

Chapter 22

Subdivision and Land Development

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Part 1**Short Title; Purpose; Authority; County Review****§22-101. Short Title.**

This Part shall be known and may be cited as the “Dauphin Borough Subdivision and Land Development Ordinance.”

(*Ord. 6/6/1977, §101*)

§22-102. Purpose.

The purpose of this Part is to:

A. Help protect and promote the safety, health and general welfare of the citizens of Dauphin Borough; to assist in accomplishing a coordinated development of the Borough; to guide and protect amenity and convenience, growth and development; to guide uses of land and structures, type and location of streets, public grounds and other facilities; and to permit the Borough the opportunity to minimize such problems as may presently exist and/or which may be foreseen.

B. Regulate the subdivision and/or development of floodprone areas and require that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

(*Ord. 6/6/1977, §102*)

§22-103. Authority and Jurisdiction.

The authority of Borough Council to adopt this Part regulating subdivision and land development within Dauphin Borough is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, 53 P.S. §10501 *et seq.*, as amended. As a result, no subdivision or land development of any lot, tract or parcel of land shall be made, no streets, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

(*Ord. 6/6/1977, §103*)

§22-104. Interpretation.

The provisions of this Chapter shall be interpreted to be the minimum requirements to meet the purposes of the Chapter. Where the provisions of this Chapter conflict or are inconsistent with the provisions of any other ordinance, regulation or requirement, the more restrictive provisions in question shall apply.

(*Ord. 6/6/1977, §104*)

§22-105. County Review.

All applications for subdivision and/or land development approval within Dauphin Borough shall be forwarded upon receipt to the Dauphin County Planning Commission for review and report together with a fee sufficient to cover the costs of the review and

report, which fee shall be paid by the applicant. Such action shall occur at the preliminary and final plan stages, and the Borough shall not take action on said plans until the County report is received or until the expiration of 45 days from the date the plans were forwarded to the County.

(Ord. 6/6/1977, §105)

§22-106. Municipal Liability.

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee or warranty of any kind by the Borough or by any official or employee thereof of the practicability, or safety of the proposed use and shall create no liability upon the Borough, its officials or employees.

(Ord. 6/6/1977, §106)

Part 2

Definitions

§22-201. Definitions.

1. For the purposes of this Chapter; the following words and phrases shall have the meaning as given in this Part.

2. Words in the present tense include the future.

3. The singular includes the plural.

4. The word “shall” is mandatory, the word “may” is optional.

5. The word “person” means an individual, corporation, partnership, firm, association, company, or any other similar entity.

6. *Specific Definitions.*

Alley—a minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

Applicant—a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

Application for development—every application whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit for the approval of a development plan.

Block—an area bounded by streets.

Building setback line—a line parallel to and set back from the front lot line a distance equal to the depth of the required front yard.

Cartway—the surface of a street or road available for vehicular traffic.

Clear sight triangle—an area of unobstructed vision at street intersections defined, by lines of sight between points at a given distance from the intersection of the street center lines.

Crosswalk—a publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Developer—any landowner, agent of such landowner or tenant who, with the permission of such landowner, makes or causes to be made a subdivision of land or a land development or resubdivision.

Dwelling—a building or a portion thereof designed for and used exclusively for residential occupancy.

(1) *Dwelling unit*—one or more rooms having cooking, and sanitary facilities and access directly outdoors through a common entrance hall.

(2) *Dwelling, single-family detached*—a building containing only one dwelling unit and two side yards.

(3) *Dwelling, single-family semi-detached*—a building containing two dwelling units which are separated by one common wall, and which has two side yards.

(4) *Dwelling, single-family attached*—a building containing three or more dwelling units which are separated from each other by two common walls, except for the two end units.

(5) *Dwelling, two-family detached*—a building containing two dwelling units arranged one over the other on separate floors, and which has two side yards.

(6) *Dwelling, multi-family*—a building other than, a single-family attached dwelling containing three or more dwelling units.

Easement, utility—a right-of-way granted for the limited use of land for public or quasi-public purposes.

Engineer—a registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

Engineering specifications—the engineering specifications of the Borough regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

Erosion—the removal of surface materials by the action of natural elements.

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

Fill—(1) any act which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom; (2) the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; (3) the material used to make fill.

Flood—

(1) *Floodprone area*—a relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

(2) *Floodway*—the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

(3) *Regulatory flood*—a flood having an average frequency of occurrence on the order of once in 100 years, although the flood may occur in any year.

(4) *Regulatory flood elevation*—the 100-year flood elevation based upon the information contained in the Official Flood Insurance Study, as prepared by the Federal Insurance Administration.

Governing body—the Borough Council of Dauphin Borough.

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

Land development—

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two or more buildings.

(b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other structures.

(2) A subdivision of land.

Landowner—the legal or beneficial owner or owners of land including the holder of an option or contract, to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is, authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Chapter.

Lot—a plat or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.

Lot, through or double frontage—a lot with front and rear street frontage.

Lot, area—the area contained within the property lines of lot as shown on a subdivision plan excluding space within any street right-of-way, but including the area of any easement.

Lot, reverse frontage—a lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

Mobile home—a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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 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 erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile home park—a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

Plan, sketch—an informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.

Plan, preliminary—a tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.

Plan, final—a complete and exact subdivision or land development plan prepared for official recording as required by statute.

Public grounds—parks, playgrounds and other public areas and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public notice—notice published once each week for 2 successive weeks in a

newspaper of general circulation in the Borough. Such notice shall state the time, place, and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 7 days from the date of the hearing. [Ord. 2012-03]

Resubdivision—any replatting or resubdivision of land limited to change in lot lines on an approved final plan or recorded plan.

Right-of-way, street—a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

Runoff—the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off of the surface of the land.

Sedimentation—the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment.”

Sight distance—the 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.

Slope—the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

Street—a right-of-way or portion thereof dedicated or intended for general public, vehicular, and/or pedestrian use.

Streets—

(1) *Arterial street*—a major street or highway with fast or heavy traffic volumes of considerable continuity, and used primarily as a traffic artery for intercommunications among large areas.

(2) *Collector street*—a major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

(3) *Minor street*—a street used primarily for access to abutting properties.

(4) *Cul-de-sac*—a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

(5) *Marginal access street*—a minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from traffic.

Structure—anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including, but not limited to, buildings, factories, sheds, cabins, mobile homes and other similar items.

Subdivider—the owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or development under the terms of this Chapter.

Subdivision (see “land development”)—the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether

immediate or future, of lease, transfer of ownership, or of building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

Surface drainage plan—a plan showing all present and proposed grades and facilities for stormwater drainage.

Top soil—surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter or humus debris. Top soil usually found in the uppermost, soil layer called the “A” Horizon.

Undeveloped land—any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development or the construction of a building.

Watercourse—a natural stream of water, river; brook, creek, or a channel of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

(Ord. 6/6/1977, Art. II; as amended by Ord. 2012-03, 12/4/2012)

Part 3**Application Procedures and Plat Requirements****§22-301. Pre-application Procedures.**

1. Copies of this Chapter shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within Dauphin Borough. Any prospective developer or subdivider may meet with the Borough Council to discuss and review tentative plans and/or any provisions of this Chapter.

2. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed. [*Ord. 2012-03*]

3. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

(*Ord. 6/6/1977, §301; as amended by Ord. 2012-03, 12/4/2012*)

§22-302. Sketch Plan.

Prior to the submission of a preliminary plan, developers are encouraged to submit a sketch plan to the Borough Council. This sketch plan will enable the Borough Council to review the proposal and to make any suggestions or inform the developer of any proposed plans or factors that may affect his development. Such review and discussion shall be informal and advisory only. A sketch plan should contain at least the following information:

- A. Location map.
- B. General information concerning any community facilities and/or, other significant man-made or natural features that will affect the proposal.
- C. A property map at a scale no smaller than 1 inch equals 100 feet showing the specific parcel of land or site involved.
- D. A sketch of the proposed subdivision or development on a map at a scale no smaller than 1 inch equals 100 feet showing the proposed layout of streets and lots, and other features of the subdivision.

