

roof or marquee to identify the location of establishments within a shopping center or similar building.

- (d) Roof sign: a sign which is erected on a flat roof or which projects above the ridgeline of any roof of a building.
- (e) Overhanging: a sign, other than a wall sign or arcade sign, affixed to a building or wall, whose leading edge extends beyond such building or wall more than 6 feet, including awnings, marquees or similar structures used for business identification.
- (f) Billboard: an off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.
- (g) Changeable copy: a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
- (h) Indirectly illuminated: a sign which is lighted by means of lamps or lighting devices external to and reflected on the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of the illumination or glare beyond the face of the sign.
- (i) Internally illuminated: a sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

2. Types. Signs are categorized by use, function or purpose into the following types:

- (a) Residential identification: a sign containing only the name and address of the occupant of the premises.
- (b) Home occupation or home office identification: a sign containing only the name and address of the occupant of the premises and his or her occupation. No other advertising shall be permitted.
- (c) Residential plan identification sign: a permanent wall or freestanding ground sign containing only the name and address of the subdivision plan or a multifamily building development.

- (d) Real estate: a temporary sign advertising the sale or rental of the premises. The signs may also bear the words "sold," "sale pending" or "rented" across their faces.
- (e) Development: a temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
- (f) Construction: a temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.
- (g) Notification: signs bearing legal and/or property notices such as "No Trespassing," "Private Property," "No Turnarounds," "Safety Zone," "No Hunting" and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.
- (h) On-premises directions: a sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information for the premises on which it is located.
- (i) Temporary political sign: a temporary sign constructed of durable material erected for a period not to exceed sixty (60) days from election, which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.
- (j) Business identification sign: a sign which contains the name, address and goods, services, facilities or events available on the premises.
- (k) Temporary special event display sign: a temporary banner, flag, pennant or similar display constructed of durable material, which is erected for a period of not exceeding thirty (30) days, whose sole purpose is to advertise a special event.
- (l) Memorial/historical plaques: commemorative plaques placed by a recognized agency of the Township, County, State or Federal government.

- (m) Window display: a sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

B. Regulations applicable to all signs. The following regulations shall apply to all signs:

1. Restricted signs. The following signs shall not be permitted:
  - (a) A-frame or sandwich board signs, except when authorized as temporary special event displays.
  - (b) Portable or wheeled signs except when authorized for temporary use.
  - (c) Banners and pennants, other than temporary special event displays authorized by this section.
  - (d) Inflatable structures of any kind except when authorized for temporary use.
  - (e) Moving or flashing signs, except for that portion of a permitted sign which indicates time or temperature.
  - (f) Signs on trees, utility poles or official traffic control devices or signs.
  - (g) Signs which imitate traffic control devices.
  - (h) Overhanging signs, as defined herein.
2. Exempt signs. The following signs shall be exempt from these regulations.
  - (a) Residential identification signs, as defined herein.
  - (b) Holiday decorations displayed for recognized federal or state holidays, provided that they do not interfere with traffic safety or do not, in any other way, become a public safety hazard.
  - (c) Memorial/historical plaques, as defined herein.

- (d) Window displays, as defined herein, provided that they shall not exceed twenty (20%) percent of the gross surface area of all windows in an establishment.
  - (e) Signs erected by a governmental agency, including street signs and official traffic signs, but not including off-premises directional signs.
  - (f) Off-premises real estate directional signs.
3. Lots with multiple street frontage. Lots fronting on more than one (1) street shall be permitted to have one (1) sign which is authorized per Lot on each street frontage.
  4. Temporary real estate construction and development signs. Real estate, construction and development signs shall be considered temporary signs which shall be removed within thirty (30) days of the completion of sales or construction.
  5. Notification signs. The number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. Legal notification signs posted on private property by property owners, such as "No Trespassing," "No Hunting" and the like shall be limited to a surface area not to exceed two (2) square feet. The placement and maximum number of signs permitted along road frontage shall be one (1) sign for every 75 feet of frontage.
  6. Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-street premises directional signs, shall hang over or be erected within the right-of-way of any street.
  7. Illumination. Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not toward adjoining properties or streets. Flashing or oscillating signs shall not be permitted, and lighting shall be stationary and constant in intensity and color at all times, except when electronic changeable copy signs are authorized. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as not to create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties. No sign shall exhibit or present a brightness exceeding 1.5 foot candles at any time.

8. Maintenance and inspection. All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe or unsightly condition upon inspection shall be declared to be a public nuisance and the Code Enforcement Officer shall give notice to the owner in writing to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
9. Removal of signs. Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the date when the business is vacated or discontinued. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
10. Permits required. It is the applicant's responsibility to obtain any building permits required by the Pennsylvania Uniform Construction Code. The Code Officer may refer the matter for consideration by the Board of Supervisors dependent upon the type of sign for which the permit is requested.
11. Expiration of permits. Any permit issued by the Code Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
12. Sign location. Except for billboards, political signs and off-premises directional signs as defined herein, where authorized by this section, all signs shall be located on the premises which they are intended to serve.
13. Any signs erected in violation of this Ordinance will be removed at the Owner's expense.

C. Signs authorized. The following signs are authorized:

1. Real estate sign. One (1) non-illuminated temporary real estate sign shall be permitted on each Lot, provided that the sign shall not exceed six (6') feet in height. The real estate sign shall not exceed twelve (12) square feet in surface area when located on a residential property and shall not exceed thirty-two (32) square feet on a non-residential property. Such sign shall be removed within fifteen (15) days of the sale or rental of the property on which it is located.
2. Development sign. One (1) non-illuminated temporary development sign shall be permitted for each development, provided that the surface area of

the sign shall not exceed thirty-two (32) square feet in surface area. The development sign shall not exceed ten (10) feet in height. Such sign shall be removed within fifteen (15) days of the sale or rental of the last Lot or completion of the proposed construction in the development.

3. Construction sign. One (1) non-illuminated temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a Lot, provided that the signs shall not exceed twelve (12) square feet in area and shall be removed within fifteen (15) days of the completion of the work.
4. Temporary special event sign. One (1) non-illuminated temporary special event display sign, as defined by this Ordinance, shall be permitted to be erected, provided that it is not of the type restricted by this Ordinance and provided that the area of the sign shall not exceed sixteen (16) square feet and provided that it is removed within five (5) days following the event that it was erected to promote.
5. Home occupation identification sign. One (1) non-illuminated home occupation identification sign shall be permitted for an approved home occupation provided that the surface area of the sign does not exceed three (3) square feet and the sign may contain the name, address, occupation and a logo and shall not contain any other advertising.
6. Temporary political signs. Non-illuminated temporary political signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by this Ordinance and provided that the area of the signs shall not exceed thirty-two (32) square feet. Signs must be removed within ten (10) days after the election.
7. Off-premises directional signs. A maximum of four (4) off-premises directional signs shall be permitted to be erected by any agency or business other than a governmental agency. The off-premises directional signs shall be non-illuminated and shall not exceed twelve (12) square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than ten (10) feet from the edge of the right-of-way.
8. On-premises directional signs. On any Lot which contains two (2) or more multifamily or nonresidential buildings and/or on any Lot which

provides more than 100 parking spaces, on-premises directional signs shall be permitted, provided that the surface area of any one (1) sign shall not exceed four (4) square feet. On Lots with areas of two (2) acres or less, a maximum of four (4) non-illuminated or indirectly illuminated on-premises directional signs shall be permitted. On Lots with areas of more than two (2) acres, two (2) additional non-illuminated or indirectly illuminated on-premises directional signs shall be permitted for each additional acre or fraction thereof over two (2) acres.

9. Residential plan identification sign. One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground residential plan identification sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
10. Temporary special event display. Temporary special event displays, as defined by this section, shall be permitted in conjunction with special sales promotions, introduction of new products or services for sidewalk sales, grand openings, going-out-of-business sales and similar events, provided that:
  - (a) No more than two (2) signs or banners shall be permitted on any establishment at any one time.
  - (b) The temporary special event display signs or banners shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign, except that one (1) freestanding A-frame or sandwich board sign no larger than six (6) square feet in surface area may be placed on private property, provided that it shall not obstruct the free flow of pedestrian or vehicular traffic and shall not be placed in any public right-of-way.
  - (c) Temporary special event display signs shall be displayed for a period not to exceed thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period, unless extended by permission of the Township Supervisors for a specified period of time.
  - (d) The aggregate surface area of all temporary special event display signs shall not exceed thirty-two (32) square feet per

establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all temporary special event display signs on the site at any one (1) time shall not exceed 100 square feet.

- (e) Portable or wheeled signs or a freestanding A-frame or sandwich board signs authorized in Subsection 10(b), above, may be permitted to be used as temporary special event signs.
- (f) Temporary special event display signs may be illuminated for special events, with the permission of the Township Supervisors.
- (g) Signs must be removed within five (5) days following the event they were erected to promote.

11. Changeable copy signs.

- (a) In addition to the authorized business identification signs, one (1) non-illuminated or internally illuminated manual changeable copy sign shall be permitted per Lot, regardless of the number of businesses on the Lot, which shall not exceed twenty-four (24) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the Lot.
- (b) In the case of a shopping center or other non-residential development in excess of 100,000 square feet of gross floor area of building(s), one (1) freestanding electronic changeable copy pole sign shall be permitted on the Lot which shall not exceed sixty (60) square feet in area, provided that the sign is used solely for advertising products, services and activities available on the site, as well as community and public service announcements.
- (c) Changeable copy signs shall come equipped with automatic dimming technology which automatically adjusts brightness of display to changing ambient light conditions. Said dimming functions shall be enabled and operational at all times.
- (d) A changeable copy sign shall only be used for premises signage and community announcements as well as time and temperature. A changeable copy sign shall not be used to advertise any goods or services not offered on the property in question unless related specifically to a community matter. Copies or other images that physically change or give the appearance of change shall be



displayed at intervals of not less than ten (10) seconds. Running, flashing, scrolling or other distracting movement of the changeable copy sign is prohibited.

12. Business identification signs.

- (a) Wall signs. Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of 100 square feet, whichever is less. The wall identification sign shall not be located on the roof nor extended above the height of the building.
- (b) Ground signs. In addition to the wall signs, one (1) freestanding ground sign shall be permitted per Lot, regardless of the number of businesses on the Lot, provided that:
  - (i) No freestanding pole sign exists or is proposed to be erected on the Lot.
  - (ii) The maximum surface area of the ground sign shall not exceed thirty-two (32) square feet if there is only one (1) business on the Lot and shall not exceed sixty-four (64) square feet if there is more than one (1) business on the Lot.
  - (iii) The height and location of the signs shall be designed so as not to interfere with visibility for vehicular traffic entering or leaving the Lot or traveling on any street, and in no case shall the total height exceed six (6') feet.
  - (iv) Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
  - (v) All freestanding ground signs shall be located at least ten (10') feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10') feet from the right-of-way.

