

ARTICLE VIII

IMPROVEMENTS

Section 800 GRADING

- A. Roads shall be graded to grades and cross sections as established on and presented with the preliminary and final plans and road profiles and as approved by the Board of Supervisors.
- B. Roads shall be graded to the full width of the road right-of-way and slopes of a minimum of two (2) feet to one (1) foot shall be constructed commencing at the road right-of-way and extending on to the lots of properties adjoining the road right-of-way, this applies to both cut and fill sections.
- C. Subgrade of road shall be brought to the proper grade and contour, and shall be rolled with a ten (10) ton roller, and all soft spots removed. These soft spots shall be recompacted with a suitable firm material approved by the Board of Supervisors before the placing of any base material.

Section 801 UNDER DRAINAGE

- A. In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed road pavement there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Pennsylvania Department of Transportation Specifications, Form 408, as amended, subject to approval of drawings and design by the Board of Supervisors.
- B. If during construction unknown poor drainage conditions are encountered by the Owner, he shall notify the Township Engineer and correct such conditions encountered at the direction of the Board of Supervisors to their complete satisfaction.

Section 802 BASE COURSE

- A. The base course shall be constructed to the lines, grades and cross sections as approved with all materials used and all construction requirements performed in conformity with the Pennsylvania Department of Transportation, Form 408 and be one of the following approved types of base course:
 - 1. A Crushed Aggregate Base Course with a compacted thickness of not less than eight (8) inches in depth, all in accordance with Section 310 of Form 408.
 - 2. A Bituminous Concrete Base Course with a compacted thickness of not less than five (5) inches in depth, all in accordance with Section 305 of Form 408.

B. A subbase shall be constructed when required by the Township where soil or traffic conditions warrant its use with construction as follows:

1. Subbase Course with a compacted thickness of not less than three (3) inches in depth, all in accordance with Section 350 of Form 408.

Section 803 PAVEMENT WEARING COURSE

A. The pavement wearing course shall be constructed to the lines, grades and cross sections as approved with all materials used and all construction requirements performed in conformity with the Pennsylvania Department of Transportation Form 408 and be one of the following types:

1. A Bituminous Surface Course (ID-2) with a compacted thickness of not less than two and one-half (2-1/2) inches in depth, all in accordance with Section 420 of Form 408. The binder course shall be constructed on the Crushed Aggregate Base Course and shall be one and one-half (1-1/2) inches in depth and the Wearing Course shall be one (1) inch in depth.
2. A Bituminous Wearing Course (ID-2) with a compacted thickness of not less than one (1) inch in depth, all in accordance with Section 420 of Form 408 shall be constructed on the Bituminous Concrete Base Course.

Section 804 SANITARY SEWERS

A. Installation of sanitary sewers including house lines, laterals, trunk lines, manholes, and other appurtenances shall comply with the rules and regulations of the Board of Supervisors and the appropriate Sewer Authority, and subject to inspection by the same.

B. In areas where a municipal sewer is not available (over 1,500 feet from the nearest point of the subdivision), is not planned, is not topographically feasible, or where an easement cannot be obtained through adjoining property, individual septic tanks or project sewage systems may be permitted, subject to approval of drawings and design by the Board of Supervisors and the Pennsylvania Department of Environmental Resources.

C. In areas where a municipal sewer is available, all properties within the subdivision shall be connected thereto.

Section 805 SANITARY SEWAGE TREATMENT PLANT

A. Installation of sanitary sewage treatment plant and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Resources and the Board of Supervisors.

Section 806 STORM DRAINS AND FACILITIES

- A. Storm sewer shall be located in the right-of-way or in a drainage easement.
- B. In the design of storm drain installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water run-off over adjacent properties.
- C. Bridges and culverts shall be designed to support the expected loads, to carry expected flows, and be constructed the full width of the right-of-way, where deemed necessary by the Board of Supervisors.

Section 807 WATER SUPPLY

- A. If public water supply is available or definitely planned for the area, then provisions shall be made for its immediate and eventual use.
- B. Community wells or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Resources and the Board of Supervisors.
- C. Fire hydrants shall be installed as per the Township Specifications for locations.

Section 808 MONUMENTS

Monuments shall be placed at all block corners. Same shall be of such size, length and material as approved by the Board of Supervisors.

Section 809 EXISTING NATURAL CONDITIONS

In wooded areas or where other natural conditions exist, in such a manner that their presence adds to the desirability of a subdivision, the Board of Supervisors shall require that the subdivider preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required in the construction of the improvements in accordance with the improvement standards included herein and approved by the Board of Supervisors. In addition, the Subdivider shall adhere to the Rules and Regulations of the Pennsylvania Department of Environmental Resources, Chapter 102, Erosion Control.

Section 810 EROSION CONTROL

- A. All development and earthmoving activities required by applicable law under Pennsylvania Department of Environmental Resources, Chapter 102, Erosion Control Rules and Regulations shall be complied with.