(*Ord. 6/6/1977, §302*)

§22-303. Preliminary Plan Procedures.

1. *Submission of the Preliminary Plan.*

A. Preliminary plans and all required accompanying documentation shall be submitted by the developer or his authorized representative to the Borough Secretary within 10 to 15 days in advance of a regularly scheduled Borough Council meeting.

B. Submission shall consist of the following:

(1) Eight blue-line or black-line paper prints of the preliminary plan showing all the information required in §22-306.

(2) Five copies of all other required documentation.

(3) A filing fee as established in Part 6 of this Chapter.

2. *Distribution of Preliminary Plan for Review and Comment.* Copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Borough Secretary as follows:

A. One copy of the plan and accompanying documentation to the Borough Engineer.

B. One copy of the plan and accompanying documentation to the County Planning Commission accompanied by a fee sufficient to cover the costs of the review and report. Such fee shall be paid by the applicant.

C. One copy of the plan and accompanying documentation to the Borough Zoning Officer.

D. One copy of the plan to the County Conservation District Office.

E. One copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a State road.

F. One copy of the plan to the Pennsylvania Department of Environmental Protection for its review concerning any proposed water and/or sewer facilities. [Ord. 2012-03]

G. The remaining copies of the plan and accompanying documentation to the Borough Planning Committee.

3. *Action on Preliminary Plan by the Borough Council.*

A. Action on a preliminary plan shall be taken by the Borough Council not later than 90 days following receipt of a complete submission to the Borough. However no final decision or action shall be taken by the Borough Council until the reports are received from the County Planning Commission and other individuals and agencies to whom the plan was sent for review and comment, or until the expiration of 45 days from the date the plans were forwarded to such individuals and agencies.

B. All actions on the plan by the Borough Council shall be taken at a public meeting whether it be a regularly scheduled or special meeting. In addition, the Borough Council may also schedule a public hearing before taking any action on the plan. The developer shall be notified of the time and place of all such meetings and hearings.

C. The decision of the Borough Council concerning the plan shall be in writing and shall be forwarded to the developer within 5 days following their decision, but still within the 90-day time limit. If a plan is not approved, or approved subject to

certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this Chapter. Copies of the decision shall be sent to the Planning Committee, Borough Engineer and Zoning Officer.

D. Failure of the Borough Council to render a decision and communicate it to the developer within 90 days shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.

E. Approval of the preliminary plan shall not constitute approval of the final plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout.

F. When a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 3 years from such approval. Where final approval is preceded by preliminary approval, the 3-year period shall be counted from the date of preliminary approval.

In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in light of the provisions, of the applicable aids or plans as they stood at the time when the plan for such approval was duly submitted to the Borough.

(*Ord. 6/6/1977, §303; as amended by Ord. 2012-03, 12/4/2012*)

§22-304. Minor Subdivisions.

In cases where a proposed subdivision involves three or less lots fronting on an existing public right-of-way, the requirement calling for submission of a preliminary plan may be waived. All other applicable requirements and specifications shall remain the same.

(*Ord. 6/6/1977, §304*)

§22-305. Resubdivisions.

In cases involving only a replatting or a resubdivision of land limited to a change in lot lines on an approved final plan or a recorded plan, the requirement calling for submission of a preliminary plan may be waived. All other applicable requirements and specifications shall remain the same.

(*Ord. 6/6/1977, §305*)

§22-306. Preliminary Plan Specifications.

The preliminary plan submission shall consist of the following:

A. The plan, drawn at a scale of not less than 1 inch equals 10 feet nor more than 1 inch equals 100 feet showing the following:

- (1) Name and address of developer.
- (2) Proposed names of the subdivision.
- (3) North arrow, scale and date.
- (4) Name of engineer, surveyor or other qualified person responsible for

the plan.

(5) Location map showing the vicinity in which the proposed development is located.

(6) Topography showing existing and proposed contours at intervals of 2 or 5 feet, depending upon the slope of the land.

(7) Tract boundaries and the name of all abutting subdivisions or property owners.

(8) Number of acres in the tract, number of lots, the zoning, classification, and the type of proposed development.

(9) Existing and proposed property lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas, and the location of any easements.

(10) The location of all existing and proposed streets, with information concerning right-of-way widths, types of paving and street names.

(11) The location of any parcels of land either existing or proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purpose's.

(12) The location of any existing bodies, of water or watercourses, tree masses, buildings or structures, public facilities and any other man-made or natural features within or near the proposed subdivision.

(13) A map showing the location of the proposed development with respect to the Borough's flood-prone areas, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special ordinance restrictions.

(14) Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.

B. Accompanying Data.

(1) Cross-section drawings for all proposed streets showing rights-of-way, cartway widths, location of sidewalks and planting strips.

(2) Profile drawings of all proposed streets and existing and proposed grades.

(3) Plans and profiles of proposed sanitary and storm sewers including grades and pipe sizes may be required, as may also be the plans for any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

(4) Preliminary designs for any bridges, culverts, etc., which may be, required; such designs to be subject to the approval of the Borough Engineer.

(5) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and the Clean

Streams Act, 35 P.S. §691.1 *et seq.* [Ord. 2012-03]

(6) A report by the Dauphin County Soil and Water Conservation District office, including any recommended corrective or preventive actions to be taken.

(Ord. 6/6/1977, §306; as amended by Ord. 2012-03, 12/4/2012)

§22-307. Final Plan Procedures.

1. Submission of a final plan for approval by the Borough shall occur not more than 3 years following the date of approval of the preliminary plan. Failure to submit the final plan within this period of time shall make the approval of the preliminary plan null and void unless an extension of time has been granted by the Borough.

2. Except for any modifications or changes required by the Borough, the final plan shall basically conform to the approved preliminary plan. Where, in the opinion of the Borough Council, there have been significant modifications or changes, other than those required by the Borough, made to an approved preliminary plan, the plan shall be submitted again as a preliminary plan.

3. A final plan may be prepared for only a portion of the approved preliminary plan where so desired by the developer.

A. *Submission of the Final Plan.*

(1) Final plans and all accompanying documentation shall be submitted by the developer or his authorized representative to the Borough Secretary within 10 to 15 days in advance of a regularly scheduled Borough Council meeting.

(2) Submission shall consist of the following:

(a) Ten blue-line or black-line paper prints and the original drawing or print (record plan) on linen or other acceptable material of the final plan showing all the information required in §22-306.

(b) Three copies of all other required documentation.

(c) A filing fee as established in Part 6 of this Chapter.

B. *Distribution of Final Plan for Review and Comment.* Copies of the final plan and accompanying documentation shall immediately be distributed by the Borough Secretary in accordance with §22-303.2 of this Chapter (“Distribution of Preliminary Plan for Review and Comment”).

C. *Action on Final Plan by the Borough Council.*

(1) Following receipt of the written decision from the Planning Committee, Borough Council shall consider the final plan at their next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified and, in addition, Borough Council may also schedule a public hearing before taking any action on the plan.

(2) Action on a final plan shall be taken by Borough Council and communicated to the developer not later than 90 days following the receipt of a complete submission by the Borough Secretary. In their review, Borough Council shall consider the reports and recommendations of the Borough Planning Committee and the various other individuals and agencies to whom the plan was sent for review and comment. As a result of their review, Borough

Council may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

(3) The decision of Borough Council concerning the plan shall be in writing and shall be communicated to the developer not later than 5 days following the meeting at which the decision is made but within the 90-day time limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this Chapter. Copies of the decision shall be sent to the Borough Planning Committee and Zoning Officer.

(4) Failure of Borough Council to render a decision and communicate it to the developer within the time and in the manner required by this Chapter shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.

(5) Before any final plan is approved, the developer shall either install all the required improvements or shall provide for deposit with the Borough a corporate bond or other security acceptable to the Borough pursuant to the provisions of §22-308 of this Chapter.

(6) Failure to initiate any construction or development of the proposed subdivision or land development within 3 years following the approval of a final plan by the Borough shall make the approval of the plan null and void unless an extension of time has been requested in writing by the developer and a written approval granted by the Borough.