- (c) Pole signs. In addition to the authorized wall signs, one (1) freestanding pole sign shall be permitted per Lot, regardless of the number of businesses on the Lot, provided that:
  - (i) No freestanding ground sign exists or is proposed to be erected on the Lot.
  - (ii) The pole sign may be non-illuminated, indirectly illuminated or internally illuminated.
  - (iii) The maximum height of the top of the pole sign shall be twenty (20') feet.
  - (iv) The minimum height of the bottom edge of the sign shall be eight (8') feet.
  - (v) The maximum surface area of the freestanding pole sign shall not exceed forty (40) square feet if there is only one (1) business on the Lot and shall not exceed sixty-four square (64') feet if there is more than one (1) business on the Lot. Neither dimension of such signs shall be less than five (5') feet.
  - (vi) No portion of any sign shall project over any public right-of-way.
  - (vii) All freestanding pole signs shall be set back at least ten (10') feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least ten (10') feet from the right-of-way.
- (d) Roof signs. One (1) roof sign shall be permitted per building, regardless of the number of establishments in the building. Roof signs may be illuminated or non-illuminated. Roof signs shall be permitted only in place of a wall sign. The surface area of a roof sign shall not exceed two (2) square feet for each linear foot of width of the front wall of the building or a maximum of 200 square feet, whichever is less. Roof signs shall not project more than six (6') feet above the highest point of the roof on which they are erected.
- (e) Arcade signs. In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one arcade sign, as defined herein, shall be permitted for

each business in the building, provided that the maximum surface area of each sign shall not exceed six (6) square feet.

D. Billboards.

1. Billboards may be authorized provided that all of the following requirements are met.
  - (a) Billboards are only permitted along state highways.
  - (b) Billboards shall not be erected within 500 feet of the boundary line of any residential property or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
  - (c) On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
  - (d) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the building structure along a line extending from the centermost point of the billboard which is parallel to the center line of the roadway to which the billboard is oriented.
  - (e) All billboards shall be located at least ten (10) feet back from the edge of the public street right-of-way.
  - (f) The minimum side and rear yard requirements applying to the non-residential structures shall apply to each billboard structure.
  - (g) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or non-residential structure or as to limit or reduce the light and ventilation requirements for any existing building.
  - (h) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, and a billboard shall not, in any case, obstruct or impede traffic safety.

- (i) No billboard shall be erected over any sidewalk or public right-of-way.
  - (j) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.
2. Size and height. A billboard shall have a maximum allowable gross surface area of 300 square feet per sign face. This gross surface area shall be permitted, provided that all of the following additional requirements are met:
- (a) A billboard shall have no more than two (2) sign faces per billboard structure, which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
  - (b) The dimensions of the gross surface area of the billboard's sign face shall not exceed 20 feet in total height or 25 feet in total length, provided that the total allowable gross surface area for the sign face is not exceeded.
  - (c) A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 40 feet.
3. Construction methods. Billboards shall be constructed in accordance with all of the following additional requirements:
- (a) A billboard structure shall have a maximum of one (1) vertical support, being a maximum of three (3') feet in diameter or width, and without additional bracing or vertical supports.
  - (b) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
  - (c) The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum wind load of 100 miles per hour. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Township with the building application.

- (d) The base shall be installed using a foundation and footing approved by the Township Engineer for the type of construction proposed.
- (e) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of three (3') feet placed in such a manner as to screen the foundation of the structure.
- (f) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- (g) No bare cuts shall be permitted on a hillside.
- (h) All cuts or fills shall be permanently seeded or planted.
- (i) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot-candle of 1.5 upon the adjoining property.
- (j) Display lighting shall not operate between 11:00 p.m. and 6:00 a.m.
- (k) No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
- (l) The use of colored lighting shall not be permitted.

4. Maintenance.

- (a) A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
- (b) Every ten (10) years the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.
- (c) Billboards using removable paper or other materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and

other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

5. Liability insurance. The applicant for a building permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Township Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving thirty (30) days' notice to the Township and without being approved by the Township Board of Supervisors.
  6. Permits.
    - (a) Prior to submission of an application for a permit, the applicant for a billboard shall obtain and submit with the application approvals from the Westmoreland County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.
    - (b) The issuance of a permit for a billboard shall be conditioned upon the approval of and the issuance of a permit by the Pennsylvania Department of Transportation (PennDOT) for billboards along state highways.
  7. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Board of Supervisors.
  8. Nonconforming billboards. Any billboard which does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section. Any billboard which is damaged or destroyed by more than fifty-one (51%) percent of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.
  9. Billboards shall be deemed structures.
- E. The Board of Supervisors in their sole discretion may impose additional requirements or alter the aforementioned requirements if unique circumstances are present.

## ARTICLE VII

### PLANS FOR SUBMISSION

#### Section 701 – Preliminary Plan

- A. The Preliminary Plan shall show or be accompanied by the following information:
1. proposed Subdivision name or identifying title;
  2. municipalities in which the Subdivision is located;
  3. north point, scale and date;
  4. name of owner of the property, his authorized agent or the Developer;
  5. name of the registered professional engineer, surveyor or architect responsible for the Plan;
  6. tract boundaries with bearings and distances;
  7. contours at vertical intervals of no greater than five (5') feet or, in the case of relatively level tracts, at such intervals as may be necessary for the satisfactory study and planning of the tract (See Section 703B). This may be waived at the discretion of the Board of Supervisors.
  8. datum to which contour elevations refer. Where reasonably practicable, data shall refer to known established elevations.
  9. all existing Watercourses, tree masses and other significant natural features;
  10. all existing Structures, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made facilities;
  11. all existing Streets on or adjacent to the tract, including name, Right-of-Way width and Cartway;
  12. all existing property lines, Easements and the purpose for which the Easement or Right-of-Way has been established;
  13. location and width of all proposed Streets (Street names to be given), Rights-of-Way and Easements; proposed minimum setback line for each

Street; and playgrounds, public Structures, public areas and parcels of land proposed to be dedicated or reserved for private or public use;

14. Whenever practical, the Preliminary Plan shall show the names of owners of all abutting unplotted land and the names of all abutting Subdivisions.
15. Where the Preliminary Plan covers only a part of the Developer's entire holding, a sketch shall be submitted of the prospective Street layout for the remainder.
16. all flood plain boundaries, if any, that traverse or are within 300 feet of the area covered by the plan;
17. all Street extensions or spurs as are reasonably necessary to provide adequate Street connections to adjoining or contiguous developed or undeveloped areas;
18. Preliminary Plans shall show the proposed water supply system and sewage disposal system.
19. proposed Lot layout;
20. previous Lot sales from the tract to be developed;
21. In the event a Lot is intended to be a non-building Lot, such Lot shall be designated on the Plan of Subdivision as "non-buildable."

B. The Preliminary Plan shall also include or be accompanied by the following:

1. The Developer, unless excused by the Board of Supervisors, shall submit a Sewer and Water Feasibility Report concerning the availability and/or adaptability of sewage and water facilities in or near the proposed Subdivision. Said report shall be prepared by a registered professional engineer and be submitted with the Preliminary Plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Protection. The Sewer and Water Feasibility Report shall contain engineering and cost data, evaluations and recommendations sufficient to enable the Planning Commission to evaluate the reasons for or against providing the Subdivision with various means of water disposal and water supply. The requirements of this paragraph will be met, if as a minimum, the following material is provided in the Sewer and Water Feasibility Report:



- (a) a map of the area to be subdivided or developed locating elements of existing sewer and water systems, including fire hydrants, water mains, water towers, collector, interceptor and trunk sewers and pumping stations;
- (b) an evaluation of costs and public impact factors in providing waste disposal and water supply by Public or On-Site facilities;
- (c) the results of soil percolation tests and the results of the analysis of soil conditions from deep hole test pits;
- (d) results from water test wells including quality and quantity of water;
- (e) the professional engineer's recommendation regarding the preferable means of sewage disposal and water supply for the Subdivision;
- (f) a map of the proposed Subdivision showing the actual test sites of any soil percolation tests and sites of any deep hole test pits; all proposed Lots must have successful percolation test sites and be approved by the Sewage Enforcement Officer; and
- (g) a map of the proposed Subdivision showing actual sites of any water test wells.

C. In further interest of the health, safety and welfare of the general public, the Board of Supervisors reserves the right to require the Developer to submit a Plan for Erosion and Sedimentation Control, where necessary, consistent with Appendix "B" herein. Data on various practices and methods of controlling erosion and sedimentation are available at the offices of the Westmoreland County soil and Water Conservation District. Other agencies available for consultation are: Department of Environmental Protection, the U.S. Department of Agriculture, the Soil Conservation Service and the County Planning Department. In the event that the Developer intends to make changes in the contour of any land proposed to be subdivided or developed by grading, excavation or removing natural topsoil, trees or other vegetative covering, the same shall be accomplished only after the Developer of said land or his agent has submitted to the Board of Supervisors a Plan for Erosion and Sedimentation Control if such a plan is deemed necessary. This determination shall be made at the time the Preliminary Plan is reviewed. The designer preparing the drawings shall include in the plans the measures for control of erosion and sedimentation where he deems necessary, using the guidelines and policies of the Westmoreland County Soil and Water Conservation District. Plans for the control of erosion and sedimentation shall be submitted by

the Township to the Westmoreland County Soil and Conservation District for review by the Soil Conservation Service at the time the Preliminary Plan is submitted. The final Plan for Erosion and Sedimentation Control and the resulting control practices will be incorporated into an agreement between the Developer and the Township with bond requirements. The agreement for bonding shall include a cash escrow guarantee which will assure the Board of Supervisors that emergency measures could be taken by the Township at the Developer's expense if said Developer does not initiate the appropriate actions within a specified time. The Final Plans shall be recorded only after the agreement for bonding has been signed. At the Final Plan approval stage, a review will be conducted to ensure conformance with the Final Plan for Erosion and Sedimentation Control as approved. The Plan for Erosion and Sedimentation Control shall include, but not be limited to, the following items:

1. Only the smallest practical area of land should be exposed at any one (1) time during development.
2. Financial security in compliance with Section 407 of this Ordinance;
3. Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
4. Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from Runoff waters resulting from land undergoing development.
5. Provisions should be made to effectively accommodate increased Runoff to prevent flooding and property damage during and after development.
6. The permanent final vegetation and structures should be installed as soon as practical in the development.
7. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation should be retained and protected.
9. Specific details of proposed excavations and fills shall be shown on the Plan for Erosion and Sedimentation Control.

Section 702 – Final Plan

- A. The original of the seven (7) copies of the Subdivision Plan submitted for final approval shall be a clear and legible white linen, Mylar or other reproducible drawing.
  
