if project involves PennDot roadways).
- (7) One (1) copy of the plan to the Municipal Water Authority (if applicable).
- (8) One (1) copy of the plan to the Municipal Sewer Authority (if applicable).

#### SECTION 305 REVIEW OF PRELIMINARY PLAN

##### A. Review by the Borough Engineer:

The Borough Engineer shall review the Preliminary Plan to determine its conformance to the Borough Subdivision Regulations. The Borough Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Borough Engineer shall be in writing and shall be submitted to the Borough of Geistown Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Borough Planning Commission. The report shall include an estimate of the cost of construction of all improvements as required by this Ordinance.

##### B. Review by the Borough of Geistown Zoning Officer:

The Borough Zoning Officer shall review the Preliminary Plan to determine its conformance to the Borough Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Article IV, Section 402, to determine if information shown is in accordance with latest amendments to the Zoning Ordinance. The report from the Borough Zoning

Officer as to the accuracy of the information shown shall be submitted to the Borough Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Planning Commission.

C. Review by the Pennsylvania Department of Transportation (Penn DOT):

If a proposed subdivision abuts or is traversed by a State road, the Borough Secretary and/or Borough Zoning Officer shall require one (1) additional copy of the Preliminary Plan and shall transmit this copy to the district office of the Pennsylvania Department of Transportation for its review and comments.

D. Review by the Borough Planning Commission:

- (1) Whenever a Preliminary Plan has been submitted to the Borough Secretary and/or Borough Zoning Officer, the Secretary and/or Zoning Officer shall notify and distribute all Preliminary Plan materials to the Borough Planning Commission as required by Section 302 above. The Chairman of the Borough Planning Commission shall then schedule a meeting to review the Preliminary Plan within thirty (30) days of its receipt by the Planning Commission.
- (2) No official action shall be taken by the Borough Planning Commission with respect to a Preliminary Plan until the Commission has received the written report of the County Planning Commission and the Pennsylvania Department of Transportation, provided, however, that if these reports are not received within thirty (30) days after transmittal to these agencies then the Borough Planning Commission may officially act without having received and considered such report. In any event, the Borough Planning Commission shall take official action no later than five (5) days after the expiration of the aforesaid thirty (30) day period.
- (3) During review of the Preliminary Plan, the Borough Planning Commission shall consider the written reports of the Borough Engineer and the Borough Zoning Officer before making its final decision.
- (4) If review by the Borough Planning Commission is favorable, or unfavorable because the requirements of this Ordinance have not been met, or the Borough Planning Commission deems changes or

modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore (citing specific provisions of this ordinance) shall be given in written form by the Borough Planning Commission after the meeting at which the Preliminary Plan is reviewed to the following:

- (a) All Municipal Officials.
- (b) The County Planning Commission.
- (c) The subdivider/developer or his agent.

In addition, the Borough Planning Commission shall forward to the Borough Council copies of all reports received from the County Planning Commission, Department of Transportation, Borough Zoning Officer, and Borough Engineer.

E. Review by the Borough Council:

- (1) When a Preliminary Plan has been officially referred to the Borough Council by the Borough Planning Commission together with its recommendation, such Plan shall be reviewed at the next regularly scheduled meeting of the Borough Council, or at the discretion of the Chairman/President at a special meeting, which may be held prior thereto.
- (2) In any event, the Borough Council shall render their decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the Borough or the Borough Planning Commission (whichever first reviews the application) next following the date the application is filed.
- (3) The Borough Council shall review the Preliminary Plan and the written reports and recommendations thereon of the Borough Planning Commission, the County Planning Commission, (if same has been received), the Borough Engineer, and by any other interested parties of the Borough to determine the Preliminary Plan conformance to the standards contained in these regulations. Prior to these reports and recommendations, the Borough Council may hold a public hearing thereon after public notice to receive comments from the general public.

After all desired input is received, the Borough Council may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

(4) The action of the Borough Council, either approving or disapproving the Preliminary Plan, shall be noted with the date of such action and the signature of the Chairman/President on two (2) sets of plans. The findings and reasons upon which the action is based and citing provisions of the statute or ordinance relied upon shall be stated in the minutes and in writing. Subject to the requirements of subparagraph (2), within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed, the Borough Secretary shall send written notice of the findings, action taken, and reasons thereof to the following:

- (a) The subdivider/developer or his agent.
- (b) The Borough Planning Commission.
- (c) The County Planning Commission.

One (1) copy of the Plan shall be maintained for permanent records of the Municipality, and one (1) copy shall be sent to the subdivider/developer or his agent.

- (5) Approval of the Preliminary Plan shall not constitute acceptance of a subdivision for recording. Approval is only an expression of approval of a general plan to be used in preparing the Final Subdivision Plan for final approval and recording upon fulfillment of all requirements of these regulations.
- (6) When a Preliminary Plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

F. Review by Water and/or Sewer Authority

The local water and/or sewer authority having jurisdiction in the area of the proposed subdivision shall review the Preliminary Plan to determine its conformance with the Authority's water and/or sewer requirements. It is

recommended that the subdivider review the Authority's water and/or sewer requirements prior to the preparation of the Preliminary Plan. This review shall be conducted at the expense of the subdivider.

G. Review by Cambria County Planning Commission

As per Section 502 of the Pennsylvania Municipalities Planning Code, any subdivision or land development shall be submitted to the Cambria County Planning Commission for review. Review comments from the County Planning Commission shall be considered by Borough Council during the preliminary plan review process. The Planning Commission shall not review the final plan unless substantial changes are made between the preliminary and final stages.

SECTION 306 SUBMISSION OF FINAL PLAN

Within five (5) years of the Borough Council's approval of the Preliminary Plan, a Final Plan should be officially submitted to the Borough. Final Plans submitted after this expiration of time for which no time extension has been granted may be considered as a new Preliminary Plan.

The Final Plan shall conform in all respects to the Preliminary Plan as previously reviewed by the Borough Planning Commission and the Borough Council and shall incorporate all modifications required by the Borough in its review of the Preliminary Plan.

The Borough may permit submission of the Final Plan in sections, or phases, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed Preliminary Plan.

A. Plans to be Filed with the Borough Council:

Copies of the Final Plan and all required supporting data shall be officially submitted to the Borough Secretary and/or Borough Zoning Officer by the subdivider/developer or his representative authorized in writing to submit the plan.

B. Official Submission of Final Plan Shall Comprise:

- (1) Three (3) completed copies of the Application for Review of Final Subdivision Plan.
- (2) Eight (8) legible black-line or blue-line paper prints the Final Plan which shall fully comply with Article IV, Section 403 of these regulations.
- (3) Two (2) copies of all other required information including the following, if applicable:

- (a) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Borough Solicitor of the Borough as to their legal sufficiency.
- (b) Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of restrictions previously imposed which may affect the title of the land being subdivided.
- (c) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Borough Planning Commission or Borough Council may require the subdivider to submit, and also to record with the Borough on behalf of his heirs, successors and assigns and approved by the Borough Solicitor and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:
  - (1) The street shall conform to Borough specifications or that the owners of the abutting lots shall include with the offer or dedication sufficient money, as estimated by the Borough Engineer, to restore the street to conformance with the Borough specifications.
  - (2) An offer to dedicate the street shall be made only for the street as a whole.
  - (3) The method of assessing repair costs be stipulated.
- (d) Whenever approval by the Pennsylvania Department of Environmental Protection, the Cambria County Conservation District, or the Pennsylvania Department of Transportation is required for the water supply or sanitary sewage disposal system(s), erosion and sedimentation control, or a highway occupancy permit for a proposed subdivision, the Borough Planning Commission or Borough Council shall require that two (2) copies of such certification of approval shall be submitted with the Final Plan.