D. Recording of Plan.

(1) Upon approval of a final plan by the Borough, the developer shall record the record plan in the office of the County Recorder of Deeds within 90 days. No plan shall be recorded unless it has been officially approved by the Borough.

(2) If the plan is not recorded within 90 days the approval by the Borough shall be null and void unless an extension of time is granted by Borough Council upon request from the developer.

(Ord. 6/6/1977, §307)

§22-308. Performance Bonds and Escrow Deposits.

1. No final plan shall be approved by Borough Council until the improvements required by this Chapter are constructed in a satisfactory manner and approved by Borough Council. In lieu of such construction, Borough Council may grant final approval prior to completion providing:

A. The developer enters into an agreement with Borough Council guaranteeing that the improvements will be installed in accordance with the plans, specifications, and schedule approved by Borough Council. This agreement shall also guarantee that no lot will be sold or building constructed in any floodprone area prior to completion of all protective works or measures planned for such lot and necessary access facilities.

B. Simultaneous with the execution of the agreement specified in paragraph

.A above, the developer offers a fiscal surety to guarantee performance of this agreement and installation of improvements by the developer/owners at their own expense in accordance with the approved plans, specifications, and schedules. The surety bond shall be for 125 percent of the amount of the estimated costs as determined by the Borough Engineer. The surety agreement shall be conditioned upon final approval of the plat. The bond shall be offered by the developer, his agent or an authorized bonding firm. The bond shall consist of a certified check, escrow account, or irrevocable letter of credit in favor of Borough Council.

2. All such improvements shall be completed within 2 years of final plan approval. An extension in time for the completion of improvements may be granted at the option of the Borough for a period not to exceed 1 year.

3. During the time improvements are being completed, building permits may be issued, except for flood-prone areas. However, no certificate of occupancy shall be issued until all such improvements are completed and dedicated to the Borough.

4. Prior to offering any improvement to the governing body, the developer shall furnish a written guarantee (release of liens) that all indebtedness incurred for supplies, material, labor furnished, or engineering and professional services in the construction or improvements shall have been paid in full and that there are no claims for damage or suits against the contractor involving such improvements.

(Ord. 6/6/1977, §308)

§22-309. Maintenance Bonds and Escrow Deposits.

1. The developer, prior to the dedication of any improvements, shall file a maintenance bond or escrow deposit with the Borough. The amount of such surety shall be equal to 20 percent of the cost of the improvements and may be held for a period of 12 months after final completion of such improvements for the purpose of:

A. Guaranteeing and securing the correction of any defect in material or workmanship not discernible at the time of final inspection or acceptance by the governing body.

B. Guaranteeing against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

2. Such agreement shall provide that the surety may be applied by Borough Council for any amounts incurred correcting such defects. The balance shall be returned by the governing body to the depositor, or paid to the order of the depositor without payment of interest by the governing body.

(Ord. 6/6/1977, §309)

§22-310. Final Plan Specifications.

The final plan submission shall consist of the following:

A. The plan, to be drawn on tracing cloth or linen or other suitable reproducible material of equal quality, 17 inches by 22 inches in size and at a scale of not less than 1 inch equals 10 feet nor more than 1 inch equals 100 feet showing the following:

- (1) Name and address of developer.

- (2) Proposed name of development.
- (3) North arrow, scale and date.
- (4) Name of registered engineer or surveyor responsible for the plan.
- (5) A location map showing the vicinity in which the proposed subdivision is located.
- (6) Primary control points approved by the Borough Engineer or description and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.
- (7) Tract boundary lines, rights-of-way lines of streets, easements, and other rights-of-way, and all property lines, with accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves.
- (8) Name and right-of-way width of each street or other right-of-way.
- (9) Location, dimensions, and purpose of all easements.
- (10) Number to identify each lot or site and street numbers of lots.
- (11) Purpose for which sites other than residential lots are dedicated or reserved.
- (12) Building setback lines on all lots and other sites.
- (13) Names of record owners of adjoining unplatted land.
- (14) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (15) Certification by registered engineer or surveyor attesting to the accuracy of the survey and plan.
- (16) Certification of title showing that the developer is the owner of the land or agent of the land owner.
- (17) Statement by owner dedicating streets, right-of-way and any sites for public use which are to be dedicated.
- (18) Proposed protective covenants running with the land, if any.
- (19) The location and types of erosion and sedimentation control, if any.

B. *Accompanying Data.*

- (1) All information required for the submission of the preliminary plan incorporating any changes requested by Borough Council.
- (2) Cross-section drawings for all proposed streets, showing right-of-way, cartway widths and location of sidewalks and planting strips.
- (3) Profile drawings of all proposed streets, showing existing and proposed, grades.
- (4) Plans and profiles of proposed sanitary and storm sewers including grades and pipe sizes may be required as may also the plans for any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
- (5) Final plans for any bridges, culverts, etc., which may be required.
- (6) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed in any flood-

prone areas. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the floodprone area.

(7) Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Borough Council.

(Ord. 6/6/1977, §310)

Part 4**Design Standards****§22-401. General Standards.****1. Standards Applicable to All Areas.**

A. A subdivision must be coordinated with existing development in the neighborhood so the entire area will be developed harmoniously.

B. In all subdivisions, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation by the Borough. Examples of such features would include, but not be limited to, large trees or stands of trees, watercourses, historic areas and structures, and scenic views. To insure the protection of such features, the Borough may require the following additional information to be submitted:

(1) A grading plan showing the existing and proposed ground elevations relative to the features.

(2) The accurate location of the features to be protected.

(3) An explanation of the precautions to be taken by the developer to protect such features.

C. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type of development the site may accommodate.

D. In areas of a subdivision where the average slope exceeds 15 percent, the Borough may recommend modifications to these regulations.

E. Where the lots in a subdivision are large enough for resubdivision or where a portion of the tract is not subdivided, suitable access to these areas shall be provided.

2. Additional Standards for Flood-Prone Areas.

A. Where not prohibited by this or any other laws or ordinances, land located in floodprone area(s) may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

B. No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the regulatory flood elevation more than 1 foot at any point.

C. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area if the sites or dwelling units are elevated to a height at least 1½ feet above the elevation of the regulatory flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of

at least 10 feet beyond the limits of the proposed structures.

D. Building sites for structures or buildings other than for residential uses are not permitted in any floodway area. Such sites for structures or buildings outside the floodway shall be protected as provided for in paragraph .B above. However, the governing body may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation less than 1½ feet above the regulatory flood if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.

E. If the Borough Council determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

F. When a developer does not intend to develop the plat himself and the Borough Council determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(Ord. 6/6/1977, §401)

§22-402. Street Design.

1. *General.*

A. The location and width of all streets shall conform to any official map or comprehensive plan or to, such parts thereof as may have been adopted by the Borough and/or County.

B. The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.

C. Where, in the opinion of the Borough Council, it is desirable to, provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.

D. New minor streets shall be designed so as to discourage through traffic, but the developer shall give adequate consideration to providing for the extension and continuation of major and collector streets into and from adjoining properties.

E. Where a subdivision abuts an existing street of improper width or alignment, the Borough Council may require the dedication of land sufficient to widen the street or correct the alignment.

F. Private streets (streets not offered for dedication) shall meet the design standards of these regulations.

2. *Streets in Flood-Prone Areas.* The finished elevation of proposed streets shall be no more than 2 feet below the regulatory flood elevation. The Borough Council may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

3. *Alleys.* Alleys shall be prohibited except where found to be necessary.

4. *Intersections.*

A. *Number of Streets.* No intersection shall involve the junction of more than two streets.

B. *Angle of Intersection.* Right-angle intersections shall be used wherever possible. In no instance, however, shall streets intersect at an angle of less than 75 degrees.

C. *Intersection Grades.* Maximum grade within any intersection shall not exceed 1 percent in any direction and approaches shall follow a straight line for a distance of at least 100 feet from the intersection with maximum grades not to exceed 5 percent.