- B. The Final Plan shall be at a scale of not more than 100 feet to the inch and shall include the following information:
  - 1. Subdivision name or identifying title;
  - 2. Municipalities in which the Subdivision is located;
  - 3. North point, scale and date;
  - 4. Name of the owner of the property, his authorized agent or the Developer;
  - 5. Six (6) labelled circles two and one-half (2-1/2") inches in diameter with centers not more than two (2") inches from the edge of the paper for locating the seals of: (i) the engineer or surveyor; (ii) the Washington Township Planning Commission; (iii) the Westmoreland County Planning Department; (iv) the Washington Township Board of Supervisors; (v) the Recorder of Deeds; and (vi) Notary Public;
  - 6. Tract boundaries with bearings and distances;
  - 7. Street lines, Lot lines, Rights-of-Way, Easements and areas dedicated or proposed to be dedicated to private or public use and the purpose for which the Rights-of-Way or Easements have been established;
  - 8. Sufficient data to determine readily the location, bearing and length of every Street, Lot and boundary line in the Subdivision;
  - 9. The length of all straight lines, radii, lengths of curves and tangent bearings for each Street;
  - 10. All dimensions, angles or bearings of the lines of each Lot and land, if any, proposed to be dedicated to private or public use;
  - 11. The proposed Building Setback Line for each Street and/or the proposed placement of each building;
  - 12. Location and width of all private driveways;

13. Location, size and vertical elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts;
14. All dimensions shall be shown in feet and hundredths of a foot.
15. Lots within a Subdivision shall be numbered sequentially.
16. Names of Streets within and adjacent to the Subdivision shall be shown including the Right-of-Way width and Cartway.
17. Permanent reference monuments shall be shown on the Plan as thus:  
“/ /.”
18. Names of all adjoining Subdivisions shall be shown.
19. Names of the owners of any adjoining unplotted land shall be shown.
20. All municipal boundaries, if any, that transverse or are within 300 feet of the area covered by the Plan shall be shown.
21. Plan restrictions and covenants shall be described if not recorded separately.
22. The results of the percolation tests and analysis of deep hole test pits for each Lot in the Subdivision along with a map showing the actual test sites of any soil percolation tests and sites of any deep hole test pits;
23. Prior to the preparation of the Final Plan, it is recommended that the Developer consult the Office of the Recorder of Deeds for detailed plan requirements.
24. The following statements, or their equivalent:

Approved by the Board of Supervisors of Washington Township,

Westmoreland County this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Attest: \_\_\_\_\_

Secretary

Chairman

\_\_\_\_\_

=====

Washington Township Planning Commission Review

Reviewed by the Washington Township Planning Commission this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_

Attest: \_\_\_\_\_  
Secretary Chairman

\_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I am a Registered  
Surveyor in compliance with the laws of the Commonwealth of  
Pennsylvania, that this plat correctly represents a plot completed by me on  
\_\_\_\_\_; that the monuments shown thereon exist; and  
that their location, size and type of material are accurately shown.

\_\_\_\_\_

I, the Undersigned, \_\_\_\_\_, owner of the real  
estate shown and described herein, do hereby certify that I have laid off,  
platted and subdivided, and hereby lay off, plat and subdivide said real  
estate in accordance with this plat. This Subdivision shall be known as the  
\_\_\_\_\_ Subdivision. All Streets and Alleys shown not  
heretofore dedicated to the public.





passable condition or improved as may be required by the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other Improvements as may be required by the Subdivision and Land Development Ordinance have been installed in accordance with such Ordinance. In lieu of the completion of any Improvements required as a condition for the final approval of a plat, including Improvements or fees set forth herein, the Developer may, at the discretion of the Board of Supervisors, deposit with the Township financial security in an amount sufficient to cover the costs of such Improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space Improvements or buffer or screen plantings which may be required. The nature and amount of such security shall be set by the Board of Supervisors as provided in Section 407 of this Ordinance.

- (b) When requested by the Developer, in order to facilitate financing, the Board of Supervisors shall furnish the Developer with a signed copy of a resolution indicating approval of the final plat contingent upon the Developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial Improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.
- (c) Without limitation as to other types of financial security which the Board of Supervisors may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- (d) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business with the Commonwealth.



- (e) Such bond or other security shall provide for, and secure to the public, the completion of any Improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the Improvements.
- (f) The amount of financial security to be posted for the completion of the required Improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Developer together with such additional sums calculated under Section 407 herein. Annually, the Board of Supervisors may adjust the amount of the financial security by comparing the actual cost of the Improvements which have been completed and the estimated cost for the completion of the remaining Improvements as of the expiration of the 90<sup>th</sup> day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Board may require the Developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the Developer in accordance with this subsection.
- (g) The amount of financial security required shall be based upon an estimate of the cost of completion of the required Improvements, submitted by an applicant or Developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or Developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or Developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or Developer.
- (h) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required Improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from

posting financial security or to an amount not exceeding 110% of the cost of completing the required Improvements as re-established on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

- (i) In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to Improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- (j) As the work of installing the required Improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release from time to time such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board shall have forty-five (45) days from receipt of such request within which to allow the Township engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the Improvements has been completed in accordance with the approved plat. Upon such certification the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township engineer fairly representing the value of the Improvements completed, or if the Board fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The Board may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid Improvements. Procedures for the release of bonds or security shall comply with Section 407(F) herein.
- (k) Where the Board of Supervisors accepts dedication of all or some of the required Improvements following completion, the Board may require the posting of financial security to secure structural integrity of said Improvements as well as the functioning of said Improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such Improvements, and the

amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said Improvements.

- (l) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
  
- (m) If financial security has been provided in lieu of the completion of Improvements required as a condition for the final approval of a plat as set forth in this section, the Board of Supervisors shall not condition the issuance of building, grading or other permits relating to the erection or placement of Improvements, including buildings, upon the Lots or land as depicted upon the final plat upon actual completion of the Improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other Improvements as depicted upon the approved plat, either upon the Lot or Lots or beyond the Lot or Lots in question if such Improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance inconsistent herewith is hereby expressly repealed.

4. Release from Improvement Bond.

- (a) When the Developer has completed all of the necessary and appropriate Improvements, the Developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid Improvements and shall send a copy thereof to the Township engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township engineer to inspect all of the aforesaid Improvements. The Township engineer shall, thereupon, file a report, in writing, with the Board of Supervisors and shall promptly mail a copy of same to the Developer by certified or registered mail. The report shall be made and mailed within thirty

(30) days after receipt by the Township engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said Improvements, either in whole or in part, and if said Improvements, or any portion thereof, shall not be approved or shall be rejected by the Township engineer, said report shall contain a statement of reasons for such non-approval or rejection.

- (b) The Board of Supervisors shall notify the Developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the action of said municipal governing body with relation thereto.
- (c) If the Board of Supervisors or Township engineer fail to comply with the time limitation provisions contained herein, all Improvements will be deemed to have been approved and the Developer shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
- (d) If any portion of the said Improvements shall not be approved or shall be rejected by the Board of Supervisors, the Developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- (e) Nothing herein, however, shall be construed in limitation of the Developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township engineer.
- (f) Where herein reference is made to the Township engineer, he shall be as a consultant thereto.
- (g) The applicant shall reimburse the Township for the reasonable and necessary expenses including administrative fees incurred for the inspection or Improvements. Such reimbursement shall be based upon a schedule established by the Board of Supervisors in the form of an ordinance or resolution. Expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township engineer or consultant for work performed for similar services in the community but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

- (i) In the event the applicant disputes the amount of any such expense in connection with the inspection of Improvements, the applicant shall, within ten (10) days of the date of billing, notify the Board that such expenses are disputed as unreasonable or unnecessary, in which case the Board shall not delay or disapprove a Subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- (ii) If, within twenty (20) days from the date of billing, the Board and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Board of Supervisors shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- (iii) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within twenty (20) days of the hearing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (iv) In the event that the Board of supervisors and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Westmoreland County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who in that case shall be neither the Township engineer nor any professional engineer who has been retained by or performed services for the Township or the applicant within the preceding five (5) years.
- (v) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall

pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

5. Remedies to Effect Completion of Improvements.

In the event that any Improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the Board of Supervisors may 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, the Board of Supervisors may, at its option, install part of such Improvements in all or part of the Subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the Improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the Improvements covered by such security and not for any other municipal purpose.

6. Post Construction Security and Remedies.

The Developer shall, in addition, post a maintenance bond or guarantee for a period of no less than eighteen (18) months, or such greater period as the Board of Supervisors may require, after completion to ensure the proper functioning of the above Improvements pursuant to the terms of this Ordinance. Such guarantee shall meet any specifications specified by the Board of Supervisors, including any additional period during which they shall be in effect. If within the period specified, the Improvements as shown in the Plan, have not been completed or have proved defective, the Board is empowered to complete or repair said Improvements, and to take such action as is necessary for forfeit of the bond or funds or securities. If at the end of said periods all Improvements have been installed and have not proven defective, the Board shall accept the Plan as completed and release the Developer from his guarantee and shall take such steps as may be necessary to release any funds or securities which may have been placed in escrow. Prior to the release of such bonds or funds or securities, a certificate will be required from the Developer's engineer stating that any required Improvements which have been installed were installed in accordance with the procedures, specifications and standards of the Township, County, State or utility company as appropriate.

7. Recording Plats and Deeds.

Upon the approval of a final plat, the Developer shall within ninety (90) days of such final approval record such plat in the Office of the Recorder of Deeds of Westmoreland County.

8. Effect of Plat Approval on the Official Map.

After a plat has been approved and recorded as provided in this article, all Streets and public grounds on such plat shall be and become a part of the official map of the Township without public hearing. However, nothing in the mere recording of the plat shall be construed as an acceptance by the Township of any roadway or improvement thereupon.

9. Preventive Remedies.

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

(b) The Board of Supervisors 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 any ordinance of the Township. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (i) the owner of record at the time of such violation;
- (ii) 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;
- (iii) 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; and

- (iv) the vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Board 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.

10. Jurisdiction.

District justices shall have initial jurisdiction in proceedings brought to enforce this Ordinance by the imposition of civil fines, penalties or judgments.

11. Enforcement Remedies.

- (a) Any person, partnership or corporation who or which has violated the provisions of any Subdivision or Land Development Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not less than \$300.00 nor more than \$600.00, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination of the violation continues shall constitute a separate violation.
- (b) In addition or as an alternative to enforcement of this Ordinance through civil proceedings set forth herein, the Township may, at its discretion and where applicable, enforce any violation of the terms



of this Ordinance or condition imposed by the Board of Supervisors upon any person or entity through summary criminal proceedings brought before a District Justice having jurisdiction over same, in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In the event the Township pursues enforcement through summary criminal proceedings, the Township Solicitor may assume charge and control of the prosecution without the consent of the Westmoreland County District Attorney as may be otherwise required under Pennsylvania Rule of Criminal Procedure No. 83(c), relating to trial in summary cases.

- (i) Each day that a violation continues shall constitute a separate offense.
  - (ii) Upon conviction of such summary offense by the District Justice, a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars shall be imposed for each offense.
  - (iii) Upon default of payment of any fine imposed herein, the Defendant shall be sentenced to a term of imprisonment to the extent permitted by law for the punishment of summary offenses.
- (c) 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.
- (d) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Board of Supervisors the right to commence any action for enforcement pursuant to this section.