C. Filing Fees:

The subdivider/developer shall pay a filing fee for the review of a Final Plan. This fee shall be established by the Borough Council by resolution. There shall be no refund or credit of any portion of the fee should the subdivider/developer fail to receive final approval.

D. Distribution of Final Plan:

The Final Plan shall be distributed in accordance with the requirements of Article III, Section 304 for Preliminary Plan. In addition, the Borough Secretary and/or Borough Zoning Officer shall retain one (1) print of the Final Plan for safe-keeping in the Borough files.

SECTION 307 REVIEW OF FINAL PLAN

A. Review by the Borough Engineer:

The Final Plan shall be reviewed and a written report submitted as required under Article III, Section 305 for Preliminary Plans.

B. Review by the Borough Zoning Officer:  
(If Applicable)

The Final Plan shall be reviewed and a written report submitted by the Borough Zoning Officer as required under Article III, Section 305 for Preliminary Plans.

C. Review by the Borough Planning Commission:

The Final Plan shall be reviewed, in accordance with the procedure required under Article III, Section 305 of these regulations for Preliminary Plans. In addition:

- (1) If all the requirements of this Ordinance are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary so attesting, to endorse and seal the Final Plan "Reviewed and Approved by the Borough Planning Commission," together with the date of such action.
- (2) The Final Plan with the Borough Planning Commission's endorsement, shall be forwarded to the Borough Council.

D. Review by the Borough Council:

The Final Plan shall be reviewed in accordance with the procedures as required under Article III, Section 305 of these regulations for Preliminary Plan. In addition:

- (1) Before acting on a Final Plan, the Borough Council may arrange for a public hearing. The public hearing may be held by the Borough Council after the Final Plan has been submitted to the Borough and before the review required by Section 307A, B, and C. If a public hearing has been held upon a Preliminary Plan, no public hearing is required unless the Final Plan departs substantially from the Preliminary Plan.
- (2) If the Borough Council approve the Final Plan, the Final Plan shall be signed by the Council President and the Borough Secretary, together with the date of action and Borough seal.
- (3) A performance guarantee or a certificate of satisfactory installation, as required under Article III, Section 309, shall be required before the Final Plan is released for recording.
- (4) The Final Plan with the Borough Council approval and the Borough seal, shall be forwarded to the subdivider for recording.

SECTION 308 RECORDING OF FINAL PLAN

- A. After approval by the Borough Council and the Borough Planning Commission, and with all endorsements indicated on the Final Plan, the subdivider shall record his plan. No subdivision plan shall be legally recorded unless it bears the Borough approval and seal. This action shall constitute the changing of the Final Plan to the Record Plan.
- B. After the Final Plan has been approved by the appropriate Municipal authorities, the Borough Council shall require that the developer supply one (1) reproducible copy of the Final Plan, as approved, for their permanent files.
- C. The subdivider shall file the Record Plan with the County Recorder of Deeds within ninety (90) days of the date of final approval by the Borough. If the subdivider fails to record the Record Plan within such period, the action of the Borough Council and Borough Planning Commission shall be null and void unless an extension of time is granted in writing by the Borough after written request to do so by the subdivider.

SECTION 309 PERFORMANCE GUARANTEE

Prior to final approval of the Final Plan, the subdivider shall guarantee the installation of all required improvements by one of the following methods:

- A. By installing the improvements required by Article VI of these Subdivision Regulations to the satisfaction of the Borough Engineer and the Borough Council and obtaining a certificate from the Borough Engineer that all improvements have been installed in accordance with the standards and requirements contained in these regulations or required by the Borough.
- B. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the applicant or subdivider shall provide for deposit with the Borough of financial security in an amount sufficient to cover the costs of any improvements or common amenities, including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. When requested by the developer, in order to facilitate financing, the Borough shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Borough; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, the following shall be deemed acceptable financial security for the purpose of this section:
  - (1) Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
  - (2) Such bond, or other security shall provide for, and secure to the public, the completion of any

improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

- (3) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security 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 or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough 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 Borough and the applicant or developer.
- (4) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of

completing the required improvements as re-established on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

- (5) In the case where development is projected over a period of years, the Borough may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stage of development as it finds essential for the protection of any finally approved section of the development.
- (6) As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Such requests shall be in writing, addressed to the Borough, and the Borough shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed, or if the Borough fails to act within said forty-five (45) day period, the Borough shall be deemed to have approved the release of funds, as requested. The Borough may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- (7) Where the Borough accepts dedication of all or some of the required improvements following completion, the Borough may require the posting of financial security to secure structural integrity of said improvements, as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial securities shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the

financial security shall not exceed 15% of the actual cost of installation of said improvements.

- (8) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- (9) If financial security has been provided (in lieu of completed improvements), the issuance of building, grading, or occupancy permits for any building or buildings to be erected shall not be withheld provided:
  - (a) the improvement of streets providing access to and from existing public roads to such building(s) to a mud-free or otherwise permanently passable condition is complete; and
  - (b) all other improvements, as depicted on the approved plan, either upon the lot or lots, or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building(s) have been completed.

#### SECTION 310 RELEASE OF PERFORMANCE GUARANTEE

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough, in writing, by certified or registered mail, of the completion of the aforesaid improvements and the Borough shall send a copy thereof to the Borough Engineer. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or

shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

- B. The Borough shall notify the developer within 15 days of receipt of the engineer's report, in writing, by certified or registered mail of their action.
- C. If the Borough or the Borough Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to his performance guarantee.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough or the Borough Engineer.
- F. Where herein reference is made to the Borough Engineer, he shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.
- G. The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by Ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer and/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 engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
  - (1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

- (2) If, within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- (3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (4) In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five (5) years.
- (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Borough shall pay the fee of the professional Engineer, but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

#### SECTION 311 DEDICATION AND MAINTENANCE GUARANTEE

All streets, parks, or other improvements shown on the subdivision plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Borough and accepted by resolution of the Borough Council. Where the Borough accepts dedication of all or some of the required improvements following completion, the Borough may require the posting



of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

ARTICLE IV  
PLAN REQUIREMENTS

SECTION 401 SKETCH PLAN (VOLUNTARY)

- A. The Sketch Plan of a proposed subdivision shall be clearly and legibly drawn - preferably to scale.
- B. The Sketch Plan should contain at least the following information, but not necessarily showing precise dimensions.
  - (1) Tract boundaries;
  - (2) Name of proposed subdivision or other identifying title;
  - (3) Type of development proposed for the subdivision (Residential, Commercial, Industrial, etc.); and
  - (4) General street and lot layout.

SECTION 402 PRELIMINARY PLAN

- A. The Preliminary Plan of a proposed subdivision shall be clearly and legibly drawn to an appropriate scale adequate to illustrate all necessary details. Maximum size of plan shall not exceed 24" x 26".
- B. If the Preliminary Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- C. The Preliminary Plan shall include the following information:
  - (1) Date, including the month, day, and year that the Preliminary Plan was completed and the month, day, and year that the Preliminary Plan was revised, for each revision.
  - (2) Name of Proposed Development.
  - (3) Name of recorded owner and subdivider.
  - (4) Name, address, license number, and seal of the registered surveyor responsible for the subdivision plan.
  - (5) Names of all owners of all abutting unplatted land and the names of all abutting subdivisions, if any, with the book and page number where recorded.
  - (6) A key map for the purpose of locating the property

being subdivided drawn at a scale not less than one inch (1") equals two thousand feet (2000') and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses, and any areas subject to flooding.