D. *Intersection Sight Distance.* Proper sight lines shall be provided and maintained at all intersections. Measured along the street centerline, there must be a clear sight triangle of 75 feet. Where either of the two streets is a collector street a clear sight triangle of 100 feet shall be required and where either of the two streets is an arterial a clear sight triangle of 150 feet shall be required. No building, structure or other visual obstruction shall be located within this triangular area.

E. *Intersection Curve Radii.* Design of curb or edge of pavement must take into account such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb or edge of pavement be less than the following:

Intersection	Curve Radius
Minor with minor street	15 feet
Minor with collector	25 feet
Collector with collector	35 feet

F. *Distance Between Intersections.* Minor and collector streets shall not intersect arterial streets on the same side at less than 800-foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two streets that intersect another from opposite sides cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersecting centerlines.

5. *Streets Not in Alignment.* If streets are not in alignment, the distance between the centerlines of streets opening on opposite sides of an existing or proposed street shall be no less than 150 feet.

6. *Sight Distance.* Sight distance must be provided with respect to both horizontal and vertical, alignment. Measured along, the centerline, 4½ feet above grade, this sight distance must be as follows:

- A. Collector street equals 200 feet.
- B. Minor street equals 100 feet.

7. *Curves.* Where connecting street lines deflect from each other at any one point by more than 10 degrees, the line must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

- A. Collector street equals 300 feet.

B. Minor street equals 150 feet.

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least 100 feet between reverse curves.

8. *Street Widths.*

A. Minimum street right-of-way and cartway widths shall be as follows:

	Right-of-Way	Cartway
Arterial streets	as determined by the Borough Council after consultation with the Pennsylvania Department of Transportation	
Collector streets	60 feet	36 feet
Minor streets	50 feet	30 feet
Cul-de-sac	50 feet	30 feet
Marginal access	40 feet	22 feet
Alley or service drive	20 feet	20 feet

B. Provision for additional street width (right-of-way, cartway or both) may be required when determined to be necessary by the Borough Council in specific cases for:

- (1) Public safety and convenience.
- (2) *On-Street Parking.* An additional 8 feet shall be required for each lane of on-street parking; i.e., two lanes of on-street parking is 16 feet.
- (3) Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

9. *Cul-de-Sac Streets.* Cul-de-sac streets designed to be so permanently shall not exceed 500 feet in length and shall be provided with a paved turnaround having a minimum diameter of 70 feet and a legal right-of-way of 100 feet in diameter, except in nonresidential areas where cul-de-sac streets may exceed 500 feet in length when, under special circumstances, the Borough Council deems such additional length necessary. In residential areas, cul-de-sacs may not serve more than 20 single-family dwelling units:

10. *Street Grades.*

A. The minimum grade of all streets shall not be less than 0.5 percent. The maximum grade shall be as follows:

- (1) *Arterial Streets.* As determined by the Borough Council after consultation with the Pennsylvania Department of Transportation.
- (2) *Collector Streets.* Seven percent.
- (3) *Minor Streets.* Ten percent.
- (4) *Alleys.* Ten percent.

B. Vertical curves shall be used in changes of grade when the difference exceeds 1 percent and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7 percent, such leveling areas shall have a minimum length of 60 feet (measured from the intersection of the centerlines) within which, no grade shall exceed a maximum of 4 percent.

11. *Slope of Banks Along Streets.* The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:

A. One foot of vertical measurement for 3 feet of horizontal measurement for fills.

B. One foot of vertical measurement for 2 feet of horizontal measurement for cuts.

12. *Partial and Half-Streets.* The dedication of half-streets at the perimeter of new subdivisions is prohibited.

13. *Names of Streets.* Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as “lane,” “way,” “drive,” “court,” or “avenue.” In approving the names of streets, consideration should be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.

14. *Reserve Strips.* Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in the Borough under conditions approved by the Borough. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

(Ord. 6/6/1977, §402)

§22-403. Blocks.

1. *General.* The length, width and shape of blocks shall be determined with due regard for:

A. The provision of adequate sites for buildings of the type proposed.

B. Topography.

C. Any other codes, plans or ordinances.

D. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

2. *Block Length.* The length of blocks shall not exceed 1600 feet or be less than 800 feet.

3. *Pedestrian Crosswalks.* Where blocks exceed 1,000 feet in length pedestrian rights-of-way of not less than 10 feet in width shall be provided where needed for adequate pedestrian circulation. Paved walks of not less than 5 feet shall be placed within the right-of-way.

4. *Block Depth.* Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

A. Where reverse frontage lots are required along a major street.

B. Where presented by the size, topographical conditions or other inherent

conditions of property, in which cases the Borough Council may approve a single tier of lots.

5. *Commercial and Industrial Blocks.* Blocks in commercial and industrial areas may vary from the elements of design detailed above, if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers, as required by the Dauphin Borough Zoning Ordinance [Chapter 27].

(*Ord. 6/6/1977, §403*)

§22-404. Lots.

1. *General.*

A. The size, shape and orientation of lots shall be appropriate for the type of development use contemplated. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

B. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

C. Generally, the depth of residential lots shall be not less than 1 nor more than 2½ times their width.

D. Depth and width of parcels intended for nonresidential areas shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

E. If, after subdividing, there exists remnants of land, they shall be either incorporated in existing or proposed lots, or legally dedicated to public use, if acceptable to the municipality.

2. *Lot Frontage.*

A. All lots shall front on a public street, or on a private street if it meets the requirements of these regulations.

B. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation or location.

C. All residential reverse frontage lots shall have a planting screen easement of at least 20 feet in width across which, there shall be no right of access.

3. *Lot Dimensions.* See the Dauphin Borough Zoning Ordinance [Chapter 27].

4. *Soils Evaluations for Individual Sewage System Permits.*

A. The developer shall arrange for soils evaluation tests to be made on all lots not served by sanitary sewers.

B. Soils evaluation tests shall be conducted in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. [*Ord. 2012-03*]

C. The results of these soil evaluation tests shall be submitted to the Borough Council in a report signed by the developer and by the Pennsylvania Department of Environment Protection. [*Ord. 2012-03*]

D. From the results of these tests, the lot size shall be established large

enough to provide for the specified minimum area required for the absorption fields as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as designated in the Dauphin Borough Zoning Ordinance [Chapter 27].

E. The approval of the Borough Council will not be given to a subdivision where on-lot sewage disposal is to be provided, unless the size of lots and the disposal system conforms to the requirements of the standards indicated in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection, but in no case shall the lot site be less than as designated in the Dauphin Borough Zoning Ordinance [Chapter 27]. [Ord. 2012-03]

5. *Lot Sizes on Slopes.* The minimum lot area established shall be increased in accordance with the Borough Council's requirements, based on reports from the Pennsylvania Department of Environmental Protection and the Soil Conservation Service indicating that, because of slope or surface runoff, subsurface drainage of septic tank effluents are likely to result in hazardous conditions. [Ord. 2012-03]

6. *Wedge-Shaped Lots.* In the case of wedge-shaped lots, no lot shall be less than 50 feet in width measured along the arc at the front street right-of-way line.

7. *Corner Lots.* Corner residential lots, must have enough extra width to permit appropriate setbacks from both streets.

8. *Building Setbacks.* Refer to the Dauphin Borough Zoning Ordinance [Chapter 27].

9. *Side and Rear Yard Setback Requirements.* Refer to the Dauphin Borough Zoning Ordinance [Chapter 27].

10. *Off-Street Parking.* Refer to the Dauphin Borough Zoning Ordinance [Chapter 27].

11. *Access Drives.*

A. *Width.* Within 10 feet of a street right-of-way line, an access drive may not exceed 35 feet in width.

B. *Number.* The number of access drives may not exceed two per lot on any street frontage.

C. *Offsets.* An access drive may not cross a street right-of-way line:

(1) Within 40 feet of the right-of-way line of an intersecting street.

(2) Within 15 feet of a fire hydrant.

(3) Within 40 feet of another access drive on the same property.