#### Section 703 – Modification of Requirements

- A. The above requirements for Preliminary and Final Plans and for supporting data may be modified by the Board of Supervisors as warranted by special circumstances in accordance with Article VIII hereafter.
- B. In Subdivisions requiring no new Streets, the requirement for contours may be waived at the discretion of the Board of Supervisors in accordance with Article VIII hereafter.

ARTICLE VIII

ADMINISTRATION

Section 801 – Interpretation

- A. The standards of this Ordinance shall be deemed to be the minimum standards that must be met to achieve the purposes of this Ordinance. These requirements may be increased by the Planning Commission and Board of Supervisors when such action is necessary due to particular circumstances to assure the public health, safety and welfare in keeping with the intent of this Ordinance.
  
- B. Before voting on the enactment of a proposed amendment to this Ordinance, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the amendment and a reference to the place within the Township where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment was prepared by the Planning Commission, at least thirty (30) days prior to the hearing, the amendment shall be submitted to the Commission for recommendations. In addition, the Board of Supervisors shall submit the proposed amendment to the Westmoreland County Planning Commission for recommendations at least thirty (30) days before the hearing.
  
- C. Within thirty (30) days after the adoption of an amendment, the Secretary shall forward a certified copy to the County Planning Commission. The amendment shall not be enacted unless public notice of proposed enactment is given to include the time and place of the meeting at which passage will be considered, and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication shall include either the full text or the title and a brief summary prepared by the Township solicitor setting forth all the provisions in reasonable detail. If the full text is not published, a copy of the full text shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published. An attested copy of the amendment shall be filed in the county Law Library after enactment.
  
- D. In the event substantial changes are made to the proposed amendment before the vote on enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise in a newspaper of general circulation in the Township a brief summary setting forth all the provisions in the proposed change in reasonable detail.

- E. For the purposes of this paragraph, a public notice shall be published once each week for two (2) consecutive weeks. The first publication shall be not more than thirty (30) days and the second not less than seven (7) days before the hearing. The notice shall state the date, time and place of the hearing and its purpose.

#### Section 802 – Title Fees

Title fees for any inspection necessary to ensure compliance with this Ordinance shall be defrayed by the Developer.

#### Section 803 – Exceptions to Ordinance Requirements

- A. The Board of Supervisors may in their sole discretion grant an exception on a case-by-case basis of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such exception will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
- B. All requests for an exception shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provisions or provisions of the Ordinance involved and the minimum exception necessary.
- C. The request for exception shall be submitted to the Board of Supervisors. In the event an Applicant or Developer believes that an exception is necessary at the time a Plan is submitted for Preliminary Review, then a request for an exception may be submitted to the Planning Commission along with the Original Plan of Subdivision for review, comment and recommendation. In the event an applicant or Developer submits a request for an exception along with an Original Plan of Subdivision, then the Planning Commission shall hear the request for an exception at the time of its Preliminary Review of the Plan and shall include a recommendation on the request for an exception, along with its report on the Plan itself, to the Board of Supervisors for final disposition.
- D. The Board of Supervisors shall keep a written record of all action on all requests for exceptions.
- E. In no event shall the granting of an exception constitute a precedent of whatsoever nature or kind concerning future land development.

Section 804 – Reconsideration and Appeals

- A. Any Applicant or Developer aggrieved by a finding, decision or recommendation of the Township Planning Commission may request and shall receive an opportunity to appear before the Board of Supervisors, to present additional relevant information and may request, in writing, reconsideration of the original finding, decision or recommendation, provided, however, that such request is accompanied by a written waiver, signed by the landowner, Developer and any real party in interest, of any decision making deadline imposed upon the Planning Commission or Board of Supervisors, such waiver containing the following language:

“By making this request for reconsideration, the undersigned hereby waives any and all rights he/she/it may have to seek a deemed decision under the appropriate provisions of the Pennsylvania Municipalities Planning Code or this Ordinance and relieves the Washington Township Planning Commission and the Board of Supervisors of Washington Township from the operation of all decision making time limitations imposed thereby.”

- B. Any Developer aggrieved by a finding, decision or commendation of the Board of Supervisors may request reconsideration in writing from the Township Supervisors within ten (10) days after the date of action of the Board of Supervisors. Upon receipt of such a request, the Township Supervisors shall hold a hearing after proper notification to all parties in interest and in manner prescribed by law, provided, however, that such request is accompanied by a written waiver signed by the landowner, Developer and any real party in interest of any decision making deadline imposed upon the Planning Commission or Board of Supervisors, such waiver containing the following language:

“By making this request for reconsideration, the undersigned hereby waives any and all rights he/she/it may have to seek a deemed decision under the appropriate provisions of the Pennsylvania Municipalities Planning Code or this Ordinance and relieves the Washington Township Planning Commission and the Board of Supervisors of Washington Township from the operation of all decision making time limitations imposed thereunder.”

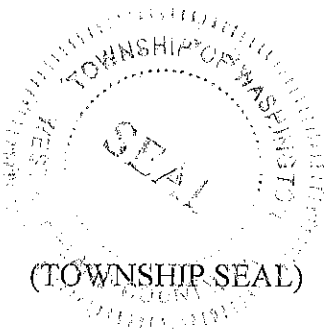
- C. After each hearing, the Township Supervisors may reaffirm or reverse their action by a recorded vote and in the manner prescribed by law; the findings and reasons for the disposition of the request for reconsideration shall be stated on the records of the Board of Supervisors and a copy shall be given to the applying party. An affirmative vote shall authorize the Developer to continue application from the point at which it was interrupted.

- D. Any person aggrieved by the action of the Township Supervisors may appeal within thirty (30) days to the County Court of Common Pleas.

Section 805 – Validity

Should any Section, Subsection or Provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any other part thereof.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Washington in lawful session assembled this 12th day of January, 2017.



(TOWNSHIP SEAL)

ATTEST:

Lynn Stascak Township Secretary  
Lynn Stascak

TOWNSHIP OF WASHINGTON

By Richard Gardner Richard Gardner  
Chairman, Board of Supervisors

By Joseph Olszewski Joseph Olszewski  
Member, Board of Supervisors

By Richard Hill Richard Hill  
Member, Board of Supervisors

**Appendix A REPEALED (See ordinance 168)**

**APPENDIX "A"**

**WASHINGTON TOWNSHIP  
WESTMORELAND COUNTY, PENNSYLVANIA**

**MANUAL FOR THE DESIGN  
OF STORMWATER MANAGEMENT CONTROL SYSTEMS**

**Contents**

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## **Section 1. General Provisions**

### **1.1 Findings of Fact**

- a. It is hereby determined that:
  - i. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition.
  - ii. This stormwater runoff contributes to increased quantities of water-borne pollutants, and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulations of stormwater runoff from development sites.
  - iii. Therefore, the Township of Washington, Westmoreland County establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulations of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

### **1.2 Purpose** – The purpose of this manual is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This manual seeks to meet that purpose through the following objectives:

- a. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- b. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- c. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- d. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

### **1.3 Applicability**

- a. This manual shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the Township under the specifications of Section 4 of this manual. The manual also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land

development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

- b. To prevent the adverse impacts of stormwater runoff, the Township has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing 5,000 or more square feet of land. The following activities may be exempt from these stormwater performance criteria:
  - i. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the local Conservation District or by the PA Department of Environmental Protection, as applicable;
  - ii. Additions or modifications to existing single family structures;
  - iii. Developments that do not disturb more than 5,000 square feet of land, provided they are not part of a larger common development plan; and
  - iv. Repairs to any stormwater treatment practice deemed necessary by the Township.

**1.4 Compatibility with Other Permit and Manual Requirements** – This manual is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this manual should be considered minimum requirements, and where any provision of this manual imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

**1.5 Severability** – If the provisions of any article, section, subsection, paragraph, subdivision or clause of this manual shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this manual.

**Section 2. Definitions** – The Definitions as set forth hereinafter shall be only applicable to this manual.

**Accelerated Erosion** – erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

**Applicant** – a property owner or agent of a property owner who has filed an application for a stormwater management permit.

**BMP – “Best Management Practice”** – activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Township Stormwater Management requirements, including but not limited to infiltration trenches, seepage pits, filter



strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

**Building** – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**Channel** – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Dedication** – the deliberate appropriation of property by its owner for general public use.

**Detention** – the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**Detention Facility** – a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

**Developer** – a person who undertakes land disturbance activities.

**Drainage Easement** – a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

**Erosion and Sediment Control Plan** – a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

**Fee in Lieu** – a payment of money in place of meeting all or part of the stormwater performance standards required by this manual.

**Hotspot** – an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrologic Soil Group (HSG)** – a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

**Impervious Cover** – those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

**Industrial Stormwater Permit** – a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration** – the process of percolating stormwater into the subsoil.

**Infiltration Facility** – any structure or device designed to infiltrate retained water to the subsurface including but not limited to infiltration trenches, seepage pits and rain gardens. These facilities may be above grade or below grade.

**Infiltration Trench** – a BMP surface structure designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer.

**Jurisdictional Wetland** – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Disturbance Activity** – any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial

removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**Landowner** – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**Maintenance Agreement** – a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices which shall meet the requirements of this manual and Washington Township Subdivision and Land Development Ordinance No. 167, Section 511E.

**Nonpoint Source Pollution** – pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Offset Fee** – a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

**Off-Site Facility** – a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

**Rain Garden** – a BMP overlain with appropriate mulch and suitable vegetation designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer.

**Recharge** – the replenishment of underground water reserves.

**Seepage Pit** – an underground BMP structure designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer.

**Stop Work Order** – an order issued which requires that all construction activity on a site be stopped.

**Stormwater Management** – the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

**Stormwater Retrofit** – a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

**Stormwater Runoff** – flow on the surface of the ground, resulting from precipitation.

**Stormwater Treatment Practices (STPs)** – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Water Quality Volume (WQv)** – the storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically (WQv) will vary as a function of long term rainfall statistical data.

**Watercourse** – a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

### **Section 3. Permit Procedures and Requirements**

#### **3.1 Permit Required**

- a. No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first

meeting the requirements of this manual prior to commencing the proposed activity.

### **3.2 Application Requirements**

- a. Unless specifically excluded by this manual, any land owner or operator desiring a permit for a land disturbance activity shall submit to the Township a stormwater management plan that meets the provisions of this manual.
- b. Unless otherwise excepted by this manual, the plan must be accompanied by the following in order that the plan be considered: a stormwater management plan; a maintenance agreement; and a non-refundable permit review fee.
- c. The stormwater management plan shall be prepared to meet the requirements of Section 5 of this manual, the maintenance agreement shall be prepared to meet the requirements of Section 9 of this manual, and fees shall be those established by the township.

### **3.3 Application Review Fees**

- a. The fee for review of any stormwater plan shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the Township. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development.

### **3.4 Application Procedure**

- a. Stormwater plans must be filed with the Township on any regular business day.
- b. A copy of the plan shall be forwarded to the Township Engineer for review.
- c. Submissions shall include the following: two (2) copies of the stormwater management plan, two (2) copies of the maintenance agreement, and any required review fees.
- d. Within 30 business days of the receipt of a complete submission, including all documents as required by this manual, the Township shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
- e. If the stormwater management plan or maintenance agreement is disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, the Township shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- f. If the permit application, final stormwater management plan and maintenance agreement are approved by the Township, all appropriate land disturbance activity permits shall be issued.