- (7) Total tract boundaries of the property being subdivided showing bearings and distances and a statement of total acreage of the property.
- (8) Include all of the following zoning data:
  - (a) Existing Borough zoning regulations, including district designations, requirements for lot sizes and front yards, and any zoning district boundary lines traversing the proposed subdivision.
  - (b) Any changes in the existing zoning to be requested by the subdivider.
  - (c) Any Borough regulations other than zoning governing lot size and/or front yard requirements.
- (9) Contour lines at vertical intervals not more than five feet (5') for land with average natural slope of four percent (4%) or less and at intervals of not more than twenty feet (20') for land with average natural slope exceeding four percent (4%).
- (10) Locations and elevation of the data to which contour elevations refer; where reasonable practicable, datum used shall be a known and established bench mark. It is suggested that USC&G datum be used where possible.
- (11) All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, flood plain areas, and other significant man-made or natural features within the proposed subdivision and fifty feet (50') beyond the boundaries of the proposed subdivision.
- (12) All existing buildings or other structures and the approximate location of all existing tree masses, rock out-crops, water courses within the proposed subdivision or other significant features.

(13) All existing streets on the Official Map or Plans of the Borough (including unpaved streets), including streets of record (recorded but not constructed), easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within the subdivision or within four hundred feet (400') of any part of the tract.

(14) The full plan of proposed development, including:

- (a) Location and width of all streets, easements, and rights-of-way, with a statement of any conditions governing their use.
- (b) Suggested sidewalks, street names and utility easement locations.
- (c) Building reserve (setback) lines along each street.
- (d) Lot lines with dimensions in feet and hundredths of a foot.
- (e) Lot numbers and statement of number of lots and parcels.
- (f) A statement of the intended use of all non-residential lots and parcels.
- (g) Sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities.
- (h) Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.
- (i) The following data shall be shown for the cartway right-of-way and, if required, the ultimate right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes, and seconds).

(15) Any trees to remain in the street ROW shall be

indicated.

- (16) If on-lot sewage disposal is proposed, the following information shall be included:
- (a) Location of all soil probes and percolation test holes.
  - (b) Soil Types.
  - (c) Suitable primary system sites with site slope identified.
  - (d) Suitable replacement system sites with provisions for their protection and reservation, if required by Department of Environmental Protection regulations. Identify slope.
- (17) The following storm water management information shall be included:
- (a) Runoff calculations for the proposed project except where the watershed storm water management plan (if any) has determined no hydrologic effect will occur downstream.
  - (b) A description of proposed storm water control measures and devices.
  - (c) Maps showing:
    - i - The location of the proposed subdivision, land development, or mobile home park within the designated watershed (consult the Cambria County Planning Commission or Conservation District for the appropriate Stormwater Management Plan.
    - ii - The one hundred (100) year flood plain for pre and post development conditions.
    - iii - Streams, swales, and drainage patterns (existing and proposed).
    - iv - Storm water management control measures and devices (temporary and permanent).
    - v - Areas subject to special deed restrictions affecting storm water management.
    - vi - Contours of existing and proposed

development elevations at intervals of five (5) feet. In areas of steep slopes (greater than 15%), 20-foot contour intervals may be used.

- vii - Show floodway boundaries if the subdivision is located in a detailed FEMA Study Area or included on a FEMA Insurance Rate Map.

B. The Preliminary Plan shall be accompanied by the following supplementary data as applicable:

- (1) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on separate profile sheets:

Tentative profiles along the street centerline or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

- (a) One inch (1") equals ten feet (10') horizontal, one inch (1") equals two feet (2') vertical.
- (b) One inch (1") equals twenty feet (20') horizontal and one inch (1") equals four feet (4') vertical.
- (c) One inch (1") equals forty feet (40') horizontal and one inch (1") equals eight feet (8') vertical.
- (d) One inch (1") equals fifty feet (50') horizontal, and one inch (1") equals ten feet (10') vertical.

- (2) In lieu of the separate profile sheets required, the tentative finished cartway edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan.
- (3) Where deemed necessary by the Borough Planning Commission or the Borough Council, a plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include storm water runoff calculations for the entire property being subdivided and shall show the proposed method, subject to Borough approval, of accommodating the anticipated runoff.

- (4) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Department of Environmental Protection and/or the Pennsylvania Department of Transportation. Calculations for waterway opening shall be included. All designs shall be subject to approval by the Borough.
- (5) Where a Preliminary Plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Borough Planning Commission or Borough Council may, based on existing natural or man-made features, delimit the area for which a prospective street system shall be sketched.

#### SECTION 403 FINAL PLAN

- A. The Final Plan shall be of a size drawn to scale, and show all information as required for Preliminary Plans under Article IV, Section 402 in these regulations. In addition, the Final Plan shall show the following:
  - (1) Name of recorded owner (and subdivider) of the tract, and the source(s) of title to the land being subdivided, as shown by the County Recorder of Deeds.
  - (2) The total tract boundary lines of the area being subdivided with accurate distances to hundredths of foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'); provided, however, that the boundary(s) adjoining additional unplotted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. Also, there shall be at least one elevation bench mark recorded for each subdivision. In addition, the surveyor shall certify, to the accuracy of the survey, the drawn plan, and the placement of the monuments.

- (3) The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.
- (4) The following data shall be shown for the cartway and, if required, the right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes and seconds).
- (5) All straight lot lines shall be dimensional (in feet, to the nearest hundredths of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes, and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes, and seconds).
- (6) A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number.
- (7) The proposed building reserve (setback) line for each lot, or the proposed placement of each building.
- (8) The location (and elevation, if established) of all existing and proposed required street monuments.
- (9) All easements of rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
- (10) Locations, size, and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).
- (11) If the subdivision proposes a new street



intersection with a State Traffic Route, the intersection's Highway Occupancy Permit number(s) shall be indicated for all such intersections.

- (12) A Certification of Ownership, Acknowledgment of Plan, and Offer of Dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.
- (13) A signature block for approval of the Plan by the Borough Council and by the Borough Planning Commission.
- (14) A blank space measuring three and one-half inches (3-1/2") square shall be left, preferably adjacent to the Borough certification, in which the endorsement signatures of the County Planning Commission may be applied.
- (15) A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the Plan when it is presented.
- (16) The following storm water management information shall be included:
  - (a) All information pertaining to storm water management from the preliminary plan along with any changes.
  - (b) All required permits (or letters of intent to issue such permits pending final Borough approval) from the Department of Environmental Protection, Pennsylvania Department of Transportation, Public Utility Commission, or any other agency if appropriate.
  - (c) All deed restrictions, easements, and rights-of-way.
  - (d) The ownership and maintenance responsibilities for storm water management control devices. The identity of the responsible individual corporation, association, or other specific entity and the specific maintenance responsibility must be detailed.

(e) Where the applicant is proposing the dedication of permanent storm water management control facilities to the Borough, such request must include:

1. Easements to all facilities; and
2. A financial guarantee (acceptable to the Borough) to insure that the control facilities are properly installed and functioning satisfactorily.

B. The Final Plan shall be accompanied by such applicable supplementary data as is required in Article IV, Section 402 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

- (1) Existing (natural) profiles along both cartway edges or along the centerline of each street.
- (2) Proposed finished grade of the centerline, and proposed finished grade at the top of both curbs, or proposed finished grade at both cartway pavement edges.
- (3) The length of all vertical curves.
- (4) Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

SECTION 404 MINOR SUBDIVISIONS AND LAND DEVELOPMENTS AND NON-BUILDING LOTS

A. In the case of any proposed subdivision, land development, or other division of land, where the proposed subdivision or land development contains not more than three (3) lots, sites or other divisions of land, then the Borough Council shall have the authority, at their discretion, to classify such subdivision or land development as "Minor" provided that the Borough has received documents, guarantee, or proof of improvements installation as they may require. Any Minor subdivision shall meet the following five (5) criteria:

- (1) The proposal does not involve the extension of any public facilities including:
  - (a) New Streets
  - (b) Paving or other improvements

(c) New or improved water lines, sewer lines, on-lot sewage disposal system sites, or storm drainage lines.

