

ORDINANCE NO. 293

SUBDIVISION ORDINANCE

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND; THE DEDICATION; OPENING AND CONSTRUCTION OF ROADS, STREET, ALLEYS, AND DRAINAGE FACILITIES FOR THE SAME, AND PROVIDING FOR THE ACCEPTANCE BY THE TOWNSHIP OF EAST OF ROADS, STREETS, ALLEYS, AND DRAINAGE FACILITIES FOR THE SAME IN THE OLD SUBDIVISION, NEW SUBDIVISIONS, OR OTHERWISE, AS PART OF THE PUBLIC ROAD SYSTEM OF THE TOWNSHIP AND FURTHER PROVIDING PENALTIES FOR VIOLATIONS.

Section 1. Definitions of words and phrases as used in this Ordinance.

- A. The word “Person” shall mean an individual or individuals, a partnership, or a corporation.**
- B. The word “Owner” shall mean a person who is the registered owners of land to be subdivided and/or developed in accordance with this ordinance.**
- C. The word “Unimproved Road” shall mean a road, cartway, of which at the time the road is dedicated to and/or accepted by the township, or acquired by condemnation proceedings, is not paved with materials in accordance with Township specifications, or where such pavement is not in good condition and repair.**
- D. The words “Unimproved Township Roads” shall mean a road which has been in use by the public for a long period of time, the cartway of which at the time the road was or is dedicated to and/or accepted by the Township or acquired by condemnation proceedings, is not paved with the materials in accordance with Township specifications.**
- E. The words “Improved Township Roads” shall mean a road, the cartway of which, at the time said road is dedicated to and/or accepted by the township, or acquired by condemnation proceedings, is paved with materials in accordance with the Township specifications and such pavement is in good condition and repair.**
- F. The word “subdivision” shall mean the division of a single lot, transfer of parcel of land into three or more lots, tracts or parcels of land, including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer or ownership or of building developments: provided, however, that subdivisions of land for agricultural purposes in parcels of more than ten acres, not involving any new streets or easements of access shall be exempted.**

Section 2. Any corporation, person or persons, which or who, shall need a subdivision of land or any plan for same, and when in any instance upon petition to the Commissioners of the Township of East Deer of property owners representing a majority of interest of properties abutting upon any dedication of a street, lane or alleyway, application is made before the Commissioners of the said Township of East Deer to have said roads, streets, or alleyways, or any drainage facilities in connection therewith, any plans for the same, made part of the public road and street system of the Township of East Deer, and to be taken over and maintained by said Township as part of its road system, shall comply with the following rules and regulations.

PLAN LOTS (A)

PRELIMINARY PLANS

- 1. A preliminary plan, prepared by the registered professional engineer or land surveyor, drawn in accordance with the regulations herein described, shall be submitted in duplicate, or least thirty days before submitting the final tracings for approval and signatures of the proper Officers of the Township.**
- 2. These plans must be of sufficient scale to clearly show all dimensions or figures marked thereon; and the scales of the preliminary plans shall be less than two hundred feet to one inch.**
- 3. The preliminary plans, after being submitted to the Commissioners, should be approved before the grading and the paving of the streets, or the beginning of any type of construction.**
- 4. these plans must show the following:**
 - A. The proposed layout of the entire property.**
 - B. The approximate locations of the property lines, building, water courses and other existing physical features.**
 - C. The proposed location of the widths of streets and minimum size of the lots.**
 - D. The title under the proposed subdivision is to be recorded with the name of the allotter.**
 - E. The names of all adjoining properties showing approximate locations of streets (if any) in the adjoining properties.**
 - F. An arrow indication the direction of north.**

- G. All existing sewers and water lines and a preliminary layout of necessary extensions and additional sewer and water lines.**
- H. Contours of the entire plot, proposed to be subdivided, at five foot intervals. Contours to be based on Sandy Hook datum.**
- I. Profiles of proposed streets with the vertical scale ten feet equals one inch: horizontal scale fifty feet equals one inch on tracing cloth.**
- J. The plans shall show the location of proposed storm sewers and catch basins.**

PLAN OF LOTS (B)