D. *Sight Distance.* An access drive must be located in safe relationship to sight distance and barriers to vision.

E. *Slope and Cuts.* An access drive may not exceed a slope of 5 percent within 25 feet of the street right-of-way lines; where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point the drive intersects the street right-of-way.

(Ord. 6/6/1977, §404; as amended by Ord. 2012-03, 12/4/2012)

§22-405. Easements.

1. The minimum width of easements shall be 15 feet for underground and overhead public utilities and drainage facilities.
2. Wherever possible, easements for public utilities shall be centered on side or rear lot lines.
3. All utilities shall be installed underground unless conditions require otherwise.
(*Ord. 6/6/1977, §405*)

Part 5**Improvement and Construction Requirements****§22-501. Monuments and Markers.**

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in concrete.

A. Monuments.

(1) Monuments shall be set:

(a) At the intersections of all right-of-way lines.

(b) At the intersection of lines forming angles in the boundaries of the subdivision.

(c) At such intermediate points as may be required by the engineer.

(2) Monuments shall be 6 inches square or 4 inches in diameter, 30 inches long and made of concrete, stone or by setting a 4-inch cast iron or steel pipe filled with concrete.

B. Markers.

(1) Markers shall be set:

(a) At all lot corners except those monumented.

(b) Prior to the time the lot is offered for sale.

(2) Markers shall be $\frac{3}{4}$ of an inch square or $\frac{3}{4}$ of an inch in diameter, 15 inches long. Markers shall be made of iron pipe or iron or steel bars.

(Ord. 6/6/1977, §501)

§22-502. Streets.

1. Street improvements shall be installed to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the developer and approved by the Borough Council. Before installing the street base the developer shall install all required utilities and provide, where necessary, adequate stormwater drainage for the street acceptable to the Borough Council.

2. All street construction shall be in accordance with Borough specifications.

3. The Borough Council shall decide if a collector or arterial street is required as a direct result of the construction of the development.

(Ord. 6/6/1977, §502)

§22-503. Sewers and Water.

1. All properties shall be connected to a public sanitary sewer system when possible.

2. Where a public sanitary sewer system is not accessible but is planned within

5 years for extension to the development or within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the limits of the development and the laterals shall be capped at the street right-of-way. When capped sewers are provided, on-site disposal facilities shall also be provided.

3. Where connection to a public sanitary sewer system is not possible or feasible, an approved individual sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system shall be permitted. All such individual sewage disposal systems shall be constructed in accordance with Pennsylvania Department of Environmental Protection regulations. [*Ord. 2012-03*]

4. All sanitary sewer systems located in floodprone areas, whether public or private, shall be floodproofed up to a point 1 foot above the regulatory flood elevation. The Borough Council may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding or unsuitable soil characteristics. The Borough Council may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

5. Where a water main supply system is within 1,000 feet of, or where plans approved by the municipality provide for the installation of such public water facilities within 5 years, the developer shall provide the development with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with the Borough's specifications.

6. If connection to a public water supply system is not possible, the feasibility of constructing a separate water supply system shall be investigated and a report submitted setting forth the findings.

7. Where neither of the above alternatives are possible or feasible, an individual water supply system shall be permitted. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Environmental Protection. [*Ord. 2012-03*]

8. All water systems located in flood-prone areas, whether public or private, shall be floodproofed to a point 1 foot above the regulatory flood elevation.

(*Ord. 6/6/1977, §503; as amended by Ord. 2012-03, 12/4/2012*)

§22-504. Storm Drainage.

1. Whenever the evidence available to the Borough Council indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities as necessary to:

- A. Permit the unimpeded flow of natural water courses.
- B. Insure the drainage of all low points along the line of streets.
- C. Intercept stormwater runoff along streets at intervals reasonable related to the extent and grade of the area drained.
- D. Provide positive drainage away from on-site disposal facilities.

2. The Borough Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger,

less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.

A. *Accommodation for Upstream Drainage Areas.*

(1) *Design.* Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being developed but also from the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.

(2) *Construction.*

(a) If any property at a higher elevation is the property of the developer, or if the developer has any interest in such property, drainage facilities shall be constructed to handle the anticipated peak discharge from such property.

(b) If the developer neither owns nor has any interest in any property at a higher elevation, the Borough may, at its option, participate financially in the construction of drainage facilities to upgrade any portion or portions of such facility necessary to meet design specifications in excess of those required of the developer, but necessary to handle the anticipated peak discharge from property at a higher elevation.

B. *Downstream Drainage Areas.*

(1) *Adequate Existing Facilities.* Where adequate existing storm sewers are readily accessible, the developer must connect his storm facilities to these existing storm sewers.

(2) *Inadequate Existing Facilities.* Where existing storm sewers at a lower elevation are inadequate to handle the peak discharge from a proposed development, the developer shall bear the cost of upgrading the drainage facilities at the lower elevation.

C. *Abutting Properties.*

(1) In the design of storm drainage facilities, special consideration must be given to preventing excess runoff on to adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would:

(a) Result in increasing any portion of the slope steeper than 1 foot of vertical measurement for 3 feet of horizontal measurement for fills, or 1 foot of vertical measurement for 2 feet of horizontal measurement for cuts within a distance of 20 feet from the property line unless an adequate retaining wall or other structure is provided.

(b) Result in a slope which exceeds the normal angle of slippage of the material involved.

(2) All slopes must be protected against erosion.

D. *Drainage Upon and On Streets.*

(1) *Upon Streets.* In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

(a) With established street grade.

(b) With the existing street grade where none is established.

(2) *On Streets.* A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of a crown on a street shall not be less than $\frac{1}{8}$ of an inch per foot and not more than $\frac{1}{3}$ of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept runoff.

(Ord. 6/6/1977, §504)

§22-505. Curbs and Gutters.

1. Wherever a proposed subdivision or land development shall average three or more lots per gross acre included in the subdivision, or where any subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded development having curbs, curbs shall be installed on each side of the street. The type of curbing (rolled or vertical) to be installed shall be determined by the Borough Council.

2. All curbing shall be constructed in accordance with Borough specifications.

3. In areas where curbing is not required, suitable gutters or swales shall be installed to avoid erosion.

4. Curb cut ramps for handicapped persons shall be installed at all crosswalks, where feasible.

(Ord. 6/6/1977, §505)

§22-506. Sidewalks.

Wherever a proposed development shall average three or more lots per gross acre included in the immediate development, or where any development is immediately adjacent to or within 1,000 feet of any existing or recorded development having sidewalks, sidewalks shall be installed on each side of the street in accordance with the Borough's specifications. The Borough Council may require installation of sidewalks in any development where the evidence indicates that sidewalks are necessary for the public safety.

A. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.

B. Sidewalks must be at least 4 feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least 5 feet wide and located within the street right-of-way.

C. Sidewalks shall be constructed according to Borough specifications.

(Ord. 6/6/1977, §506)

§22-507. Street Lights.

A street light meeting Borough specifications, shall be installed at one corner of every intersection.

(Ord. 6/6/1977, §507)

§22-508. Street Signs.

Street name signs shall be placed at one corner of every intersection. The design

must be according to Borough specifications.

(Ord. 6/6/1977, §508)

§22-509. Public Utilities and Facilities.

Public and/or private utilities and facilities shall be elevated or floodproofed to a point 1 foot above the regulatory flood elevation.

(Ord. 6/6/1977, §509)

§22-510. Street Trees.

1. Shade trees shall be planted by the developer at intervals of between 50 feet and 70 feet along both sides of all streets of the development. The trees shall be located between the sidewalk and building setback line and at least 5 feet from the sidewalk. No trees shall be planted between the sidewalk and curb. Each tree shall be at least 8 feet in height and have a diameter of at least 1½ inches.