(d) New or improved public facilities or services.

(2) The proposal does not adversely affect the natural resources of the Borough, or have the potential to adversely affect the health or safety of the residents of the Borough.

(3) The proposal does not adversely affect adjoining property.

(4) The proposal does not adversely affect the present or future development of the Borough.

(5) The proposal is compatible with the Borough Zoning Ordinance.

B. Plan Requirements for Minor Subdivisions, Land Developments, and Non-Building Lots

(1) Plans shall be clearly and legibly drawn to an appropriate scale, showing all properties and names of property owners of abutting properties. Maximum size of plan shall not exceed 18" x 24".

(2) Plans shall be accompanied by that portion of the most current USGS (7-1/2 minute) quadrangle which covers the subject property.

(3) All information or accompanying documentation required by Article IV, Section 401 and Section 403 shall be submitted as part of the application, only if applicable, except that the filing fee shall be established by the Borough, by Resolution.

(4) A survey prepared by a surveyor registered to practice in the Commonwealth of Pennsylvania.

(5) An approved "Non-Building Waiver" from the Pennsylvania Department of Environmental Protection is required for all proposed non-building lots in an on-lot sewage disposal service area. A non-building declaration must be included on the plan, with approval from the Borough Sewage Enforcement Officer.

C. Submission and Review Procedures for Minor Subdivision or Land Developments

The submission and review procedures for all minor subdivision and land developments shall comply with the applicable requirements of Article III, Sections 306, 307, and 308

(submission of Final Plan, Review of Final Plan, and Recording of Final Plan) except that Section 307 D(1) may be excluded (public hearing) at the discretion of the Borough.

D. Non-Building Waiver

- (1) A non-building declaration shall waive the requirements of Sections 401, 402, and 403 of this Ordinance for the non-building lot, provided that the Borough has received all documentation as they may require for such determination.
- (2) All non-building lots shall be subject to the requirements listed in paragraph B above excluding sub-paragraph (3).

E. Submission and Review Procedures for Non-Building Lots

- (1) All documents for non-building lots shall be submitted to the Borough Planning Commission and County Planning Commission for their respective reviews.
- (2) The Borough and County Planning Commissions shall review the above submission within thirty (30) days of the receipt of all necessary documents.
- (3) The Borough Planning Commission shall then submit their recommendation to the Borough Council for their review.
- (4) If the Borough Council approves the non-building lot, the survey shall be signed and dated by the appropriate Borough Council members and forwarded to the subdivider for recording.
- (5) If the Borough Council does not approve the non-building lot, then the Council shall state the reasons for refusal and submit them to the subdivider in writing.
- (6) One (1) signed copy of the survey shall remain with the Borough for their records.

ARTICLE V  
DESIGN STANDARDS

SECTION 501 GENERAL STANDARDS

- A. The standards and requirements contained in Articles V and VI are intended as the minimum for the promotion of the public health, safety, and general welfare, and shall be applied as such by the Borough Planning Commission and Borough Council in reviewing all subdivision plans.
- B. Whenever other Borough Ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other Ordinances and/or regulations shall be observed; otherwise, the standards and requirements of these regulations shall apply.
- C. The subdivision shall be so designed that streets in and bordering the subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- D. Land subject to hazards to life, health, or property, such as may arise from underground fires, floods, diseases, subsidence, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- E. Subdivision plans shall conform to the Comprehensive Plan of the Borough and of Cambria County or to such parts thereof as may have been adopted pursuant to statute.

SECTION 502 STREETS

A. General Standards

- (1) The locations and width of all streets shall conform to the "Official Plan" or to such parts thereof as may have been adopted by the Borough.
- (2) The proposed street system shall extend existing or other streets on the "Official Plans" at the same width or larger but in no case at less than the required minimum width.
- (3) Where, in the opinion of the Borough Planning Commission or Borough Council, it is desirable to provide for street access to adjoining property,

street stubs shall be extended by dedication to the boundary of such property.

- (4) Where a subdivision abuts or contains an existing street of improper width or alignment, the Borough Planning Commission or Borough Council may require the dedication of land sufficient to widen the street or correct the alignment.
- (5) Private streets (streets not to be offered to the Borough for dedication) are prohibited unless they meet the design standards of these regulations, and have a maintenance program approved by the Borough Council in accordance with Article VII, Section 708 of this Ordinance.

B. Partial and Half Streets:

New half or partial streets shall be prohibited except where essential for reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

C. Street Widths:

Minimum street right-of-way and pavement widths shall be as shown on the "Official Plans" or if not shown on such plans, shall be as follows. Refer to PennDOT publication on the construction of local streets if adequate information is not indicated on the following chart.

D. Restriction of Access:

- (1) Whenever a subdivision abuts or contains an existing or proposed street with a right-of-way of eighty feet (80') or more, the Borough Planning Commission or Borough Council may require reconstruction of access to said street by:
  - (a) Provision of reverse frontage lots.
  - (b) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.
  - (c) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Borough under an agreement meeting the approval of the Borough Solicitor.

- (2) Except as specified under Paragraph c above, reserve strips shall be prohibited.

E. Street Grades:

- (1) There shall be a minimum centerline grade of one percent (1.0%).
- (2) Centerline grades shall not exceed the following:
  - (a) Minor Street -- ten percent (10%).
  - (b) Collector Street -- six percent (6%).
  - (c) Major Street -- six percent (6%).
  - (d) Street Intersection -- five percent (5%).
- (3) Grades up to twelve percent (12%) may be permitted on a through minor street where access to the street is possible over streets with grades of ten percent (10%) or less.

F. Horizontal Curves:

- (1) Whenever street lines are deflected in excess of five degrees ( $5^{\circ}$ ), connection shall be made by horizontal curves.
- (2) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
  - (a) Minor Streets - One hundred fifty feet (150').
  - (b) Collector Streets - Three hundred feet (300').
  - (c) Major Streets - Five hundred feet (500').
- (3) A tangent of at least one hundred feet (100') shall be introduced between all horizontal curves on collector and major streets.
- (4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

#### G. Vertical Curves (Dip):

At all changes of street grades where the algebraic difference exceeds one percent (1%), vertical curves shall be provided to allow an easy or smooth transition.

#### H. Intersections:

- (1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty degrees ( $60^{\circ}$ ) or more than one hundred twenty degrees ( $120^{\circ}$ ).
- (2) No more than two streets shall intersect at the same point.
- (3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty feet (150') between centerlines measured along the centerline of the street being intersected.
- (4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five percent (5%) within fifty feet (50') of the intersection of the nearest right-of-way lines.
- (5) Intersections with major streets shall be located not less than one thousand feet (1,000') apart measured from centerline to centerline along the center line of the major street.
- (6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
  - (a) Thirty-five feet (35') for intersections involving only minor streets.
  - (b) Fifty feet (50') for all intersections involving a collector street.
  - (c) Fifty feet (50') for all intersections involving a major street.
- (7) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

#### I. Sight Distance at Intersections:

- (1) Clear sight triangles shall be provided at all



street intersections. Within such triangles, no vision-obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

- (a) Seventy-five feet (75') from the point of intersection of the centerline, except that:
  - (b) Clear sight triangles of one hundred fifty feet (150') shall be provided for all intersections with Major Streets. (See Appendix.)
- (2) Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the Final Plan of the subdivision and shall be considered a building setback (reserve) line.

J. Cul-de-Sac Streets:

- (1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- (2) Any dead-end street for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turn-around within the subdivision, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- (3) Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street in full width.
- (4) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turn-around. The minimum radius to the pavement edge or curb line shall be forty feet (40') and the minimum radius of the right-of-way shall be fifty feet (50').
- (5) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.