### **3.5 Permit Duration**

- a. Permits issued under this section shall be valid from the date of issuance through the date the Township notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition.

## **Section 4. Waivers to Stormwater Management Requirements**

### **4.1 Waivers for Providing Stormwater Management**

- a. Every applicant shall provide for stormwater management as required by this manual, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the Township for approval.
- b. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
  - i. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Township and the implementation of the plan is required by local ordinance.
  - ii. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
- c. In instances where one of the conditions above applies, the Township may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Township that the variance will not result in the following impacts to downstream waterways:
  - i. Deterioration of existing culverts, bridges, dams, and other structures
  - ii. Degradation of biological functions or habitat
  - iii. Accelerated streambank or streambed erosion or siltation
  - iv. Increased threat of flood damage to public health, life, property

## **Section 5. General Performance Criteria for Stormwater Management**

### **5.1 Unless judged by the Township to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:**

- a. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize previous areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- b. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method

acceptable to the Township. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACOE) or the Pennsylvania Department of Environmental Protection.

- c. Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

## **Section 6. Basic Stormwater Management Design Criteria**

### **6.1 Minimum Control Requirements**

- a. All stormwater management practices will be designed so that the rate of runoff for post-developed conditions is less than or equal to the rate of runoff for the pre-developed condition for the 2, 10, 25 and 100-year storm events.
- b. The volume of runoff for post-developed conditions shall be less than or equal to the volume of runoff for the pre-developed conditions for the 2-year storm event.
- c. The above shall apply unless the Township grants the applicant a waiver or the applicant is exempt from such requirements.
- d. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Township reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
- e. Above ground retention/detention structures shall be designed in accordance with NRCS Pond Code 378, latest edition. The following standards shall also apply:
  - (i) The effective height of a retention/detention pond embankment shall be 10 feet or less.
  - (ii) All retention/detention ponds shall have a primary spillway (outlet barrel) and an auxiliary (emergency) spillway.
  - (iii) The interior side slope of the retention/detention pond shall not be steeper than 3H:1V.
  - (iv) The exterior slide slope of the retention/detention pond shall not be steeper than 2H:1V.
  - (v) The outlet barrel must be no less than 15 inches in diameter and must have a minimum of a 1% slope.
  - (vi) The outlet barrel must be reinforced concrete with watertight joints or smooth interior HDPE pipe.
  - (vii) Energy dissipaters and/or level spreaders shall be installed to prevent erosion and/or initiate sheet flow at points where pipes or drainage ways discharge to and from retention/detention ponds. Level spreaders shall be used only where the maximum slope between the discharge point and the waterway does not exceed 5%.
  - (viii) The minimum distance between a proposed pond discharge point (including the energy dissipater, etc.) and a downstream property boundary shall in no case be less than 15 feet. Where there is discharge onto or through adjacent properties prior to release to a

stream, designers shall demonstrate how downstream properties are to be protected. The Municipal Engineer may require that the setback distance be increased based upon factors such as topography, soil conditions, the size of structures, the location of structures, and discharge rates. A drainage easement may also be required.

- (ix) The emergency spillway must be designed to pass the un-attenuated 100-year post development storm with one foot of freeboard.
  - (x) The emergency spillway shall be lined to prevent erosion. The flow velocity used in the lining design shall be the velocity of the 100-year peak flow in the emergency spillway during an assumed clogged primary outlet condition.
  - (xi) Anti-vortex devices consisting of a thin vertical plate normal to the basin berm shall be provided at the top of all circular risers or standpipes.
  - (xii) Inlet structures shall have inverts that are six inches above the pond bottom.
  - (xiii) Retention/detention pond bottom shall have a minimum 2% slope towards the outlet structure.
- f. Underground detention structures shall be designed according to manufacturer's recommendation as well as sound engineering practices. Underground structures are subject to the review and opinion of the Township Engineer.

**6.2 Site Design Feasibility** – Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- a. Topography
- b. Maximum Drainage Area
- c. Depth to Water Table
- d. Soils
- e. Slopes
- f. Terrain
- g. Head
- h. Location in relation to environmentally sensitive features or ultra-urban areas

**6.3 Conveyance Issues** – All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- a. Maximizing of flowpaths from inflow points to outflow points
- b. Protection of inlet and outfall structures
- c. Elimination of erosive flow velocities
- d. Providing of underdrain systems, where applicable
- e. Stormwater conveyance systems shall be designed to carry the 25-year storm event

- 6.4 Pretreatment Requirements** – Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current PA Stormwater BMP Manual. Certain stormwater treatment practices, as specified in the PA Stormwater BMP Manual, are prohibited even with pretreatment in the following circumstances:
- a. Stormwater is generated from highly contaminated source areas known as “hotspots”
  - b. Stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges
  - c. Stormwater is being managed in a designated groundwater recharge area
  - d. Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of stormwater
- 6.5 Landscaping Plans Required** – All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect.
- 6.6 Maintenance Agreements** – All stormwater treatment practices shall have an enforceable operation and maintenance agreement (see Exhibit “B” to Washington Township Subdivision and Land Development Ordinance No. 167) to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.
- 6.7 Non-Structural Stormwater Practices** – The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the current PA Stormwater BMP Manual and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

## **Section 7. Requirements for Stormwater Management Plan Approval**

### **7.1 Stormwater Management Plan Required for All Developments**

- a. No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a licensed (PA State license required) Professional Engineer and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.
- b. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater

management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements per this manual. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the Township after determining that the plan or waiver is consistent with the requirements of this manual.

## **7.2 Stormwater Management Plan Requirements**

- a. The stormwater management plan shall include the following:
  - i. Contact Information – The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected
  - ii. Topographic Base Map – A 1" = 50' (maximum) topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown
  - iii. A plan of the erosion and sedimentation procedures to be utilized as required by local ordinance and state regulations.
  - iv. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any other stormwater collection system that may receive runoff from the project site and specifics of how erosion and flooding impacts to adjacent properties will be avoided or otherwise mitigated.
  - v. Construction details sufficient to completely express the intended stormwater design components are consistent with this Appendix.
  - vi. A wetland delineation report for the project site with a location map identifying wetland areas if any were found.
  - vii. A listing of all permits required for the site providing the status of the permit application(s) and approval(s).
  - viii. Calculations – Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this manual. Such calculations shall include:
    1. Description of the design storm frequency, intensity and duration
    2. Time of concentration
    3. Soil Curve Numbers or runoff coefficients
    4. Peak runoff rates and total runoff volumes for each watershed area
    5. Infiltration rates, where applicable
    6. Storm sewer system capacities including culverts
      - a. Proposed storm sewer profiles showing the 25-year hydraulic grade line.



- b. Pipe anchor details and spacing calculations for all proposed storm sewers having slopes of 19% or greater.
  - 7. Flow velocities
  - 8. Data on the increase in rate and volume of runoff for the design storms references in the Stormwater Design Manual
  - 9. Documentation of sources for all computation methods and field test results
- ix. Soils Information
  - 1. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted
    - a. The soils report shall be based on actual field results. Soil testing shall be in accordance with the PA Stormwater BMP Manual.
    - b. The number and location of required soil borings or soil sits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- x. Maintenance and Repair Plan
  - 1. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary.
  - 2. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- xi. Landscaping Plan
  - 1. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
  - 2. This plan must be prepared by a registered landscape architect.
- xii. Maintenance Easements
  - 1. The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis.
  - 2. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.
- xiii. Maintenance Agreements – The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent

owners of land served by an on-site stormwater management measure in accordance with the specifications of this manual

- xiv. Erosion and Sediment Control Plans for Construction of Stormwater Management Measures
  - 1. The applicant must prepare and submit an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management practices in accordance with PA Code Title 25, Chapter 102.
- xv. Other Environmental Permits – The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.
- xvi. Other Permits – The applicant shall assure that all other applicable permits have been acquired for the site prior to final approval of the Stormwater Management Plan. Other permits include, but are not limited to a Highway Occupancy Permit from the Pennsylvania Department of Transportation for drainage structures located in or discharging to the state right-of-way, as required.
- xvii. If stormwater management facilities are off-site, a note on the plan indicating location and responsibility for conveyance and maintenance; all such off-site facilities shall meet the design standards and criteria specified in this manual and shall be included with the plan.
- xviii. A statement, signed by the developer/property owner(s), acknowledging the stormwater management facilities/controls to be permanent, and shall be altered or removed only after approval of a revised plan.
- xix. The following signature block for Senate Engineering Company:

Senate Engineering Company has reviewed this Stormwater Management Plan in conformity with all design standards and criteria of the Washington Township Stormwater Management Ordinance.

\_\_\_\_\_  
Senate Engineering Company

- xx. The following signature block for the Washington Township Supervisors:

The Washington Township Board of Supervisors, upon recommendation from Senate Engineering Company, has approved this Stormwater Management Plan this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_\_.

Attest:

\_\_\_\_\_  
Washington Township Secretary

\_\_\_\_\_  
Washington Township Board of Supervisors

### **7.3 Performance Bond/Security**

- a. The Township may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 10%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
- b. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this manual.
- c. The Township will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this manual.
- d. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the Township.

## **Section 8. Construction Inspection**

### **8.1 Notice of Construction Commencement**

- a. The applicant must notify the Township in advance before the commencement of construction.
- b. Regular inspections of the stormwater management system construction shall be conducted by the staff of the Township or its designated Municipal Engineering Consultant.
- c. All inspections shall be documented and written reports prepared that contain the following information:
  - i. The date and location of the inspection
  - ii. Whether construction is in compliance with the approved stormwater management plan
  - iii. Variations from the approved construction specifications
  - iv. Any violations that exist
- d. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the Township.
- e. All inspection costs incurred shall be paid for by the owner/developer.

### **8.2 As-Built Plans**

- a. All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed.
- b. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

- c. A final inspection by the Township is required before the release of any performance securities can occur.

## **Section 9. Maintenance and Repair of Stormwater Facilities**

**9.1 Maintenance Easement** – Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Township, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this manual. The easement agreement shall be recorded by the Township in the land records.

### **9.2 Maintenance Covenants**

- a. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the Township and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.
- b. The Township, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**9.3 Requirements for Maintenance Covenants** – All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this manual and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the Township, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

**9.4 Inspection of Stormwater Facilities** – Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices. Inspection costs shall be paid for by the owner of the stormwater facilities.