2. The following is a list of preferred trees which may be used:

Acer platanoides (and vars.)	Norway Maple
Acer pseudoplatanus	Sycamore Maple
Acer saccharum	Sugar Maple
Faxinus Pennsylvania lanceolata	Green Ash
Gleditsia triacanthos inermis "Moraine"	Moraine Locust
Platanus acerifolia	London Planetree
Quercus borealis	Red Oak
Quercus coccinea	Scarlet Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Sassafras albidum	Sassafras
Tilia cordata	Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia europaea	European Linden
Tilia tomentosa	Silver Linden
Zelkova serrata	Japanese Zelkova

3. The use of any tree other than those listed above will require the approval of the Borough Council.

(Ord. 6/6/1977, §510)

§22-511. Installation and Completion of Improvements.

1. Before starting any construction or installation of improvements, the developer shall notify the Borough of his intention to initiate such work. The Borough shall authorize the Borough Engineer to monitor and inspect the installation of improvements during their construction. When the developer has completed all of the necessary and appropriate improvements, he shall notify Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. Borough Council shall within 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 Borough Council, 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 30 days after receipt by the Borough Engineer of the aforesaid authorization from 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 portions thereof shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2. Borough Council shall notify the developer, in writing, by certified or registered mail, of the action of said Borough Council with relation thereto.

3. If Borough Council or the Borough 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 or other security agreement.

4. If any portion of the said improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(Ord. 6/6/1977, §511)

§22-512. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed in accord with the approved final plan, Borough Council is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. 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, Borough Council may, at its option, install part of such improvements in all or part of the 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 either 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 purpose.

(Ord. 6/6/1977, §512)

§22-513. Dedication of Improvements.

Upon installation by the developer and subsequent inspection by the Borough Engineer, the developer shall take final steps to dedicate the improvements and have them accepted by the Borough. The recording of the final plan, following approval by

Borough Council has the effect of an irrevocable offer to dedicate all streets and other public ways and areas to public use. The offer, however, does not impose any duty on the Borough concerning maintenance or improvement until the proper authorities of the Borough have made actual acceptance, either by ordinance or by resolution.

(Ord. 6/6/1977, §513)

§22-514. Private Streets.

Wherever a developer proposes to establish a street which is not offered for dedication, he shall submit a copy of a statement signed by the Borough Solicitor that he has made an agreement on behalf of his heirs and assigns with the Borough. Said agreement shall be subject to the Borough Solicitor's approval and shall be filed with the development plan. Said agreement shall establish the conditions under which the street or streets may later be offered for dedication and shall stipulate among other things:

- A. That the street shall be in a good state of repair as certified by the Borough Engineer, or that the owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to a good state of repair.
- B. That an offer to dedicate the street shall be made only for the street as a whole.
- C. The method of assessing repair costs.

(Ord. 6/6/1977, §514)

§22-515. Dedication of Lands for Local Recreation and Other Public Use.

Where a proposed park, playground, open space, school or other public site is shown on the Borough Comprehensive Plan, the developer may be requested to dedicate all or part of such a site in accordance with the following:

- A. The land to be dedicated must be suitable in size, shape, topography and general character for the proposed use.
- B. The amount of land requested for the dedication may not exceed 0.02 acres of land for each lot or number of dwelling units shown on the final plan.

(Ord. 6/6/1977, §515)

§22-516. Water Areas.

In a development abutting a significant water body, Borough Council, upon consultation with the Planning Committee, may request the dedication or reservation of up to 20 percent of the land abutting the shore for public use.

(Ord. 6/6/1977, §516)

§22-517. Reservations.

On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation, said period of time not to extend more than 18 months without consent of the developer. Such reservations shall be noted on the final plan.

(Ord. 6/6/1977, §517)

Part 6**Fees****§22-601. Fees.**

1. The following fees shall be paid by the developer to the Borough at the times specified.

A. A filing fee, in an amount as established from time to time by resolution of Borough Council, at the time the preliminary application is submitted for approval. [*Ord. 2012-03*]

B. An engineering fee in the amount determined by the Borough Engineer on the basis of the preliminary plan to cover such costs as:

- (1) Reviewing the plan for conformance the provisions of the codes and ordinances of the Borough.
- (2) Site inspections for conformance to survey:
- (3) Preparing cost estimates of required improvements.

Such fee shall be sufficient to cover the costs of all necessary engineering reviews. Failure to pay such fee after notification of costs, but within 85 days of plan submission, shall constitute grounds for denial of preliminary plan approval.

C. An inspection fee in the amount estimated by the Borough, Engineer for:

- (1) Inspection of required improvements during installation.
- (2) Final inspection of required improvements.

Such fee shall be paid at the time the final plan is submitted for approval. All fees shall be in the form of a certified check or money order and payable to the Borough.

2. A fee shall be paid by the developer to the County to cover the cost of County review of the preliminary plan. Such fee shall be paid at the time the preliminary plan is submitted for approval and shall be in the form of a certified check or money order payable to the County.

(*Ord. 6/6/1977, Art. VI; as amended by Ord. 2012-03, 12/4/2012*)

Part 7**Variances****§22-701. General.**

If any portion of this Chapter is shown by the developer to be unreasonable of application, or such as to cause undue hardship not of his own making in the special conditions of his proposed development, the Borough may grant a variance from the literal requirements of such provision; provided, that such variance will not be contrary to the public interest, that justice will be done, and that the purpose and intent of this Chapter is observed.

(Ord. 6/6/1977, §701)

§22-702. Procedure.

1. Any request for a variance shall be in writing and shall accompany and be a part of the submission of the plan, preliminary and/or final, to which it refers. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of this Chapter involved, and the exact variance therefrom which is requested.

2. All proposals for variance from the provisions of this Chapter, whether requested by the developer or deemed necessary by Borough Council shall be reviewed and a recommendation made by the Planning Committee.

3. All proposals for variance from the provisions of this Chapter shall be reviewed by and shall have effect only when approved by Borough Council.

4. A record of the action on all variances from the provisions of this Chapter shall appear in the official minutes of the Borough Council.

(Ord. 6/6/1977, §702)

Part 8**Administration, Enforcement and Penalties****§22-801. Administration and Enforcement.**

1. The Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this Chapter, as specified or implied herein.

2. Permits required by the Borough for the erection or alteration of buildings in a development, the installation of sewers or sewage disposal systems, or for other appurtenances to or use of the land shall not be issued by any Borough official until he has ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded in accordance with the provisions of this Chapter.

3. The Borough Building Inspector shall require that application for building permits contain all the necessary information, and he shall not issue any building permit until he determines that the site and plan for the proposed building, alteration or other improvement is acceptable and in accordance with the provisions of this Chapter.

(Ord. 6/6/1977, §801)

§22-802. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the 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 magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. 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.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction in proceedings brought under this Section.

(*Ord. 6/6/1977, §802; as amended by Ord. 2012-03, 12/4/2012*)

§22-803. Preventive Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. 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.

C. 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.

D. 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.

3. 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.

(*Ord. 6/6/1977; as added by Ord. 2012-03, 12/4/2012*)

§22-804. Other Actions.

Nothing herein shall prevent Borough Council from taking such other action necessary to prevent or remedy any violation.

(*Ord. 6/6/1977, §804*)

§22-805. Appeals.

The decision of the Borough Council with respect to approval or disapproval of plans may be appealed directly to court by any party or officer or agency of the Borough. Such appeal shall be filed not later than 30 days following the date of the decision being appealed.

(*Ord. 6/6/1977, §805*)

Part 9**Mobile Home Park Provisions****§22-901. General.**

This Part contains provisions setting forth minimum standards for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities. Provisions are also included authorizing the issuance of permits for such construction, alteration and extension of mobile home parks, the licensing of those who operate mobile home parks; the inspection of mobile home parks by authorized Borough officials; and the fixing of penalties for the violation of any of these provisions.

(Ord. 6/6/1977)

§22-902. Definitions.

License—written approval, in whatever form as issued by the Borough of Dauphin annually, authorizing a person to operate and maintain a mobile home park.

Mobile home—a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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 or 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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile home park—a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

Person—any individual, firm, trust, partnership, public or private association or corporation, or other entity.

Recreational vehicle—a vehicle without motive power which may be towed on the public highways by a passenger automobile without a special hauling permit and which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously known as a “travel trailer” or a “camping trailer.”