- (6) The centerline grade on a cul-de-sac shall not exceed ten percent (10%), and the grade of the diameter of the turn-around shall not exceed five percent (5%).
- (7) All cul-de-sac street widths shall follow the same minimum street widths as prescribed for minor streets.

K. Street Names:

- (1) Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- (2) In no case shall the name of a proposed street be the same as or similar to an existing street name in the Borough and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.
- (3) All street names shall be subject to the approval of the Borough Council and local Postmaster.

L. Service Streets (Alleys):

- (1) Service streets may be permitted, provided that the subdivider produces evidence satisfactory to the Borough Planning Commission or the Borough Council of the need for such service streets.
- (2) No part of any structure shall be located within twenty feet (20') of the centerline of a service street.
- (3) Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turn-around or equal with a minimum radius of the outer pavement edge of forty feet (40').
- (4) Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

M. Driveway:

- (1) Private driveways on corner lots shall be located at

least forty feet (40') from the point of intersection of the nearest street right-of-way lines.

- (2) In order to provide safe and convenient means of access, grades on private driveways shall not exceed seven percent (7%). Entrances should be rounded at a minimum radius of five feet (5'), or should have a flare construction that is equivalent to the radius at the point of intersection with the cartway edge.

## SECTION 503 BLOCKS

### A. Layout:

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

- (1) Provision of adequate sites for buildings of the type proposed.
- (2) Zoning requirements.
- (3) Topography.
- (4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

### B. Length:

- (1) Blocks shall have a maximum length of one thousand six hundred feet (1,600') and a minimum length of five hundred feet (500'), provided however that the Borough Planning Commission or Borough Council may decrease the maximum and/or minimum lengths of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage conditions warrant such a decrease.
- (2) In the design of blocks longer than one thousand feet (1,000'), special consideration shall be given to the requirements of satisfactory fire protection.
- (3) Where practicable, blocks along major and collector streets shall not be less than one thousand feet (1,000') long.

### C. Crosswalks:

- (1) Crosswalks shall be required in blocks of over five Hundred feet (500') or wherever necessary to

facilitate pedestrian circulation and to give access to community facilities.

- (2) Such crosswalks shall have a right-of-way width of not less than ten feet (10') and a paved walk of not less than five feet (5').

D. Depth:

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where prevented by the size, topographical conditions, or other inherent conditions of property, in which case the Borough Planning Commission or Borough Council may approve a single tier of lots.

E. Commercial and Industrial Blocks:

Blocks in commercial and industrial areas may vary from the element of design detailed above as required by the nature of the use.

SECTION 504 LOTS AND PARCELS

A. General Standards:

- (1) Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- (2) Lot lines should follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.
- (3) Lot lines should follow Borough zoning boundaries.
- (4) Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

B. Lot Frontage:

- (1) All lots shall have direct access to a public street, existing or proposed, or to a private street if it meets the requirements of these regulations.
- (2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets.
- (3) All residential reverse frontage lots shall have,

within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least ten feet (10') in width, across which there shall be no right of access.

C. Lot Size and Setback:

Lot dimensions, areas, and setbacks shall correspond with the respective zoning district in which the subject property is located. Provisions for lot sizes and setbacks can be found within the Borough of Geistown zoning ordinance.

SECTION 505 SANITARY SEWAGE DISPOSAL

- A. Sanitary sewers shall be designed and constructed in strict accordance with Department of Environmental Protection Standards of the Commonwealth of Pennsylvania and Borough construction standards.
- B. Sanitary sewers shall not be used to carry storm water.
- C. Where it is necessary and feasible to rely upon on-lot sewage disposal systems, said systems must meet all minimum requirements and standards of the Pennsylvania Sewage Facilities 537, the Pennsylvania Code, Title 25 Environmental Protection, Chapters 71-73; the Borough Zoning Ordinance; and any amendments or supplements thereto or any regulations adopted pursuant thereto. Within the Borough, the provisions of the Act/Code are administered by the Borough Sewage Enforcement Officer(s).
- D. If sanitary on-lot sewage disposal facilities are to be utilized, the Borough may require that the subdivider submit an Economic Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of connecting to a public sanitary sewer system with a temporary sewage treatment plant. The temporary treatment plant will have to be abandoned when public trunk sewers are installed in the area.

SECTION 506 SOIL TESTING REQUIREMENTS FOR ON-LOT SEWAGE DISPOSAL SERVICE AREAS

- A. Soil tests shall be performed for all subdivisions wherein residential buildings and/or other buildings requiring sewage disposal, at the time of construction, will not be connected to a public or community sanitary sewage disposal system.
- B. Soil tests shall be performed in accordance with the procedures required by the Pennsylvania Department of Environmental Protection, by the Borough Sewage Enforcement Officer.

- C. The results of the soil tests shall be analyzed by the Borough Planning Commission and Borough Council in conjunction with the Pennsylvania Department of Environmental Protection in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided, and the Final Plan lot layout shall be based on this analysis.
- D. If the analysis of the soil test results reveals that the site is unsuitable for the intended use at the lot size proposed, the Borough Planning Commission or the Borough Council may require that the lot size(s) be increased in accordance with the test results or that additional tests be made on each proposed lot at the location of the contemplated disposal facilities, and the data submitted for review.

#### SECTION 507 WATER SUPPLY

- A. Water supply shall be installed in accordance with the requirements of the water authority serving that area. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or other utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- B. Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be within one hundred feet (100') of any part of the absorption field of any on-site sanitary sewage disposal system, nor within fifty feet (50') from lakes, streams, ponds, quarries, etc.
- C. Where individual on-site water supply system(s) are to be utilized, it is recommended that the subdivider provide at least one (1) test well for each ten (10) proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bedrock at least fifty feet (50') deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by State or Municipal health officer.

SECTION 508 STORM WATER DRAINAGE

Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures consistent with the provisions of the applicable watershed storm water management plan as are reasonably necessary to prevent injury to health, and of person's safety and/or damage to adjacent property. Such measures shall include such actions as are required:

1. to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or
2. to manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.

A. General Criteria

1. The storm water management plan must consider all the storm water runoff flowing over the project site.
2. All storm water runoff easements and detention controls shall be located and designed by a person qualified and/or experienced in the location and design of such structures.
3. The method used in calculating storm water runoff shall be the method designated in the Borough Stormwater Management Ordinance No. 509.
4. Storm water roof drains and pipes shall discharge water into cisterns, french drains (where soils are suitable), sheet drains or other storm water runoff dispersion and absorption control device and not into storm sewers unless recommended in the watershed storm water plan.
5. No discharge of toxic materials into any storm water management system is permitted.
6. Flow velocities from any storm drain may not result in a deflection of the receiving channel.
7. Developers are encouraged to consult the following storm water management and erosion sedimentation control publications in preparing their plans.
  - (a) Chapter 102. Erosion Control, Title 25, Rules and Regulations of the Department of Environmental Protection.

- (b) Chapter 105. Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Department of Environmental Protection.
- (c) Erosion and Sediment Control Handbook, Cambria County Conservation District.
- (d) Guidelines for Storm Water Management, Department of Environmental Protection, Bureau of Dams and Waterway Management.
- (e) Soil Erosion and Sedimentation Control Manual, Department of Environmental Protection, Bureau of Soil and Water Conservation and Bureau of Water Quality Management.
- (h) Stonycreek River Watershed Act 167 Stormwater Management Plan, Cambria County Conservation District, Ebensburg, Pennsylvania.
- (i) PennDOT Design Manual II (Publication 13), Section 10.

#### B. Specific Criteria

1. Storm water runoff rates shall be computed as outlined in the appropriate Borough Stormwater Management Ordinance No. 509.
2. Water quality for the specific watershed must comply with the appropriate Borough Stormwater Management Plan.
3. Erosion and Sedimentation - All activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the Cambria County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

### SECTION 509 PUBLIC USE AND SERVICE AREA

#### A. Public Open Spaces:

- (1) In reviewing subdivision plans, the Borough Planning Commission and Borough Council should consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision.
- (2) Subdividers and the Borough shall give earnest



consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields, shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use of the proposed facility. Prior to the preparation of plans, subdividers of large tracts should review with the Borough Planning Commission or Borough Council the minimum standards for various community facilities applicable to the tract being subdivided.