1. The Township shall notify the Department of Environmental Resources immediately upon receipt of an application for a building permit involving an earthmoving activity which affects five or more acres of land.
2. The Township will not issue a building permit to those developments where it has been determined that the earthmoving activities require a permit (or verification that no permit is required) from the Department of Environmental Resources, pursuant to Section 102.41 and 102.42 relating to permit requirements of Chapter 102, Erosion Control Rules and Regulations.

ARTICLE IX
MOBILE HOME PARKS

Section 900 PROCEDURES

Any person intending to operate a mobile home park shall furnish proof of the Certificate of Registration issued by the Department of Environmental Resources to said operator to the Township Secretary by February 1 of each year.

Thereupon, if the operator meets the requirements of this Ordinance a license to operate a mobile home park in Charleston Township shall be issued to the operator by the Township Supervisors for a period extending to the end of the current calendar year.

Whenever the Department of Environmental Resources suspends or revokes the Certificate of Registration upon inspection of any mobile home park or it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or any regulations adopted pursuant thereto, the Township Secretary shall give notice in writing to the person, advising him that unless such conditions are corrected within a reasonable period of time specified in the notice, the license to operate in the Township shall be suspended. At the end of such period, the mobile home park shall be inspected and if such conditions or practices are not corrected and the licensee has not requested a hearing the Township Secretary shall suspend the license and give notice in writing of such suspension to the operator.

Section 901 INSPECTIONS

A representative of the Township may inspect a mobile home park to determine compliance with this Ordinance.

The inspector may, at his discretion, give notice for violations of this Ordinance and issue notice thereof, without express authority from the Township Supervisors in each instance.

Section 902 ERECTION AND PLACEMENT OF MOBILE HOMES

All mobile homes which are set up in the mobile home park shall display the insignia of Certification as required, and issued by the Department of Community Affairs under the Uniform Standards Code for Mobile Homes, Act of 1972, or as amended, and be free of any damage incurred by transporting the units from the manufacturer to the site. The Township Secretary shall notify the Department of Community Affairs of all violations of the Act.

Section 903 MOBILE HOME PARK PLANS

All proposed mobile home parks shall follow the regular procedures and requirements of a normal subdivision as set forth in Article IV for preliminary plans and Article V for final plans.

Section 904 PARK CONSTRUCTION REQUIREMENTS

- A. A mobile home park shall have a gross area of at least five (5) contiguous acres of land.
- B. The location of all mobile home parks shall comply with the following minimum requirements:
 - 1. Not subject to flooding or mudslide prone areas.
 - 2. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas.
 - 3. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

Section 905 PARK DRAINAGE REQUIREMENTS

The grounds of the mobile home park shall be graded as per Article VIII, Section 810 of this Ordinance.

Section 906 LOTS, SETBACKS AND SCREENING

- A. All mobile home lots within the park shall have a minimum area of five thousand (5,000) square feet.
- B. Mobile homes shall be located at least thirty-five (35) feet from the right-of-way of all public roads and highways and at least twenty (20) feet from other park boundaries.
- C. Front yard setback shall be a minimum of ten (10) feet from the park road rights-of-way.
- D. Side yard and rear yard setback shall be a minimum of fifteen (15) feet from the lot boundary.
- E. The Board of Supervisors has the right to require screening material such as fences or natural growth along the park boundary adjacent to residential areas.

Section 907 MOBILE HOME PARK ROAD SYSTEM

- A. The park road system shall have road widths of a minimum of twenty (20) feet with fifty (50) feet right-of-ways.

- B. All roads shall be of a paved surface in accordance with Township road standards, Article VII, Sections 801, 802 and 803 of this Ordinance.
- C. Grades of all park roads shall be a minimum of one (1) percent to insure adequate surface drainage, but shall not exceed ten (10) percent.
- D. All roads shall have intersections in accordance with Article VII, Section 702 of this Ordinance.
- E. Deadend mobile home park roads shall be provided with cul-de-sacs in accordance with Article VII, Section 702 of this Ordinance.
- F. All roads shall have intersections in accordance with Article VII, Section 702 of this Ordinance.
- G. Off-road parking for a minimum of two (2) vehicles shall be provided at each mobile home lot. Parking spaces shall be a minimum of twenty (20) feet by ten (10) feet and shall be provided with a dust free surface.

Section 908 WATER SUPPLY

- A. An off-site water supply is the only acceptable source of water for a mobile home park. The off-site water supply can be from a municipal source or an approved private source. Any private water service shall meet all the standards of the Department of Environmental Resources and the Board of Supervisors.
- B. The water distribution system to the individual lots shall be approved by the Board of Supervisors before installation.

Section 909 SEWAGE DISPOSAL

- A. All mobile home parks shall be serviced by off-site sanitary sewers as approved by the Department of Environmental Resources.
- B. Installation of the sanitary sewers shall be in accordance with Article VIII, Section 804, paragraphs A and C of this Ordinance.
- C. Installation of a sanitary sewage treatment plant and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Resources and the Board of Supervisors.

Section 910 STORM DRAINS AND FACILITIES

All storm drains and facilities shall be in accordance with Article VIII, Section 806 of this Ordinance.