Service or recreational building—a structure housing operational officer recreational park maintenance and other facilities built to conform to required local standards.

(Ord. 6/6/1977, §901)

§22-903. Permits for Mobile Home Park Construction, Alteration or Extension.

1. *Permits Required.* It shall be unlawful for any person to construct, alter or

extend any mobile home park within the limits of Dauphin Borough unless a valid permit has been issued by the Pennsylvania Department of Environmental Protection, in the name of such person for the specific construction, alteration or extension proposed, and also a permit issued by the Borough. [Ord. 2012-03]

2. *Application to the Pennsylvania Department of Environmental Protection.* All applications for permits shall be made by the owner of the mobile home park or his authorized representative to the Pennsylvania Department of Environmental Protection in accordance with their rules and regulations. [Ord. 2012-03]

3. *Application to Borough Concerning Mobile Home Parks.* Copies of the application submitted to the Pennsylvania Department of Environmental Protection shall be concurrently filed with the Borough Secretary. Such application shall be accompanied by a plan at a scale not smaller than 1 inch equaling 50 feet and containing the following information: [Ord. 2012-03]

A. All information as required by the Pennsylvania Department of Environmental Protection. [Ord. 2012-03]

B. Name of mobile home park.

C. Name and address of owner of record and/or applicant.

D. Name of engineer, surveyor or other qualified person preparing plan.

E. North arrow, scale and date of plan preparation.

F. Location map.

G. Site data:

(1) Number of mobile home lots.

(2) Total number of acres.

(3) Number of lots/acre.

(4) Zoning district.

(5) Number of off-street parking spaces.

H. Topography showing existing and proposed contours at intervals of 2 or 5 feet, depending upon the slope of the land.

I. The location of any existing bodies of water or water sources; floodplain areas, tree masses, buildings or structures, public facilities and any other man-made, or natural features within or near the proposed mobile home park area.

J. A storm drainage plan.

K. Existing and proposed property, lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas and the location of all utilities and easements.

L. Location and dimension of all mobile home stands.

M. The location of all existing and proposed streets with information concerning pavement widths, types of paving and street names.

N. Typical cross-sections of all streets.

O. Street centerline profiles.

P. Location of all off-street parking areas.

- Q. Location and dimension of all pedestrian ways and sidewalks.
- R. Location of proposed recreation areas.
- S. Location of all plantings and landscaping.
- T. Location, dimensions and proposed use of all service and accessory structures.
- U. Location and type of all fire extinguishers and waste containers.
- V. Location of bench mark and datum used.
- W. Location of proposed monuments and markers.
- X. Engineer's or surveyor's seal with certification that survey and plan are correct.
- Y. Block for approval by Planning Committee.
- Z. Block for approval by Borough Council.

4. *Review of Plans and Issuance of Permit.*

A. With the exception of §22-307.3.D, "Recording of Plan," §22-306, "Preliminary Plan Specifications," and §22-310, "Final Plan Specifications," the procedures to be followed in reviewing proposed plans which have been submitted to the Borough for approval, shall be the same as those contained in Part 3 of this Chapter.

B. At the time a final plan is approved, Borough Council shall authorize the Zoning Officer to issue a permit to the applicant.

5. *Fees.* Each application for a permit shall be accompanied by a fee in accordance with the provisions of Part 6 of this Chapter.

(*Ord. 6/6/1977, §902; as amended by Ord. 2012-03, 12/4/2012*)

§22-904. Registration and Licensing.

1. *License Required.* It shall be unlawful for any person to operate any mobile home park within the limits of the Borough unless he holds a certificate of registration issued annually by the Pennsylvania Department of Environmental Protection, and a license issued annually by the Borough. [*Ord. 2012-03*]

2. *Renewal Licenses.* Annual licenses shall be issued by the Borough Zoning Officer upon the furnishing of proof by the applicant that his park meets the standards prescribed by the Pennsylvania Department of Environmental Protection and this Chapter. [*Ord. 2012-03*]

3. *Application to Borough for License.* Applications for initial or renewal licenses to operate a mobile home park shall be made, in writing, to the Borough Zoning Officer using a form furnished by the Borough. All such applications shall be accompanied by a fee, in an amount as established from time to time by resolution of the Borough Council and, shall contain any change in the information submitted since the original license was issued or latest renewal issued. [*Ord. 2012-03*]

4. *Transfer of Ownership.* Every person holding a certificate and/or license shall file a written notice to the Pennsylvania Department of Environmental Protection and the Borough Zoning Officer within 10 days after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. If the certificate

of registration and/or license is transferred by the Pennsylvania Department of Environmental Protection, proof of such transfer shall be furnished to the Borough Zoning Officer. [Ord. 2012-03]

5. *Suspension.* Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provisions of this Chapter; or of any regulations adopted pursuant thereto, the Borough Zoning Officer shall give written notice to the person to whom the certificate of registration and license was issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Borough shall be suspended. At the end of such period, such mobile home park shall be inspected and if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the Zoning Officer shall suspend the license and give notice, in writing, of such suspension to the person to whom the certificate and license is issued.

(Ord. 6/6/1977, §903; as amended by Ord. 2012-03, 12/4/2012)

§22-905. Inspections of Mobile Home Parks.

The Borough Zoning Officer or other authorized Borough representative may inspect a mobile home park periodically to determine compliance with this Chapter. As a result of such inspection, the Zoning Officer may give notice for any violations of this Chapter.

(Ord. 6/6/1977, §904)

§22-906. Park Construction Requirements.

1. *Minimum Park Area.* A mobile home park shall have a gross area of at least 4 acres.

2. *Site Location.* The location of all mobile home parks shall comply with the following minimum requirements:

A. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

B. Not subject to flooding.

C. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.

3. *Site Drainage.*

A. The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the unimpeded flow of natural water courses and to insure the adequate drainage of all locations within the park.

B. A drainage plan shall be prepared and submitted for review and approval, by the Borough prior to the granting of a permit for any mobile home park.

C. All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

4. *Soil and Ground Cover Requirements.*

A. Ground surfaces in all parts of every park shall be paved, covered with stone or other acceptable material, or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

B. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests.

5. *Park Areas for Nonresidential Uses.*

A. No part of any park shall be used for nonresidential purpose's, except such uses that are required for direct servicing, management or maintenance of the park and its residents.

B. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

6. *Setbacks, Buffer Strips and Screening.*

A. Mobile homes shall be located at 60 feet from the center line of any abutting existing or proposed public local street, 70 feet from the center line of any abutting existing or proposed public collector street.

B. There shall be a minimum distance of 25 feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park, street or common parking area or other common areas and structures.

C. Mobile home parks located adjacent to any, industrial or commercial land use shall be required to provide a screen planting (trees, shrubs) along the property boundary line separating the park and such adjacent use.

D. Mobile homes shall be located at least 25 feet from any park property line and at least 10 feet from any side or rear mobile home lot line.

7. *Placement of Mobile Homes.*

A. Mobile homes shall be separated from each other and from other buildings, structures and outdoor living areas by at least 20 feet on all sides.

B. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

C. All mobile homes shall be properly placed upon a mobile home stand and securely fastened to the foundation.

8. *Park Street System.*

A. A safe and convenient vehicular access shall be provided from abutting public streets or roads.

B. The entrance road, or area, connecting the park with a public street or road shall have a minimum pavement width of 36 feet.

C. Other internal streets shall be as follows:

(1) Where parking is permitted on both sides, a minimum width of 36 feet will be required.

(2) A minimum pavement width of 28 feet will be required where parking is limited to one side.

(3) Dead end streets shall be provided at the closed end with a paved

turnaround having an outside diameter of at least 60 feet.

D. Grades of all streets shall be at least 0.5 percent and not more than 8.0 percent.

E. Intersections of more than two streets are prohibited.

F. Within 100 feet of an intersection, streets shall be at approximately right angles. In no case shall streets intersect at less than 75 degrees.

G. If intersecting streets are not in alignment, a distance of at least 125 feet shall be provided between the centerline of the intersecting streets.

H. Minimum curb or edge of pavement radii at intersections shall be as follows:

(1) Minor street with minor street—15 feet.