- (3) In subdivisions which are intended to provide housing, the Borough Planning Commission or Borough Council shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. However, if the Borough has a formally-adopted recreation plan, then the land area to be dedicated, or the fees to be paid in lieu thereof, shall conform to said recreation plan and shall be a condition precedent to Final Plan approval.

B. Community Assets:

Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

C. Utility Easements:

1. A temporary construction easement of thirty (30) feet and a permanent maintenance easement of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.
2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. There shall be a minimum distance of one hundred feet (100'), measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products, or natural gas transmission line which traverses the subdivision.

4. Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.
5. Utility service for residential development is recommended to be provided through the use of underground facilities in accordance with the standards and approval of the utility company having appropriate jurisdiction.
6. For proposed development, all required utility easements shall be clearly displayed on land development plans. All existing utility easements shall also be displayed clearly on all proposed subdivision plans for existing lots.

ARTICLE VI  
IMPROVEMENT REQUIREMENTS

SECTION 601 GENERAL REQUIREMENTS

Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the Record Plan, in accordance with the requirements of these regulations, or other Borough Ordinances or Regulations.

- A. As a condition to approval of a Final Plan by the Borough Planning Commission or Borough Council, the subdivider shall agree with the Borough as to the installation of all improvements shown on the Plan and required by these or other Borough Ordinances or Regulations.
- B. All improvements installed by the subdivider shall be constructed in accordance with the design specifications of the Borough.

Where there are no applicable Borough Design Specifications, improvements shall be constructed in accordance with specifications furnished by the Borough Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or such other State agency as applicable. If there are no applicable Borough or State regulations, the Borough may authorize that specifications be prepared by the Borough Engineer or an Engineering Consultant.

- C. Supervision of the installation of the required improvements shall in all cases be the responsibility of the Borough Engineer, water and/or sewer authority, or of the appropriate state regulatory agency.

SECTION 602 REQUIRED IMPROVEMENTS

The following improvements shall be installed by the subdivider or a guarantee suitable to the Borough shall be provided by the subdivider which shall ensure the provision of the improvements at the standards set forth in these regulations.

A. Street Grading:

All streets shall be graded at full right-of-way width.

B. Cartway Paving:

All streets intended to be dedicated to public use shall be paved to full cartway width (as shown on the Final Plan) in accordance with Borough Specifications.

C. Curbs:

Curbs shall be installed when deemed necessary by the Borough Engineer based on the need to control storm water runoff and/or on-street parking and approved by the Borough.

D. Sewers:

1. Storm Sewers:

Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Article V of these regulations.

2. Sanitary Sewage Disposal System(s):

a. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Article V of these regulations.

b. Whenever a subdivider proposes that individual on-lot sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.

c. In all other cases, the subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.

E. Water Supply:

1. Water supply system(s) shall be installed consistent with design principles and requirements contained in Article V of these regulations.

2. Where the subdivider proposes that individual on-site water supply system shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.

3. Wherever economically feasible, the subdivision shall be provided with a complete public or community water distribution system.

F. Fire Hydrants:

Wherever a public or community water supply system is provided, fire hydrants shall be installed as required by the local water supplier of all existing and proposed structures, measured by way of accessible streets.

G. Markers:

Markers shall be installed at all lot corners and shall consist of iron or steel bars at least twenty-four (24) inches long, and not less than one-half (1/2) inch in diameter.

H. Street Signs:

Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Borough and in accordance with applicable PennDOT regulations for street signs.

I. Street Lights:

In accordance with the conditions to be agreed upon by the subdivider, the Borough, and the appropriate public utility, street lights are required to be installed in all subdivisions. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation upon consultation with the public service utility company involved.

J. Recreational Facilities:

As a condition precedent to final plan approval, the subdivider, upon agreement with the Borough, shall construct recreational facilities, pay fees in lieu thereof, or reserve private land, or a combination thereof, for park or recreational purposes only if the Borough has a formally-adopted recreation plan. The standards for determining the proportion of a development to be dedicated and/or the amount of any fee to be paid in lieu thereof shall be indicated in Section 509 of this Ordinance, if applicable.

K. Street Trees:

Every effort shall be made by the subdivider to preserve existing shade trees and, in addition, deciduous hardwood

trees with a minimum caliper of one and one-half inches (1-1/2") shall be provided in accordance with conditions to be agreed upon by the Borough. Such trees shall be planted between the sidewalk and the building reserve (setback) line at least five feet (5') from the sidewalk or between the curb and the sidewalk provided the planting strip is a minimum of five feet (5') wide. If no curb or sidewalk is provided, trees shall set back a minimum of ten feet (10') from the street ROW.

L. Sidewalks:

Sidewalks shall be required unless the developer can demonstrate that sidewalks are not necessary for pedestrian and public safety. When sidewalks are required they shall meet the following standards:

1. Sidewalks shall be a minimum of four (4) feet in width.
2. Generally, a grass planting strip should be provided between the curb and the sidewalk. The planting strip shall be a minimum of five feet in width to accommodate the planting of shade trees and provide sufficient buffer between pedestrians and vehicular traffic.
3. Sidewalks shall be constructed of concrete at least four inches thick. Sidewalks shall be underlain by a three inch sub base of compacted gravel or stone.
4. All sidewalks, curbs, and gutters shall be installed in accordance with these regulations and with curb, gutter, or sidewalk ordinances of the Borough.

ARTICLE VII  
LAND DEVELOPMENT STANDARDS

SECTION 701 DEFINITION AND EXCLUSIONS

Developments defined as land developments under the Pennsylvania Municipalities Planning Code (Act 247, as amended) are regulated under this Ordinance. The definition of land development includes any improvement to the land involving two or more residential buildings, or any non-residential building. Therefore, the construction of a single-family residential building is excluded from this definition and from these regulations (All single family residential dwellings and lots shall comply with applicable sewage facilities planning requirements from the Pennsylvania Department of Environmental Protection). Also excluded is the leasing (or selling) of land for agricultural purposes in parcels of ten (10) or more acres (not involving any new streets or easements or residential dwelling units). Typical land developments include, but are not limited to, multi-family residential buildings, commercial centers, and industrial developments. It shall be unlawful for an applicant to construct land developments as defined herein without complying with these additional requirements.

SECTION 702 PROCEDURES AND EXCEPTIONS

- A. In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory); Preliminary Plan, and Final Plan stages. Land developments shall be processed, and submission requirements shall be the same as that required for subdivisions. The final plan shall be recorded in the Cambria County Recorder of Deeds Office.
- B. The Borough of Geistown may exempt a land development from preparing a preliminary plan if the following provisions are met:
1. It meets the criteria for a Minor Subdivision and Land Development.
  2. It does not involve earth disturbance of more than one (1) acre.
  3. It does not involve a building of greater than twenty thousand (20,000) square feet gross leasable area, or in excess of two (2) stories in height.

SECTION 703 FINAL PLAN REVIEW

In addition to other Final Plan requirements (see Article IV of this Ordinance for Final Plan Subdivision Review), the following

items shall be included for Final Plan review for all land developments, as applicable:

- A. The applicant shall prepare and submit a Site Plan. Site Plans, as required in this Article, detail the construction of all required improvements and contain information establishing compliance with the Design Standards of this Ordinance.
- B. In cases of multi-owner or multi-tenant developments, proof of organization and means for management and maintenance of common open space, parking, and other improvements must be shown. Legal documents demonstrating creation of an association or other means of assuring continuing maintenance shall be required.