FINAL PLANS

- 1. The final plans shall be on linen tracing cloth, in ink, and shall include one duplicate tracing of the original; and should be of sufficient scale to clearly indicate all figures or dimensions lines. Final plans shall conform to the requirements of the Allegheny County Planning Commission and shall be in conformity with the zoning requirements of the Township of East Deer, the plans shall show:**
 - A. The boundaries of the properties, which shall have been determined by an accurate survey in the field which must be balanced and closed, certified to be correct by a registered engineer or registered surveyor.**
 - B. The traverse of the calculated boundaries shall be submitted with the finished tracings and will be returned after final approval of plans.**
 - C. The location of all required permanent boundaries shall be submitted with the finished tracings and will be returned after final approval of plans.**
- 2. For all such monuments, which have not been set at the time the final plat is submitted for signatures, there shall be deposited with the Secretary a certified check in the amount determined by the township Engineer sufficient to cover the costs of setting the required monuments, the amounts of such check will be returned as soon as the monuments have been set by the subdivider in accordance with the regulations, provided such work shall have been completed within six months after approval of the final plat; otherwise;**

the commissioners will cause the monuments to be set, and pay for the same out of the proceeds of the aforesaid certified check.

The Commissioners of the Township of East Deer may authorize or approve departures from the provisions and requirements set forth in this section when in the opinion of the Commissioners such departures is desirable or expedient.

Section 3.

- A. Any corporation, person or persons, which or who shall open, dedicate, or contract any road, street alley or any sanitary or storm drainage facilities in connection therewith or any plan for the same shall first obtain from the Secretary of the Township of East Deer a development permit authorizing such actions and the work to be performed in pursuance of such permit the plans which accompany the permit and the standard specifications which have been approved by Commissioners of said Township.**
- B. The application for a development permit shall be in the form, from time to time, prescribed by the Township officials, shall be verified of the affidavit of the owner, and shall be accompanied by detailed plans of the work to be performed. The detailed plans shall be prepared by a registered professional engineer and shall show thereon the width, profile proposed or ordained grade and cross-section of the streets, pavements, sidewalks, and curbs, and the pipe sized, profile and grades of all sanitary sewers and storm sewers, the type and dimensions of all drainage structures and any other necessary or desirable information and/or any details that may be required under rules and regulations prescribed from time to time by the Township officials.**
- C. The application for a development permit, and plans and specification, and other documents submitted therewith, shall be filed in triplicate with the Township Secretary not less than thirty days before the regular meeting of the Township officials, in order to be considered at such meeting.**

The Township official may require the owners to make such alterations, changes, and modifications as it may deem necessary, and may refuse to issue development permit until all such required alterations, changes, and modifications have been made. All development permits which are issued hereunder shall be issued subject to the regulations and requirement, if any of the Commonwealth of Pennsylvania, its agencies and/or municipal subdivisions, with respect to the improvement contemplated under such permit and the plans and specifications therefore.

- D. A fee of Ten Dollars shall accompany each application for a development and, in addition, the owner shall reimburse the township, from time to time,**

upon demand, for all material tests in connections with the said work, and for inspection and engineering work and costs.

Section 4. If the application for the development permit including the plans and specifications and the alterations, changes and modifications made therein, as required, has been approved by the Township officials, the Secretary upon satisfactory proof that the several requirements of this ordinance have been complied with, on behalf of the township, forthwith shall approve the plans and specifications and issue the development permit to the owner. A development permit shall become void if the work for which the same was granted shall not be commenced within six months from date of such permits and with due diligence satisfactorily completed: provided, however, that upon written application for an extension of time by the owner to the Secretary, accompanied by a fee of five dollars the Secretary shall extend the time within the said work shall be commenced for not more than six months, and thereafter the work shall be satisfactorily completed with due diligency. When the work for which a development permit has been granted and has been completed in accordance with the requirements relating thereto and the owner has complied with all the owner obligations under said permit and this ordinance, the Township Engineer shall give written notice thereof to the Secretary, and the Secretary shall issue a certificate of such completion to the owner.