(2) Minor street with collector street—20 feet.

(3) Collector street with collector street—20 feet.

I. All streets shall be constructed in accordance with Borough specifications.

J. All streets within a mobile home park shall be privately owned and maintained.

9. *Off-Street Parking Areas.* A payed off-street parking space for two motor vehicles shall be provided at each mobile home lot.

10. *Walks.*

A. All mobile home parks shall be provided with pedestrian walks on both sides of the street. Such walks shall be at least 3½ feet in width.

B. All mobile home lots shall be connected to a pedestrian walk with an individual walk at least 2 feet in width.

C. All pedestrian walks shall be constructed of a hard, durable, all-weather material that can be easily maintained, in accordance with Borough specifications.

11. *Mobile Home Lots.*

A. All lots shall abut and be accessible from a park street.

B. Mobile home lots within the park shall have a minimum area of 5,000 square feet and a minimum width of 50 feet frontage.

C. The total number of lots in a park shall not exceed an average density of six per acre.

D. Each mobile home lot shall be improved to provide a hard surfaced mobile home stand and adequate frost-free foundation for the placement of the mobile home unit.

12. *Recreation Areas.*

A. In all mobile home parks a recreation area, or areas, with suitable facilities shall be maintained within the park for the use of all park residents.

B. Land required for such recreation areas shall not be less than 10 percent of the gross area of the mobile home park.

13. *Outdoor Living Area.* An outdoor living and service space shall be provided for each mobile home as follows:

- A. Such space shall be located for privacy, convenience and optimum use.
- B. The minimum size of such space shall be not less than 300 square feet with a least dimension of 15 feet.
- C. A paved or hard surface area shall be provided which shall be at least 100 square feet in area with a least dimension of 10 feet.
- D. Visual barriers such as walls, fences or planting shall be of a size and character to assure reasonable privacy and visual appeal.

(Ord. 6/6/1977, §905)

§22-907. Water Supply.

1. *General.* All mobile home parks shall connect to the public water supply system, and every mobile home, service building, and other accessory facilities shall use water from the public system exclusively.

2. *Individual Connections.*

A. Individual water riser pipes having an inside diameter of no less than ½ inch shall be provided on each mobile home stand and shall terminate no less than 4 inches above the ground level.

B. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.

C. A shut-off valve below the front line shall be provided near the water riser pipe on each mobile home lot.

(Ord. 6/6/1977, §906)

§22-908. Sewage Disposal.

1. *General.* All mobile home parks shall be connected to the public sewerage system, and every mobile home, service building, and other accessory facilities shall use the public sewage system exclusively. All such proposed sewage disposal facilities shall be approved by the Dauphin Borough Sewer Authority.

2. *Individual Connections.*

A. Individual sewer riser pipes having at least a 4-inch diameter shall be located on each mobile home stand and shall extend at least 1 inch above the ground level.

B. Provisions shall be made for plugging the sewer riser pipe when the mobile home lot is unoccupied.

(Ord. 6/6/1977, §907)

§22-909. Electrical Distribution System.

1. *General.* Every park shall contain an electrical wiring system consisting or wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

2. *Power Distribution Lines.*

A. All power lines shall be placed underground at least 18 inches below the ground surface and shall be insulated and specifically designed for such installation. Such lines shall be located not less than 1 foot distance from any other utility line, facility or installation.

B. Meter poles shall have a maximum height of 6 feet.

3. *Individual Electrical Connections.* Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall 120/240 volts AC, 100 amperes.

4. *Required Grounding.* All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for the mobile home or other equipment.

(Ord. 6/6/1977, §908)

§22-910. Service Buildings and Other Community Service Facilities.

1. *Applicability.* The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities as follows:

A. Management offices, repair shops and storage area.

B. Laundry facilities.

C. Indoor recreation areas.

D. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. *Facilities.*

A. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.

B. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

3. *Structural Requirements for Buildings.*

A. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials, and be so constructed as to prevent entrance or penetration of moisture and weather.

B. All rooms containing lavatory facilities shall:

(1) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture-resistant materials.

(2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10 percent of the floor area served by them.

(3) Have at least one window which can be easily opened, or a mechanical device which will adequately, ventilate the room.

C. Toilets shall be located in separate compartments equipped with self-closing doors.

(Ord. 6/6/1977, §909)

§22-911. Refuse Handling.

The storage, collection and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution, and shall comply with all applicable Borough and State regulations.

(Ord. 6/6/1977, §910)

§22-912. Insect and Rodent Control.

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable Borough and State regulations.

(Ord. 6/6/1977, §911)

§22-913. Fuel Supply and Storage.

1. *Natural Gas System.*

A. Natural gas piping systems when installed in mobile home parks, shall be installed and maintained in conformity with the specifications of the company serving the area.

B. Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. *Liquefied Petroleum Gas Systems.* Liquefied petroleum gas systems provided for mobile homes, service buildings and other structures when installed shall be maintained in conformity with any applicable rules and regulations and shall include the following:

A. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

B. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

C. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

D. Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be securely but not permanently fastened to prevent accidental overturning.

E. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are

specially approved by the authority having jurisdiction.

3. *Fuel Oil Supply Systems.*

A. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with any applicable rules and regulations.

B. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

C. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within 5 inches of storage tanks.

D. All fuel storage tanks or cylinders shall be securely placed and shall not be less than 5 feet from any mobile home exit.

E. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 6/6/1977, §912)

§22-914. Fire Protection.

1. *Local Regulations.* The mobile home park area shall be subject to any local fire protection rules and regulations.

2. *Litter Control.* Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

3. *Fire Extinguishers.* Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control and a sufficient number shall be maintained throughout the park in readily accessible and well-marked positions.

4. *Fire Hydrants.*

A. Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the following requirements:

(1) The water supply source shall permit the operation of a minimum of two 1½-inch hose streams.

(2) Each of two nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest point of the park.

B. Fire hydrants, if provided, shall be located within 600 feet of any mobile home, service building or other structure in the park, and shall be installed in accordance with all applicable Borough specifications.

C. The park management shall give the Borough Secretary or other authorized Borough representative free access to all mobile home lots, service buildings and other community service facilities for inspection purposes.

D. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The management shall notify the appropriate officer in accordance with State and local taxation laws of the arrival and departure of each

mobile home.

5. *Removal of Mobile Homes.* No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Borough without first obtaining a permit from the Borough Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of \$2 and real estate taxes assessed against the home and unpaid at time the permit is requested.

(Ord. 6/6/1977, §913)

§22-915. Notices, Hearings and Orders.

1. Whenever the Borough Secretary or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit, certificate or license was issued, as hereinafter provided. Such notice shall: (A) be in writing; (B) include a statement of the reasons for its issuance; (C) allow a reasonable time for the performance of any act it requires; (D) be served upon the owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (E) contain an outline or remedial action which, if taken, will effect compliance with the provisions of this Chapter, or any part thereof, and with the regulations adopted pursuant thereto.

2. *Hearing.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Dauphin Borough Council, provided that such person shall file in the office of the municipal authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Borough Secretary shall set a time, and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified, or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, Borough Secretary may postpone the date of the hearing for a reasonable time beyond such 10-day period when, in his judgement, the petitioner has submitted good and sufficient reasons for such postponement.

3. *Findings and Order.* After such hearing the Borough Council shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in subsection .1(D). Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile park affected by the order shall be revoked.

4. *Record; Appeal.* The proceedings at such a hearing, including the findings and decision of Borough Council, together with a copy of every notice and order related

thereto, shall be entered as a matter of public record in the office of the Borough but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

(Ord. 6/6/1977, §915)

§22-916. Penalties.

Revocation or Suspension of Permit. Upon repeated violations by the same permittee, his right to the issuance of a permit, or to continued operation under a permit, may be suspended for a fixed term or permanently revoked after notice and hearing by Dauphin Borough Council subject to the right of appeal to the Dauphin County Court of Common Pleas.

(Ord. 6/6/1977, §916; as amended by Ord. 2012-03, 12/4/2012)