#### SECTION 704 SITE PLAN

- A. In lieu of a subdivision plan (plot plan), the developer shall submit a Site Plan. For land developments having a total developed area of less than 15,000 square feet, the Site Plan shall be prepared at a scale of one inch equals fifty (50) feet. Where the total developed area is over 15,000 square feet but less than five (5) acres, the Site Plan shall be prepared at a scale of one inch equals one hundred (100) feet. Where the total developed area is over five (5) acres, the Site Plan shall be prepared at a scale of one inch equals two hundred (200) feet.
- B. Where building and parking lot development will cover an area in excess of one (1) acre (43,560 square feet), topographic data at two (2) foot contour intervals shall be required. For developments of less than one acre, topographic data at ten (10) foot contour intervals shall be required.
- C. All land developments must comply with preliminary and final plan requirements (as applicable) as set forth within this Ordinance.
- D. Building elevations, while not required, are strongly encouraged as part of a Site Plan submission.

#### SECTION 705 GENERAL DEVELOPMENT STANDARDS

- A. All land developments must comply with all applicable standards as contained in Article V, Design Standards, of this Ordinance.
- B. All land developments must comply with all applicable requirements as contained in Article VI, Improvement Requirements, of this Ordinance.



SECTION 706 MULTI-FAMILY DWELLING DEVELOPMENT STANDARDS

- A. A multi-family dwelling development involving not more than three (3) dwelling units shall be considered a Minor Land Development. As such, this Minor Land Development will be exempt from submission and review of Preliminary Plans. Such Minor Land Development may proceed directly with Final Plan requirements as contained in this Ordinance. All multi-family dwelling developments containing four (4) or more dwelling units shall follow both preliminary and final plan submission and review procedures.
- B. All multi-family dwelling land developments shall comply with the lot dimensions, areas, and setbacks specified by the Borough Zoning Ordinance.

SECTION 707 COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS

- A. All commercial and industrial land developments shall comply with the provisions for lot dimensions, areas and setbacks contained within the Borough Zoning Ordinance.

SECTION 708 ACCEPTANCE, MAINTENANCE, AND COMPLETION OF IMPROVEMENTS

- A. If the land development involves the lease or rental of buildings or space on the site and site improvements (streets, parking areas, and stormwater drainage devices) which are to be privately maintained or maintained by an entity created by the developer, then there is no need for municipal acceptance of the site improvements. However, in these instances, streets and stormwater drainage shall be designed and built to the standards contained in this Ordinance. Through its Borough Engineer, Borough Solicitor, Borough staff and/or other required designed professionals (hired as a part of the Borough staff or a consultant to the Borough staff), the Borough of Geistown shall affirm that these improvements are, in fact, built to such standards.
- B. Where the developer does not intend to maintain the improvement(s), or where a homeowner's association or similar organization will be organized for these responsibilities, the developer will submit a program for the perpetual maintenance of such facilities, including streets and stormwater facilities. This maintenance program shall be recorded at the Cambria County Recorder of Deeds Office as a part of the approved final plan. The maintenance program will be legally enforceable and clearly establish the maintenance responsibility in perpetuity.
- C. Maintenance Program: The maintenance program proposed for any development that will not be offered for dedication to the Borough shall:

Identify the proposed ownership entity (e.g., property owner, private corporation, homeowner's association or other entity).

Identify the type of maintenance, probable frequencies of required maintenance, personnel and equipment requirements of such maintenance, and annual maintenance costs.

Identify the method of financing continuing operation and finance if the facility is to be owned by other than a governmental agency.

Include copies of any legal agreements required to implement the maintenance program and, if applicable, copies of the maintenance agreement.

- D. Any proposed improvement to be offered for public dedication will follow the requirements as specified by this Ordinance.
- C. Prior to final approval of the Final Site Plan, the land developer shall guarantee the installation of all applicable Required Improvements (Article VI, Section 602) by one of the methods contained in Article III, Section 309 Performance Guarantee of this Ordinance.

ARTICLE VIII  
MOBILE HOME PARKS

SECTION 801 MOBILE HOME PARK REGULATIONS

No person, firm, or corporation shall construct, maintain, or operate a mobile home park within the Borough without obtaining a mobile home park plan approval from the Borough Council. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development plans in accordance with the provisions of this Ordinance. Unless specified in this Article, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this Ordinance.

A. Plan Requirements

Prior to plan approval of a mobile home park, plans shall be submitted to and approved by the Borough Council in accordance with the requirements and procedures of this Ordinance. In addition to the plan information required elsewhere in this Ordinance, the following information shall be provided on the plans:

1. The location and use of proposed buildings or structural improvements.
2. The location and design of all uses not requiring structures such as recreation areas and landscaping.

B. Register

It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, make and size of the mobile home, and the names of all persons living in said mobile home.

C. Density

1. The minimum tract area for mobile home parks shall be five (5) acres.
2. The gross density per park shall not exceed eight (8) mobile home units per acre.

D. Lot Requirements

1. Individual mobile home lots located in a mobile home park shall contain at least five thousand (5,000) square feet of lot area and shall not be less than fifty (50) feet wide at the building set-back line exclusive of easements or rights-of-way.
2. All mobile home lots shall be given street numbers and all park streets shall be given names.

E. Setback Requirements

1. All mobile homes shall be located at least thirty-five (35) feet from any street right-of-way which abuts a mobile home park boundary and at least twenty-five (25) feet from any other boundary of the park.
2. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.
3. All mobile homes and patios on a mobile home lot shall not be located closer than ten (10) feet to a lot line.
4. Minimum park frontage shall be one hundred (100) feet.

F. Park Street System

1. Streets. All streets within any mobile home park shall be designed in accordance with the design standards of this Ordinance.
2. Intersections. Not more than two (2) streets shall intersect at any point and a distance of at least one hundred and fifty (150) feet shall be maintained between center lines of offset intersecting streets.

G. Required Off-Street Parking

1. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobile home lot.
2. Each off-street parking space shall contain at least two hundred (200) square feet and shall not exceed a distance of three hundred (300) feet from the mobile home lot that it is intended to serve.

ARTICLE IX  
ADMINISTRATION, AMENDMENT, SEVERABILITY

SECTION 901 REVISION AND AMENDMENT

- A. The Borough Council may, from time to time on their own motion revise, modify, or amend this Ordinance in order to increase its effectiveness or to expedite the approval of subdivision plans.
- B. Any revisions, modification, or amendments to these regulations shall be made in accordance with the procedures as provided in the Pennsylvania Municipalities Planning Code, Act 247, Article V, Section 505, after a public hearing on the proposed revisions, modifications, or amendments.

SECTION 902 MODIFICATIONS/WAIVERS

- A. The Borough Council may grant a modification or waiver from the requirements of one or more of the provisions within this Subdivision and Land Development Ordinance if the literal enforcement will exact an extreme and undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
- B. All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance involved, and the minimum modification necessary.
- C. The Borough Council shall keep a written record of the action on all requests for modifications and/or waivers.
- D. In reviewing the subdivider's request for a waiver from these Regulations, the following criteria should be used:
  - 1. An unnecessary hardship should be established upon a finding of fact.
  - 2. Any waiver and/or modification shall not cause harm to a neighboring property
  - 3. The particular hardship must stem from these regulations.
  - 4. The situation must be unique, not one shared similarly by other properties in the neighborhood.

5. The hardship cannot be self-created by the property owner.
  6. Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a modification/waiver.
  7. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the subdivider or by the community as a whole.
  8. If these regulations were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.
- E. In granting modifications/waivers, the Borough Council may impose such condition as will, in its judgment, secure substantially the original objectives of the now modified requirements.
- F. In order to encourage flexibility, economy, and ingenuity in the layout and design of subdivision and land developments, and to encourage the provision of amenities not otherwise required by this Ordinance or other applicable regulations, the Borough Council may waive, modify, reduce, or otherwise alter the standards and requirements of this Ordinance, provided, that such actions do not conflict with the purposes of this Ordinance.