- 9.5 Right-of-Entry for Inspection** – When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the Township the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this manual is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this manual.
- 9.6 Records of Installation and Maintenance Activities** – Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 7 years. These records shall be made available to the Township during inspection of the facility and at other reasonable times upon request.
- 9.7 Failure to Maintain Practices** – If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Township, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Township shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the Township may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

## **Section 10. Enforcement and Penalties**

- 10.1 Violations** – Any development activity that is commenced or is conducted contrary to this manual may be restrained by injunction or otherwise abated in a manner provided by law including but not limited to the provisions of Washington Township Subdivision and Land Development Ordinance No. 167.
- 10.2 Notice of Violation** – When the Township determines that an activity is not being carried out in accordance with the requirements of this manual, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
- a. The name and address of the owner or applicant;
  - b. The address when available or a description of the building, structure or land upon which the violation is occurring;
  - c. A statement specifying the nature of the violation;

- d. A description of the remedial measures necessary to bring the development activity into compliance with this manual and a time schedule for the completion of such remedial action.
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- f. A statement that the determination of violation may be appealed to the Township by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

**10.3 Stop Work Orders** – Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the Township confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this manual.

**10.4 Civil and Criminal Penalties** – In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this manual shall be subjected to the fines and penalties as set forth in Washington Township Subdivision and Land Development Ordinance No. 167.

**10.5 Restoration of Lands** – Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Township may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**10.6 Holds on Occupation Permits** – Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by the Township.

**APPENDIX "B" TO SECTION 518  
RELATING TO THE DESIGN, CONSTRUCTION, PERFORMANCE,  
MAINTENANCE AND ALTERATION OF GRADING, EXCAVATION AND FILLS**

**WASHINGTON TOWNSHIP  
WESTMORELAND COUNTY, PENNSYLVANIA**

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**101. Title, Purpose**

1. This Manual shall be known as the “Washington Township Grading, Excavating and Fill Manual.”
2. The purpose of this Manual is to provide minimum standards to safeguard persons, to protect property, streams and watercourses, to maintain and promote ecology, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill.
3. If any section, subsection, sentence, clause or phrase of this Manual is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Manual.

**102. Definitions**

Wherever used in this Manual, the words shall have the following meaning:

**ADMINISTRATOR** – The Township Secretary or such other qualified individual designated by way of resolution by the Board of Supervisors to act for the Township under this Manual.

**BUILDING PERMIT** – A valid, written permit issued by the Township pursuant to the provisions of applicable Township ordinances for the construction, erection of, or alterations of a structure or buildings.

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

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

**FENCE** – A structural barrier to prevent intrusion within a given area.

**FILL** – Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location, and shall include the conditions resulting therefrom.

**GRADE** –

Existing or Natural Grade

The elevation of the existing ground surface above sea level prior to any excavating or filling



Finished Grade

The elevation of the ground surface above sea level after grading has been completed and the elevation coincides with the elevation called for in a plan of grading.

Rough Grade

That state of grading which approximates the finished grade in a plan of grading.

**GRADING** – An excavation or fill, or any combination thereof, and shall include the conditions resulting from any excavation or fill.

**GRADING PERMIT** – Any permit required by this Manual.

**PAVING** – The application of such material as will produce a dust free, all weather, hard surface.

**HAZARD** – A danger or potential danger to life, limb or health, safety or well-being, or an adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers, including stream pollution.

**PERSON** – A natural person or persons, but shall also include a partnership or corporation, and their heirs, successors and assigns.

**SLOPE** – That ratio formed by the horizontal over the vertical difference of position.

**TOWNSHIP** – The Township of Washington, Westmoreland County, Pennsylvania

**103. Scope**

New grading, excavations or fills, or changes, additions, repairs or alterations made to existing grading, excavations or fills, shall conform to the provisions of this Manual.

**104. Permits Required**

No person shall commence or perform any grading, excavation, fill or permanent removal of vegetation, trees or ground cover without first having obtained a grading Permit from the Administrator. “Permanent removal of vegetation, trees or ground cover” includes any removal of vegetation, trees or ground cover which is not replaced within 60 days of removal. If the grading is requested in conjunction with a land development or subdivision, the grading requirements will be considered part of final plan approval and a separate grading permit shall not be required.

**105. Exceptions**

A grading permit will not be required in the following situations, but in all other respects, the provisions of this Manual shall apply:

1. An excavation which does not exceed eight feet (8') in vertical depth at its deepest point measured from the existing grade, if the grading:
  - (a) does not exceed 12,000 square feet;
  - (b) does not exceed 400 cubic yards, and;
  - (c) does not result in cut and/or fill slope steeper than three (3) horizontal to one (1) vertical.
  
2. A fill which does not exceed six feet (6') in vertical depth at its deepest point measured to the existing grade, if the grading:
  - (a) does not cover an area of more than 20 (20%) percent of the lot;
  - (b) does not exceed 12,000 square feet; and
  - (c) does not exceed 250 cubic yards provided that the surface of such fills does not have a slope at any point steeper than three (3) horizontal to one (1) vertical.
  
3. An excavation for basements and footings of a building, swimming pool or underground structure authorized by a building permit, and excavation of a driveway between a building site and the street where the plot plans attached to the building permit indicate existing and proposed contours. A grading permit shall not be required for the temporary stockpiling on the site of the material from such excavation within a one (1) year period beginning from issuance of the building permit
  
4. The development of a lot for a single family detached dwelling provided no slopes to be created will exceed one (1') foot vertical to each three (3') foot horizontal and storm water drainage will either not be changed or will be contained on the lot.
  
5. The permanent removal of vegetation including but not limited to trees and ground cover in a gross area of less than 12,000 square feet.
  
6. The preparation of land surface for the planting of crops, gardens or landscaping materials.
  
7. A retaining wall less than six (6') feet in height.

**106. Application**

Every applicant for a grading permit shall file a written application with the Administrator. Such application shall:

1. Describe the land on which the proposed work is to be done by lot, block, tract or street address, or similar description, which will readily identify and locate the proposed work.
2. Contain the name and address of the applicant and the owner of the land in question. If the owner is other than the applicant, then the application shall state the nature of the applicant's interest in the land, and shall include written permission from the owner for such application to be made.
3. State the estimated dates of the starting and completion of the proposed work.
4. State the use to which the land will be put after the work is done.
5. Contain such additional information as may be reasonably requested in any particular case by the Township Engineer or Administrator in order to facilitate the review required by this Manual.
6. Be accompanied by three (3) copies of plans and specifications prepared by a registered engineer, registered surveyor, registered architect or registered landscape architect, licensed by the Commonwealth of Pennsylvania, including:
  - (a) a plan of survey;
  - (b) a contour map, showing the present contours of the land and the proposed contours of the land after completion of the proposed grading at a scale not smaller than fifty feet (50') to one inch (1"), and at a contour interval of not greater than two feet (2');
  - (c) a plan showing cross sections of the proposed cut and/or fill on fifty foot (50') intervals, which show the method of benching both cut and/or fill, however, under no circumstances shall there be less than two (2) cross sections for each property involved under said permit;
  - (d) a plot plan showing the location of the grading, boundaries, lot lines, neighboring streets and ways, existing and proposed buildings, existing water lines and sewers or drains, existing utility lines, type of existing and proposed ground cover or vegetation, and sufficient dimensions and other data to show the location of all work;
  - (e) a description of the type and classification of the soils and geological conditions obtained from an on-site investigation;

- (f) details and location of existing watercourses, area and details of paving, and any proposed drainage structures and pipes, walls and cribbing, details of bridges and/or culverts required to cross over watercourses; and
- (g) nature of fill material.

All plans shall be dated and bear: (i) the name and seal of the registered professional who prepared same; (ii) the name of the applicant, and (iii) the name of the owner of the land.

- 7. Be accompanied by such fee as is established by resolution of the Township Board of Supervisors.
- 8. Be accompanied by an Erosion and Sedimentation Control Plan approved by the Westmoreland County Soil Conservation District or the Department of Environmental Resources.

**107. Decision Procedure – Issuance of Permit – Work Completion Guarantees**

- 1. Upon receiving a grading application permit, the Administrator shall submit copies of the application and plans to the Township Ordinance Officer and Township Engineer.
  - (a) The Administrator shall not render a decision on an application until the recommendation of the Township Engineer is received, provided however, that in no event shall the Administrator delay a decision beyond 60 days from the date of filing of the application.
- 2. The Administrator shall approve or disapprove the grading permit application. The decision shall be stated in writing and mailed to the address of the applicant shown on the application.
  - (a) The decision letter shall contain the notation “Date of Decision -- \_\_\_\_\_” with the date inserted. The decision letter shall also state,
 

“Any person aggrieved by this decision may file, in writing, an appeal to the Washington Township Board of Supervisors within ten (10) days from the date of this decision or of the date of issuance of a grading permit, whichever is later.”
  - (b) Where an application is approved, the decision letter shall also state,
 

“A grading permit will be issued and work may be commenced pursuant thereto once bond is posted as required by the Township Grading Ordinance.”

3. Where an application has been approved, the grading permit shall not be issued until the applicant shall post a bond with a corporate surety in an amount determined by the Township Engineer to adequately stabilize the site should the grading not be completed. the bond shall not be released until the Administrator reviews a letter from the Township Engineer indicating that the grading was completed as per the approved plans.
4. Once a grading permit is issued, it shall be continuously and conspicuously posted by the applicant at the work site from the date of issuance until the date of completion of the work.

**108. Expiration of Permit**

Every grading permit shall expire and become null and void if the work authorized by such permit has not been commenced within one (1) year, or is not completed within two (2) years from the date of issue provided that the Administrator may, if the permit holder presents satisfactory evidence in writing that unusual difficulties have prevented the work from being started or completed within the specified time limits, grant a reasonable extension of time and; provided further, that the application for the extension of time is made at least 90 days before the date of expiration of the permit.

**109. Basis for Approval or Denial of Application – Appeal**

1. Where, in the opinion of the Administrator and/or Township Engineer, the application meets all requirements of this Manual, and if the proposed use of the land has been approved, and a final subdivision or land development plan has been approved, the application shall be approved.
2. A variance from the substantive provisions of this Manual may be granted by the Administrator where all of the following conditions are met:
  - (a) There is a unique physical condition of the land which necessitates the variance; and
  - (b) The Township Engineer has recommended, in writing, that compliance with the provision in question will not significantly promote the purposes of this Manual; and
  - (c) The proposed project is not economically feasible without the requested variance; and
  - (d) The necessity for the variance is not self-created; and
  - (e) The applicant specifies the provisions from which a variance is requested and the grounds therefore in the application.

The Administrator may subject the grant of a variance to reasonable conditions intended to further the purposes of this Manual.

3. Where, in the opinion of the Administrator and/or Township Engineer, the application fails to conform to the requirements of this Manual or the work as proposed by the applicant is likely to endanger any person, property or any street or way, the application shall be denied. In determining whether the proposed work is likely to endanger property, or streets or alleys, or streams, or create hazardous conditions, or damage the ecology of the area, the Administration and/or Township Engineer shall give consideration to, but shall not be limited to, possible saturation by rains, earth movements, run-off of surface waters and subsurface conditions such as the stratification and faulting of rock, and the nature and type of the soil, rock or other minerals.
4. An approval may be made subject to reasonable conditions imposed by the Administrator to further the purposes of this Manual.
5. Where an application is denied, the decision letter shall specify the reasons for denial.
6. The Board of Supervisors shall, pursuant to the Local Agency Law, hear appeals by persons aggrieved from the determinations of the Administrator, and the Board may consider alternate methods, standards or materials proposed by the applicant. Any appeal must be filed within 10 days of the date of the decision of the Administrator or of the date of issuance of a grading permit, whichever is later.

