

Article Six

Improvement Construction Requirements

Section 600. Applicability

The requirements of this Article shall apply to all applicants submitting a Final Plan for subdivision or Land Development in the Township. For additional details regarding these requirements, please refer to the Township's Administrative Guidelines for Subdivision and Land Development Proposals.

Section 601. Completion or Guarantee of Required Improvements

601.1 No Final Plan shall be approved until the applicant has either:

- A. Completed all of the improvements required by the Board of Supervisors for Final Plan approval, in compliance with the requirements of this Ordinance; or
- B. Provided a proper financial guarantee for those improvements, as required by this Article, in compliance with the Pennsylvania Municipalities Planning Code, to cover the estimated costs for completion of those improvements.

601.2 The work completed or guaranteed shall be in strict accordance with the approved plans and the requirements of this Ordinance.

601.3 No lot in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been completed or guaranteed for completion as required herein.

601.4 The applicant shall also guarantee that no lot will be sold or building constructed in any floodplain area except in compliance with the floodplain management requirements of this Ordinance, the Township's Zoning Ordinance, and the Township's Building Code.

Section 602. Financial Security

602.1 In lieu of the completion of improvements required for Final Plan approval, financial security, in an amount sufficient to cover the costs of the improvements, shall be guaranteed to the Township in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code. All improvements for which financial security is being posted shall be completed on or before the date fixed in the plan approval, subdivision agreement, and/or development agreement for completion of such improvements.

602.2 When requested by the applicant in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security. The Final Plan shall not be signed or recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless the Board of Supervisors grants a written extension.

Section 603. Release From Liability

The Board of Supervisors may release all or parts of the posted financial security as completion of improvements proceeds, in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code.

603.1 Incomplete Improvements. If the required improvements are not completely installed within the period fixed or extended by the Board of Supervisors, the Board of Supervisors may declare the financial security in default to collect the amount payable thereunder. The collected security shall be used to complete the improvements in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code.

603.2 Post-Completion Security. The applicant shall be responsible for maintenance of all improvements until they are offered for dedication and accepted by the Township, and 10 percent of the financial security may be held back until a maintenance guarantee has been posted by the applicant, as required in Section 607 herein.

Section 604. Inspection of Work and Materials

604.1 A. Required Notice. The Township Engineer shall be notified 48 hours in advance of the commencement of any construction or installation operation, in order that the Township may make provision for inspection.

B. Progress Inspections. Construction and installation operations shall also be subject to inspection by the Township during the progress of the work. The subdivider, developer or builder shall pay the reasonable and necessary expenses for inspections, in accordance with the fee schedule established by resolution of the Board of Supervisors.

604.2 Improvement Specifications. All required road improvements shall be constructed in accordance with the applicable provisions of the Pennsylvania Department of Transportation (PADOT), Form 408/2003, "Construction Standards," or most current edition, including the latest revisions and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in the Township's Engineering Standards.

A. Specifications. The Township will furnish the specifications to the applicant. If any of the specifications are unavailable at the Township office, the Township Engineer shall provide the applicable specifications.

B. Sample of Materials. During or after construction of any required improvement, if the Township requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Township Engineer.

604.3 Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a Township right-of-way or easement shall be supplied to the Township.

Section 605. Off-Site Improvements

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. The Board of Supervisors shall render final judgment in any instances where a dispute arises as to the direct causal relationship for the improvement(s) after receiving the advice of the Township Engineer and Solicitor, and/or other experts. The subdivider or developer may be required to cover costs that must be incurred by the Township or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those prescribed in Section 602.

Section 606. Conditions of Acceptance

606.1 Conditions. The Township shall have no obligation to accept dedication of any street or other improvement unless:

- A. The required improvements, utility mains and laterals, and monuments, shown on the approved plan or plans have been constructed to meet all requirements, and are free of defects or deterioration.
- B. It is established to the satisfaction of the Board of Supervisors that there is a need for the dedication of improvements.

606.2 Acceptance. The Township shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance (or resolution) adopted by the Board of Supervisors.

606.3 Offer of Dedication

- A. The applicant shall submit a written offer of dedication to the Township for the streets or other improvements, including the following:
 - 1. A Deed of Dedication covering the improvements.
 - 2. A copy of a title insurance policy establishing the applicant's clear title to the property
- B. The items required in A, above, shall be submitted to the Township Engineer and Solicitor for their review and recommendations.
- C. The Board of Supervisors may accept dedication of the streets or other improvements by passing a resolution to that effect.

Section 607. Guarantee of Completed Improvements

When the Board of Supervisors accepts dedication of required improvements following their completion, the Board shall require posting of financial security by the applicant to secure the structural integrity and functioning of these improvements in accordance with the design and specifications as depicted on the approved final plan.

607.1 Said financial security shall be of the same type as otherwise required by Section 602, herein.

607.2 The amount of financial security shall be 15 percent of the actual cost of installation of the improvements.

607.3 The term of the guarantee shall be 18 months from the date of acceptance of dedication.

Section 608. Private Maintenance of Improvements

Where the maintenance of improvements is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Board of Supervisors shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable manner.

Section 609. Required Contracts

Before the Township Supervisors shall cause its approval to be endorsed upon the final plans of any subdivision or land development (except in the case of minor subdivisions wherein the Supervisors impose no condition or conditions for the approval of the plan), and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Township in the manner and form set forth by the Township Solicitor which shall include but not be limited to the following:

609.1 To construct or cause to be constructed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, streetlights, drainage facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, and other improvements shown on said final plan when required to do so by the Board of Supervisors in accordance with the standards and specifications of the Township.

609.2 To maintain at the owners' cost the said streets, curbs, sidewalks, drainage facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, streetlights, capped sewers, and other improvements, until the same are accepted or condemned by the Township for public use, and for a period of 18 months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by the Board of Supervisors as necessary by reason of faulty construction, workmanship, or materials, and, at or before acceptance of such improvements by the Township.

609.3 To install, or cause to be installed, at the owners' expense and without any cost to the Township for any part of such installation, streetlighting facilities on all streets without abutting the subdivision.

609.4 To pay all costs, charges or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Township by resolution approved by the Court of Quarter Sessions or condemnation proceedings, and to indemnify and save harmless the Township from and against all suits, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Township in the manner hereinabove set forth.

- 609.5 Pay the inspection fees required by the Township.
- 609.6 To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or otherwise, of the street, drainage facility or other improvements and such releases shall insure to the benefit not only of the owner of the subdivision but to the Township as well.
- 609.7 To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.
- 609.8 To promptly reimburse to the Township reasonable Attorneys' and Engineers' fees.
- 609.9 Such other provision(s) as deemed necessary or desired by the Township Supervisors or the Solicitor.

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