#### SECTION 903 MEDIATION, AND APPEALS

- A. The Borough may offer a mediation option as an aid in completing proceedings authorized by Article V, Section 508 of Act 247: "Approval of Plats". In exercising this option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 247, as re-enacted and amended.
- B. Any subdivider aggrieved by a finding, decision, or recommendation of the Borough may appeal such finding, decision, or recommendation to the Court of Common Pleas.
- C. All subdivision and land development appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Borough. All appeals shall be in accordance with the provisions of Article V of Act 247.

SECTION 904 FEES

- A. The Borough of Geistown shall establish by resolution a collection procedure and Schedule of Fees to be paid by the subdivider and/or land development applicant at the time of filing a Preliminary Plan and/or Final Plan.
- B. The Schedule of Fees shall be posted in the Borough Secretary's office or in such other place as the Borough Council may designate.

C. Review Fee

Each Subdivision or Land Development Plan application shall be accompanied by the required review fee as established and adopted resolution by the Borough. Fees shall be payable to the Borough at the time of application (unless otherwise noted herein) and Plan processing. Approval and recording shall not be completed until all required fees are paid. There shall be no refund or credit of fees or a portion of any fee should the Applicant withdraw the Plan during the review process or fail to receive Plan approval.

D. Professional Service Fees

In addition to the required review fee, it is anticipated that additional expenses will be incurred by the Borough in processing the Preliminary and/or Final Plans which are submitted or which may be required to be submitted under this Ordinance, for engineering, legal or other professional consultant expenses. If the fees are not sufficient to cover these expenses incurred in the review of said Plans, the Borough shall notify the person submitting the Plans for review of the additional expense and shall request payment of the same. All payment requested by the Borough for engineering, legal or other professional expense shall be the actual cost of the services incurred by the Borough. These services shall be billed at the normal established rate for engineering or legal services provided to the Borough.

- E. All fee disputes shall be addressed pursuant to Section 503(1) of Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

SECTION 905 REMEDIES, ENFORCEMENT, AND JURISDICTION

- A. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved Final Plan, the Borough is hereby granted

the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies to effect completion of said improvements. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development 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 security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

- B. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violation, 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 document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- C. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of this Ordinance. This 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. 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 Borough 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.

- D. Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continued 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.
- E. District justices shall have initial jurisdiction in proceedings brought under enforcement remedies.

#### SECTION 906 KEEPING OF RECORDS

The Borough Planning Commission and the Borough Council shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

#### SECTION 907 RESPONSIBILITY

The subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

SECTION 908 CONFLICTS

- A. Whenever there is a difference between the minimum standards specified herein and those included in other Borough Ordinances or regulations, the more stringent requirements shall apply.
- B. All existing Ordinances or regulations or parts thereof which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 909 SEVERABILITY

Should any article, section, subsection, paragraph, clause, phrase, or provision of these Regulations be declared by a court or competent jurisdiction to be invalid, such judgment shall not affect the validity of the Regulations as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

SECTION 910 EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after the date on which it has been passed by the Borough Council.

DULY ENACTED AND ADOPTED BY THE Borough of Geistown, Cambria County, Pennsylvania, this 10<sup>th</sup> day of February, 2021, in lawful session duly assembled.

ATTEST:

Karen Schubert  
Secretary

BOROUGH OF GEISTOWN

BY: [Signature]  
President of Council

Approved the 10<sup>th</sup> day of February, 2021

[Signature]  
Mayor

## APPENDIX

**SUBDIVISION/LAND DEVELOPMENT PROCEDURAL GUIDE**

Step 1: Pre-Application Conference

This is an informal meeting between the developer and the Borough planning commission to discuss the subdivision proposal. The developer must be prepared to discuss his subdivision plans and submit the required information as outlined in Section 401 of the Ordinance.

Step 2: Preparation of the Preliminary Plan

The developer shall have a preliminary plan prepared in accordance with the requirements of Section 402 of the Ordinance.

Step 3: Other Agency Reviews and Approvals

The developer must coordinate development activities with other local, County and State agencies to ensure compliance with requirements of the respective agencies. Signature blocks shall be included on the cover sheet or subdivision plan for each of the following agencies to indicate their review/approval. The developer is required to submit plans to the following agencies for review, comment, and approval/permit prior to submittal to the Borough of Geistown for preliminary plan review/approval:

- The Borough of Geistown Planning Commission and the Cambria County Planning Commission
  - ◆ To discuss proposed sewage treatment, new road construction, building permit requirements, flood plain determination, zoning ordinance requirements, and other proposed public improvements. To comply with Section 502 of the Pennsylvania Municipalities Planning Code.
- Pennsylvania Department of Environmental Protection
  - ◆ For compliance with sewage facilities planning and soil testing requirements.
  - ◆ For compliance with water and/or wetlands obstruction or encroachment regulations (if applicable).
  - ◆ For compliance with regulations concerning the alteration or relocation of a stream or watercourse (if applicable).
- Cambria County Conservation District

- Pennsylvania Department of Transportation
  - ◆ For approval of proposed access to a State highway.
- Utility Companies
  - ◆ To determine capabilities and requirements associated with utility services.

Neither the Borough of Geistown Planning Commission nor the Borough Council will review any Preliminary Plan until proof has been received by the Borough that the developer has complied with all requirements of the above agencies and any other agency which may have an interest in the development of the subdivision plan.

Step 4: Submittal of the Preliminary Plan, Supporting Data, Subdivision/Land Development Application and Fee

The developer shall submit eight (8) copies (9 copies if parcel is adjacent to a State road) of the preliminary plan and the appropriate application fee. Four copies of the PA DEP Sewage Planning Module, three copies of the Completed Application, three copies of the PA DEP, PA DOT, County Planning Commission and Conservation District information (as needed).

Step 5: Review of the Preliminary Plan

The Borough of Geistown Planning Commission will review the preliminary plan and supporting data to determine compliance with the subdivision regulations and submit their recommendations to the Borough Council. The decision of the Borough Council to approve, conditionally approve, or deny approval will be made at a public meeting, and be communicated to the developer in writing.

Any conditions attached to preliminary approval of the plan shall be agreeable to both the developer and the Borough. A negative decision will specify the defects found in the submittals.

Step 6: Preparation of the Final Plan

The developer shall have a final plan prepared by a registered surveyor or engineer in accordance with the requirements of Section 403 of the Ordinance. The Final Plan shall conform to the approved Preliminary Plan.

Step 7: Submittal of the Final Plan, Supporting Data, and Subdivision Application

The developer may submit the plan in phases for final approval. The developer shall submit eight copies of the original Final Plans, eight paper copies, three completed copies of the Final Application, two copies of all other required information (Section 306), and the Application Fee shall be submitted for

review by the Borough of Geistown Planning Commission and Borough Council.

Step 8: Review of the Final Plan

The Borough of Geistown Planning Commission will review the Final Plan and supporting data to determine compliance with the subdivision regulations and submit their recommendations to the Council of the Borough of Geistown. The decision of the Borough Council to approve, conditionally approve, or deny the Final Plan will be made at a public meeting, and be communicated to the developer in writing.

Any conditions attached to approval of the Final Plan shall be agreeable to both the developer and the Borough Council. A negative decision will specify the defects found in the submittals.

Step 9: Recording of Final Plan

Within 90 days after approval of the Final Plan by the Borough Council and before conveyance of any deed out of the Plan, the developer shall record the approved Final Plan with the Recorder of Deeds of the County of Cambria. The developer will be responsible for the payment of any recording fees.