#### **110. Inspection**

1.
  - (a) The Administrator or his designee shall make the inspections hereinafter required, and any random or unannounced inspections deemed desirable by the Administrator.
  - (b) The Administrator may either approve that portion of the work that has been completed or notify the permit holder wherein the same fails to comply with the provisions of this Manual or of a previously issued permit.
  - (c) Where it is found by inspection that the soil or other conditions are not as stated or shown on the application, the Administrator shall stop work on the site immediately until approval is obtained for a revised grading plan conforming to the existing conditions.
2. Plans for grading work, approved by the Administrator, shall be maintained at the site during the progress of the grading work until the work has been approved.

3. The permit holder shall notify the Administrator in order to obtain inspections in accordance with the following schedule, and such notifications shall be made by the permit holder at least 72 hours before the inspection is to be made:
  - (a) Initial Inspection. When work on the excavation or fill is about to be commenced.
  - (b) Rough Grading. When all rough grading has been completed.
  - (c) Drainage Facilities. When drainage facilities are to be installed and before such facilities are back-filled.
  - (d) Special Inspection. If at any time conditions or the work differ from the description thereof in the permit holder's application.
  - (e) Special Structures. When excavations are complete for retaining and crib walls, and when reinforcing steel is in place and before concrete is poured.
  - (f) Final Inspection. When all work including the installation of all drainage and other structures has been completed.
4. If, at any stage of the work, the Administrator shall determine by inspection that conditions exist, such that the work as authorized by an existing permit is likely to endanger any property, or streets, or ways, or create hazardous conditions, the Administrator may require, as a condition to allowing the work to be done, that such reasonable "safety precautions" be taken as the Administrator considers advisable to avoid the likelihood of danger. "Safety precautions" may include, but shall not be limited to specifying a lesser degree of slope, construction of additional drainage facilities, berms, terracing, compaction, cribbing or walls.
5. Permittees shall bear all costs of inspections conducted hereunder, including engineering fees incurred by the Township. Such engineering fees shall be assessed in accordance with the Township Engineer's established schedule of fees.

#### **111. Standard of Excavation**

##### Lot Grading for Subdivisions and Land Developments

1. No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
  - (a) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement and geotechnical report from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in geotechnical engineering, to that effect is

submitted to the Township engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

- (b) A retaining wall, constructed according to sound engineering standards for which plans are submitted to the Township Engineer for review and approval, is provided.
2. No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
- (a) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys or buildings.
  - (b) A written statement and geotechnical report from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in geotechnical engineering, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage is submitted to and approved by the Township Engineer.
  - (c) A retaining wall, constructed according to sound engineering standards for which plans are submitted to the Township Engineer for review and approval, is provided.
3. When the fill is other than clean soil or earth, the Administrator may require clean soil or earth to be placed over the top and exposed surfaces of the fill to a depth sufficient to conceal all materials at the end of each day's operations.
- (a) No fill of any kind shall be placed over trees, stumps, or other material which would create a nuisance or be susceptible to attracting rodents, termites or other pests.
  - (b) No grading permit shall be issued for the filling with materials other than clean soil or earth until a performance bond in the amount of at least 110 percent of the estimated cost of adequately covering such fill with clean soil or earth and providing adequate erosion and sedimentation control and drainage has been furnished to the Township.

## **112. Standards for Fills**

- 1.1 Embankments and fills shall be constructed to the lines and grades shown on the drawings provided to the Township.



- 1.2 Embankments and fills shall be made on cleared and stripped areas which shall be prepared by scrapping, plowing, spreading and compacting so that the surface material of the foundation will be as compact and well-bonded to the first layer of fill as hereinafter specified for subsequent layers of the embankment.
- 1.3 Materials for fills or embankments shall be of the proper classification. No stones larger in any dimension than the thickness of the compacted layers specified will be permitted in any embankment or fill and where impervious embankment is required: if sand, gravel or loose shale is used, it shall be thoroughly mixed with clay so that the entire mass will be one monolithic impervious embankment free from stratification or lenses.
- 1.4 Where newly-placed material abuts old material in the embankment, the old material shall be cut or broken by scarifying or bulldozing until it shows the characteristic colors or undried material. The bulldozer shall then work on both old and new material in such a manner as to thoroughly bond them together.
- 1.5 During the dumping and the dumping and spreading operations of the materials for the embankment or fill, the contractor shall maintain at all times a force of workers sufficient to remove roots, grass, trash and branches from the rolled fill section, and these materials shall be removed from the embankment and burned or otherwise disposed of in a manner satisfactory to the owner's representative or Township.
- 1.6 The surface of the fill or embankment shall have the proper water content required for compaction, as determined by the owner's representative, before additional material is placed.
- 1.7 The fill or embankment shall be built up in approximate horizontal layers of the maximum thickness, indicated in the compaction method or method hereafter specified, across its full length and width. The layers shall be spread uniformly and shall have a slope of approximately 1.5% positive drainage to the outside of the embankment to facilitate drainage.
- 1.8 The material in each layer while being compacted shall contain an optimum amount of water for compaction purposes within practicable limits, and this optimum water content shall be adequately distributed throughout the layer. The application of water to material for this purpose shall be done at the site of the excavation insofar as it is practicable, and shall be supplemented as required by sprinkling on the embankment.
- 1.9 The entire surface of the embankment or fill shall be maintained at all times in such a condition that construction equipment can travel over any part, and at no time shall separate pieces of equipment track each other.

1.10 Compaction shall be accomplished by one of the following methods, the first of which shall be used where practical and possible.

A. Compaction Method No. 1:

- (1) Fill material shall be spread in uniform layers not to exceed six inches (6") after compaction.
- (2) If in the opinion of the owner's representative additional rolling is required to obtain optimum compaction, the contractor shall perform the same at no additional cost to the owner. The design and operation of tamping rollers shall be subject to the approval of the owner's representative and he shall have the right at any time during the prosecution of the work to direct such alterations or repairs as may be found necessary to secure the optimum compaction of the earth fill materials.

B. Compaction Method No. 2:

- (1) Fill material shall be spread in uniform layers not to exceed four inches (4") after compaction.
- (2) The contractor will be permitted to employ a heavy bulldozer for spreading such material. The bulldozer shall weigh not less than ten (10) tons and be equipped with cleated tracks. In compacting the embankment the bulldozer tracks or treads shall cover the entire surface of each layer at least once. Compaction of the embankment with the bulldozer shall continue until the maximum compaction has been secured. Sheepsfoot and or vibratory roller type compaction equipment shall be used when deemed appropriate.

C. Compaction Method No. 3:

- (1) This method is intended for use only in confined areas too small for the use of tamping rollers or bulldozers. Materials shall be spread in layers not to exceed four inches (4") depth before compaction and then be thoroughly compacted by means of mechanical tamping. Hand tamping will not be approved as a substitute for mechanical tamping unless written permission for such substitution is first obtained from the owner's representative.
- (2) It is contemplated that this method shall be used in pipe trenches, under and around pipe passing through embankments and to heights of two feet (2') above such pipe, and adjacent to manholes and structures. Particular care shall be taken in these areas to obtain compaction at least equal to that obtained by Method No. 1 of the previously specified methods.

- 1.11 At any time when the embankment materials are frozen or are too wet to permit optimum compaction, and at any other time when in the opinion of the owner's representative satisfactory work cannot be done, work on embankments and fills shall be suspended until satisfactory conditions are again obtained.
- 1.12 All work shall comply with approved Erosion & Sedimentation Control Plan requirements. The control of water runoff from the site shall be carefully contained per all Federal, State, County Conservation District and Township requirements.

**113. Standards for Minimizing Erosion and Sedimentation shall be maintained as set forth elsewhere in this Appendix or in the Washington Township Subdivision and Land Development Ordinance**

**114. Standards for Compaction of Fills and Benching**

1. All fills shall be compacted to provide stability of material and to prevent undesirable settlement. The fill shall be spread in a series of layers and shall be compacted by a sheepsfoot roller or other approved method after each layer is spread. Fill slopes shall be keyed into pre-existing undisturbed earth and well compacted in layers not to exceed eight (8") inches in thickness.
2. The Administrator may require tests or other information if, in his opinion or that of the Township engineer, the conditions or materials are such that additional tests or information are necessary.
3. Where fills are placed on slopes of fifteen (15%) percent or more, benching of the surface shall be required and indicated on the cross sections.
4. Fills that exceed a height of eight feet (8') shall be provided at the toe of the slope with a key bench of at least two feet (2') and not more than four feet (4') side across the entire length of the toe.

**115. Drainage**

1. The toe of a slope shall be either graded to a natural existing drainage way or to a stormwater drainage system, or provided with a stormwater pipe draining to such a system.
2. No stormwater originating above a graded slope shall be allowed to flow down over the face of the graded surface.
3. Slope areas shall be planted with fast-catching erosion-resisting materials such as hardy rye grasses, shrubs, etc., immediately upon completion of grading work. Hardy perennial

grasses shall be sewn after the initial planting. Graded areas shall be protected from construction activity, covered with straw and contained along their lower elevations by hay bales until the planting has secured the slope.

4. All drainage provisions shall be of such design as to carry surface waters to the nearest practical location or natural watercourse, which is a safe place to deposit or receive such waters. Culverts and bridges of proper size shall be installed where a watercourse is to be crossed in accord with state rules, regulations and law.
5. All substantive requirements of the Township's stormwater management ordinance must be met.

#### **116. Maintenance**

The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, fences, ground cover, and other protective devices as established by permit and, further, the continued use of said area shall be contingent upon the maintenance and upkeep, satisfactory to the Township. The Certificate of Completion therefor may, at any time, be revoked by the Administrator, in accordance with the procedures set forth in §118(2,3) if the conditions of the permit are not being observed, or if conditions exist that prejudice the health, safety and welfare of any person, persons or property.

#### **117. General Requirements**

1.
  - (a) No grading shall occur within five (5) feet of any property or street right-of-way line except to allow connection of driveways or walks on the property to adjacent public streets or walks, to grade off land immediately adjacent to a street, or upon approval of the Township Engineer because of the presence of unusual grading or drainage circumstances.
  - (b) The top or bottom edge of excavation and fills shall be at least 25 feet from the nearest bank of any stream or body of water.
  - (c) A temporary fence, not less than four feet (4') in height and approved by the Administrator, shall be placed at the top of all cuts or fills and slopes in excess of one and one-half (1-1/2) horizontal to one (1) vertical, prior to excavation. Upon completion of grading, a permanent fence not less than four feet (4') in height and meeting Township fence requirements shall be placed at the top of all such cuts or fills and slopes.
2. The owner of a property shall be responsible to protect and clean up affected properties of silt or debris washing from his property as a result of the grading of his property. The duties imposed under this paragraph shall be in addition to those duties owed to other property owners by law.