ARTICLE X

CONDITIONS OF ACCEPTANCE

Section 1000 PERFORMANCE REQUIREMENTS

- A. Before approving any subdivision plan, the Board of Supervisors shall require a written agreement that necessary grading, paving and road improvements, sidewalks, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the Township shall be installed by the subdivider in strict accordance with the design standards and specifications of the Township, within a specified time period.

Section 1001 IMPROVEMENT OR PERFORMANCE BOND

- A. The written agreement, which shall include a bond, deposit of funds, or other securities sufficient in amount as shall be determined and approved by the Board of Supervisors to cover the cost of such improvements.
1. As a condition for the final approval of the plan of land subdivision or land development, the subdivider or land developer shall deposit with the Board of Supervisors a corporate bond, cash bond, or other security acceptable to the Township sufficient in amount and coverage as shall be determined by the Township Engineer to cover the cost of any and all improvements which may be required by the Township. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within the period of time specified by the Board of Supervisors for the completion of such improvements.
 2. In the case where land development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as the Board of Supervisors finds essential for the protection of any finally approved section of the development.

Section 1002 RELEASE FROM IMPROVEMENT BOND

- A. Procedure
1. When the developer has completed all of the required improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the Township Engineer.

2. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
3. The Board of Supervisors shall notify the developer, in writing by certified or registered mail, of the action of said Board of Supervisors with relation thereto.
4. If the Board of Supervisors or the Township Engineer fails 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 its performance guaranty bond.
5. In any portion of the required improvements shall not be approved or shall be rejected by the Board of Supervisors the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
6. Nothing herein, however, shall be construed in limitation of the subdivider's or developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

Section 1003 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- A. In the event that any improvement to which may be required have not been constructed and installed as provided for in the written agreement, this Ordinance and the requirements of the Board of Supervisors or in accord with the approved final plan, the Board of Supervisors shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.
- B. 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 Board of Supervisors, 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.

- C. 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.

Section 1004 MAINTENANCE BOND

- A. Before the Township Engineer shall issue to the Board of Supervisors a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, Ordinances and requirements of the Board of Supervisors, the subdivider or developer shall be required to deposit with the Board of Supervisors, a Corporate Maintenance Bond, in such amount, under such conditions, in such form and with approved surety as shall be required by the Board of Supervisors. Said Maintenance Bond to guarantee the repairs and maintenance by the subdivider or developer of the roads, pavement, sidewalks, curbs, gutters, storm drains and facilities, sanitary sewer and facilities, sewage treatment plant and facilities and any other improvements constructed and installed in the subdivision or development, for a period of two (2) years from the date of final and official acceptance of the above said improvements and facilities by the Board of Supervisors.
- B. The repairs and maintenance required to be performed by the subdivider or developer shall extend only to making good any inherent defects which become manifested in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the subdivider or developer has no control.

Section 1005 HIGHER STANDARDS

- A. No road, land, way or related improvement shall be accepted as a part of the highway system of the Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Township. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and the Township may as it deems advisable revise said specifications and requirements to secure a higher standard of improvements and community development.

- B. No storm water drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system, and facilities or any other facilities or improvements will be accepted as a part of the Township's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Township.

Section 1006 RECORDING

- A. Within ninety (90) days after the date of approval of the final plan, the subdivider shall record an approved duplicate copy of same in the office of the County Recorder of Deeds, and file with the Secretary of the Board of Supervisors, a Recorders Certificate that the approved plan has been recorded, with the Plan Book and page numbers indicated, and approval shall not become final and effective until such certificate has been filed. The subdivider shall provide a duplicate tracing of the officially recorded plan to the Board of Supervisors Secretary for Township files.
- B. After an approved subdivision plan shall have been officially recorded, the roads, parks, and other public improvements shown thereon shall be so considered to be a part of the official plan of the Township.
- C. Roads, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Township by formal notation thereof on the Plan, or the Owner may note on such plan that any improvements have not been offered for dedication to the Township.
- D. Every road, park or other improvement shown on a subdivision plan shall be deemed to be a private road, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by ordinance or resolution, or until it shall have been condemned for use as a public road, park or other improvement.

ARTICLE XI

WAIVER OF REQUIREMENTS

Section 1100 PURPOSE

- A. Where the Planning Commission finds that extraordinary hardship may result from strict enforcement or compliance with this Ordinance, it may recommend to the Board of Supervisors that modifications be granted, that substantial justice be done and the public interest secured; provided that such modifications will not have the effect of nullifying the interest and purpose of the Charleston Township General Development Plan and of this Ordinance.
- B. The Planning Commission's recommendations relative to the granting of modifications shall be considered conditional and shall be subject to approval or disapproval by the Board of Supervisors.

Section 1101 GRANTING

- A. Where the Board of Supervisors finds that extraordinary hardship may result from strict enforcement of compliance with this Ordinance, it may grant modifications to this Ordinance provided it shall require such conditions, as will in its judgement, substantially secure the interests and objectives of the standards or requirements so varied or modified, and as will fulfill the purpose and intent of this Ordinance.