3. In order to prevent the denuding of the landscape, wherever practicable, large trees and other natural features constituting important physical, esthetics and economic assets to existing or impending suburban development shall be preserved.
4. All grading, excavation or fill shall be performed so that no unnecessary dust shall be raised. The Administrator may impose and enforce reasonable dust control regulations and may revoke any permit issued under this Manual until dust control regulations are met.
5. Where construction is proposed, individual lots shall not be graded until after a building permit has been issued for construction thereon, except as may be needed for placement of public improvements. Developers are encouraged to clear only those trees that will interfere with the actual development of each lot.
6. In the event the developer proposes to utilize retaining walls, he shall keep them **five (3')??** feet from any property or street right-of-way line, and shall provide drainage above the wall and at its toe. A wall or fence shall be provided along the top of a retaining wall if a dangerous condition will exist. The design drawings for any retaining wall greater than six (6') feet in height shall be approved by the Township Engineer prior to construction.

**118. Grading Certification of Completion**

1. If, upon final inspection, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this Manual, a Grading Certificate Of Completion covering such work and stating that the work is approved, shall be issued to the permit holder by the Administrator.
2. The Administrator shall have the power to revoke the Grading Certificate of Completion upon the recommendation of the Township Engineer that the work covered by the permit, or that any retaining walls, cribbing, drainage structures, fence or other protective devices shown on the approved plans and specifications submitted for a permit have not been maintained in good order and repair.
3. Before such revocation, the Administrator shall first give written notice to the permit holder and to the owner of the property involved, specifying the defective condition, and stating that unless such defective condition is remedied within a specified time that the Certificate shall be revoked.
4. Any person aggrieved by the issuance or revocation of a Grading Certificate of Completion may appeal, in writing, pursuant to the Local Agency Law, to the Township Board of Supervisors. Any appeal must be filed within ten (10) days of the decision appealed from.

119. **Design Specifications**

Unless otherwise approved by the Township Engineer, the details for the installation of the following structures shall be in compliance with the detail drawings attached hereto:

- (a) Conduit street crossings;
- (b) Manhole frames and covers;
- (c) Pre-cast inlets – Type M;
- (d) Sanitary manholes;
- (e) Storm manholes;
- (f) Manhole channels;
- (g) Type 2S Guide Rails;
- (h) Concrete anchors; and
- (i) Bedding and backfilling.

**EXHIBIT "A"**

**WASHINGTON TOWNSHIP  
WESTMORELAND COUNTY, PENNSYLVANIA**

**STORMWATER MANAGEMENT  
MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

and between \_\_\_\_\_

(hereinafter the "Property Owner"), and Washington Township, Westmoreland County, Pennsylvania (hereinafter "Township").

**WITNESSETH:**

WHEREAS, the Property Owner is the owner of certain real estate as recorded by deed in the land records of Westmoreland County, Pennsylvania, Deed Book \_\_\_\_\_, Page \_\_\_\_\_, (hereinafter "Property"); and

WHEREAS, the Property Owner is proceeding to build and develop Property; and

WHEREAS, the Stormwater Management Plan (hereinafter "Plan") for the Property is expressly made a part hereof, as approved or to be approved by the Township, provides for the detention, retention, and control of stormwater within the confines of the Property; and

WHEREAS, the Township and the Property Owner, his successors, heirs, and assigns agree that the health, safety, and welfare of the residents of Washington Township require that on-site stormwater management facilities or controls be constructed and maintained on the Property; and

WHEREAS, the Township requires, through the implementation of the approved Plan, that stormwater management facilities/controls as shown on the Plan be constructed and adequately maintained by the Property Owner, his successors, heirs, and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities/controls shall be constructed by the Property Owner, his successors, heirs, and assigns, in accordance with the terms, conditions and specifications identified in the approval Plan.
2. The Property Owner, his successors, heirs, and assigns, shall maintain the stormwater management facility/controls in good working condition, acceptable to the Township, in a way that the facility/controls are performing as per their intended design functions.
3. The Property Owner, his successors, heirs, and assigns, hereby grants permission to the Township, the duly authorized municipal representatives/assignees and/or employees, upon presentation of identification if requested, to enter upon the Property at reasonable times, and to inspect the stormwater management facilities/controls whenever the Township deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities/controls. The inspection shall cover the entire facility, berms, outlet structures, pond area, access roads, etc. When inspections are conducted, the Township shall give the Property Owner, his successors, heirs, and assigns, copies of the Inspection Report with findings and evaluations. At a minimum, maintenance inspections shall be performed in accordance with the following schedule:
  - \* Annually for the first five (5) years after construction of the facility/control.
  - \* Once every three (3) years thereafter, or
  - \* During or immediately upon the cessation of a 100 year or greater precipitation event.
4. All reasonable costs for said inspections and inspection reports shall be borne by the Property Owner and payable to the Township.
5. The Property Owner shall convey to the Township, adequate easements and/or rights-of-way to assure access for periodic inspections by the Township.
6. In the event the Property Owner, his successors, heirs, and assigns, fail to maintain the stormwater management facilities/controls in good working condition acceptable to the Township, the Township may enter upon the Property and take such necessary and prudent action to maintain said stormwater management facilities/controls and to charge the costs of the maintenance and/or repairs to the Property Owner, his successors, heirs, and assigns. This provision shall not be construed as to allow the Township to erect any structure of a permanent nature on the land of the Property Owner, outside of any easement belonging to the Township.
7. It is expressly understood and agreed that the Township is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Township.
8. The Property Owner, his successors, heirs, and assigns, will perform maintenance in accordance with the approved maintenance schedule for the stormwater management facilities/controls including sediment removal as outlined on the approved Plan.



9. In the event the Township, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Property Owner's or his successors, heirs, and assigns' failure to perform such work, the Property Owner, his successors, heirs, and assigns, shall reimburse the Township upon demand, within thirty (30) days of receipt of invoice thereof, for all costs incurred by the Township hereunder. If not paid within said thirty (30) day period, the Township may enter a lien against the property in the amount of such costs, or may proceed to recover the costs through proceedings in equity or at law as authorized under the provisions of the PA Municipalities Planning Code, Act 247.
10. The Property Owner, his successors, heirs, and assigns, shall indemnify the Township and the authorized agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the Township for the construction, presence, existence or maintenance of the stormwater management facilities/controls by the Property Owner, his successors, heirs, and assigns.
11. In the event a claim is asserted against the Township, the authorized agents or employees, the Township shall promptly notify the Property Owner, his successors, heirs, and assigns and they shall defend, at their own expenses, any suit based on such claim. If any judgment or claims against the Township, the authorized agents or employees shall be allowed, the Property Owner, his successors, heirs, and assigns shall pay all costs and expenses in connection therewith.
12. In the advent of any emergency or the occurrence of special or unusual circumstances or situations, the Township may enter the Property, if the Property Owner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety, and welfare of the citizens is at jeopardy. However, the Township shall notify the Property Owner of any inspection, maintenance, or repair undertaken within five (5) days of the activity. The Property Owner shall reimburse the Township for those costs.

*(Signatures on following page)*



**EXHIBIT "B"**

**PRIVATE ROAD MAINTENANCE DECLARATION**

THIS PRIVATE ROAD MAINTENANCE DECLARATION is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ of \_\_\_\_\_.

WITNESSETH THAT:

WHEREAS, \_\_\_\_\_ (hereinafter referred to as "\_\_\_\_\_") is/are the owner(s) of certain land lying and situate in the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania as the same is more particularly set forth and described in that certain Indenture dated \_\_\_\_\_ and recorded in the Recorder's Office in and for Westmoreland County, Pennsylvania in Deed Book Volume \_\_\_\_\_, Page \_\_\_\_\_, or as Instrument No. \_\_\_\_\_ (hereinafter referred to as "Property"); and

WHEREAS, \_\_\_\_\_ has requested that the Township of Washington approve a subdivision plan identified as the \_\_\_\_\_ Plan of Lots as prepared by \_\_\_\_\_ under date of \_\_\_\_\_ (hereinafter referred to as "Subdivision"); and

WHEREAS, the Township of Washington is willing to approve the Subdivision of the Property conditioned upon \_\_\_\_\_ entering into this Private Road Maintenance Declaration; and

WHEREAS, \_\_\_\_\_ is willing to enter into this Private Road Maintenance Declaration as a condition of approval by the Township of Washington of the Subdivision of the

Property so as to provide for the construction, reconstruction, maintenance, repair, replacement and upgrade of the Right-of-Way as set forth and shown on the Subdivision.

NOW, THEREFORE, \_\_\_\_\_ hereby declares that all lots to be conveyed in the future from the Property shall be held, sold and conveyed subject to the terms, conditions and provisions as set forth in this Private Road Maintenance Declaration which shall run with the lots in perpetuity and shall be binding upon and shall inure to the benefit of all persons having any right, title or interest therein or any part thereof, and their respective heirs, legatees, personal representatives, successors and assigns as follows:

1. Each lot in the Property shall be counted as one (1) lot, shall have one (1) proportionate share and shall possess one (1) vote regardless of how many owners there are of a particular lot.

2. This Private Road Maintenance Declaration shall be applicable to the roadways as set forth and shown on the Subdivision and identified as the Right-of-Way.

3. Within thirty (30) days of the beginning of each calendar year the owners of the lots shall have a meeting whereupon by majority vote there shall be determined the need for any construction, reconstruction, repair, maintenance, replacement or upgrade of the Right-of-Way.

4. At the aforementioned meeting, by majority vote, there shall be elected an individual and/or entity who shall be vested with the authority to solicit bids to determine the amount of monies necessary for the construction, reconstruction, repair, maintenance, replacement or upgrade of the Right-of-Way.

5. Within fifteen (15) days following receipt of the bids, the individual and/or entity elected in Paragraph 4 shall provide ten (10) days written notice to each lot owner of the time

and place of a meeting whereupon after presentation of the bids, it shall be determined by a majority vote whether to proceed with the construction, reconstruction, repair, maintenance, replacement or upgrade of the Right-of-Way.

6. Within thirty (30) days following receipt of notice from the individual and/or entity designated to solicit bids, the owner of each lot shall be required to deposit with said individual and/or entity that lots' proportionate share of the cost to construct, reconstruct, repair, maintain, replace or upgrade the Right-of-Way. The owners of each lot shall be jointly and severally responsible for the proportionate share that is owed by that lot.

7. Any monies due and owing not paid within said thirty (30) days shall bear interest at the rate of Eight (8%) Percent per annum and the individual and/or entity vested with the authority to solicit bids and collect monies is hereby empowered to bring an action at law against the owners of any lot personally obligated to pay the same and there shall be added to the amount owed the cost of preparing and filing the complaint, interest, and reasonable attorney's fees. No owner may waive or otherwise escape liability for the monies owed by nonuse of the Right-of-Way or abandonment of the lot.

8. Each owner of any lot by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay the costs and expenses for the repair, replacement, construction, reconstruction, maintenance or upgrade to the Right-of-Way and said obligation shall be a personal obligation of the owner who was the owner of such lot at the time when such sums fell due. Personal obligation for delinquent sums due shall not pass to successors in title unless expressly assumed by them.