Section 5. Before any subdivision plan which contains and/or shall upon any improved highway, excluding however, and unimproved Township Highway, shall be approved under Section 2 of this ordinance, and the owner shall furnish a bond to the Township in the amount which is estimated by the Township Engineer to be sufficient to pay the entire costs and expense of grading and paving all unimproved highways contained therewith and/or abutting upon said plans and all sewers, drains and drainage facilities and/or other work which may be required in connection therewith, with a corporate surety, which is satisfactory to the Township and conditioned for the satisfactory completion by the owner of all said improvements in accordance with the provisions of this ordinance and for the prompted payment to the Township and indemnifying the Township against damages, costs and expenses incurred or which thereafter may be incurred by the Township in completing the owners obligations in the event of the owners default or defaults in any particular either under the provisions of this ordinance and/or any development permits issued to owners.

Section 6. All roads and street whenever practicable shall commence with existing roads and streets so as to form a continuous street system. They shall have a minimum right of way of fifty feet not including the slopes and cuts and fills, and all alleys shall have a minimum right of way of twenty feet not including slopes and cuts and fills, provided that this requirement shall not affect the widths of right of ways of any road, street or alley in any plan on record at the date on which this ordinance becomes effective. The minimum paved cartway shall be twenty-four feet for all roads and streets and twenty feet for alleys.

The Township Engineer reserves the right in any case to fix and require a greater paved cartway width at road intersections, turn arounds and/or any other locations when it deems necessary such greater widths are required.

Section 7. The owner shall notify the Township Engineer forty-eight hours in advance of the commencement of any construction operation, grading, paving, or sewer installation, in order that provisions are made for the proper inspection of such construction operations. Use of materials and every reasonable facility for ascertaining whether work is satisfactory and in conformity with the provisions of this ordinance, as may be required from time to time by the Township officials and be furnished by the proper officers and employees of the Township.

Section 8. Before any road is paved, all sewers, sewer laterals, sewer connections, both storm and/or sanitary, where connection with the Township sewers is practicable, and shall be constructed and shall be laid in conformity with the Township sewer specifications, and all gas, water, electric or other mains, pipes, conduits, together with all service connections or laterals, shall be laid, where the need for same can be reasonably anticipated.

Section 9. The Township shall have no responsibility and/or liability of any kind whatsoever in respect of any road, or any drainage facility, in connection with any road which are contained in and/or abut upon any subdivision plan, notwithstanding any use made thereof by the public, unless such road and/or such drainage facilities are accepted by ordinance of the township, and the owner shall indemnify the Township from and against any such responsibility and/or liability.

Section 10. After the issuance of the development permit, the applicant shall furnish a certified copy or other evidence of the recording of the plan and also a certified copy or other evidence of the approval of the plan by the County Planning Commission; upon the receipt of the two foregoing instruments the Township Secretary shall forthwith issue a work permit, which shall allow the applicant to begin work in accordance with this ordinance.

Section 11. the Commissioners by resolution establish and amend from time to time a fee schedule to cover the costs and expenses necessary for the work to be done by the Township Officials for the effective operation and supervision of the provisions of this ordinance.

Section 12. The recording of the recording plans shall constitute a dedication of all new streets, sewers, drainage facilities and other improvements therein to public use but shall not deem and acceptance thereof of the Township until the Township by proper action adopts the necessary ordinance for such purpose.

Section 13. The provisions of this ordinance are severable, and if any of its provisions or any part of any provision shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions or the

remaining part of any provisions of this ordinance. It is hereby declared to be the intent of the commissioners that this ordinance would have been had such unconstitutional provisions or parts thereof not been included herein.

Section 14. Any person who shall violate any of its provisions of this ordinance, upon summary conviction thereof before any Justice of the Peace of the Township, shall be liable to a fine of not exceeding Three Hundred Dollars, and in default of payment of fines imposed shall undergo imprisonment in the Township Jail of not more than five days, or in the Allegheny County Jail of not more than thirty days, for each and every offense; and when any person shall have been notified by the Secretary, or by service of a summons in a prosecution, or notified in any manner in any other way, that he is committing a violation of this ordinance, each day in which the violations is continued after notification shall constitute a separate offense punishable by a like penalty.

Section 15. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into law this 10th day of December, 1956.

Albert Belinotti
President of Board of Commissioners

Lawrence Cisek
Secretary

**THE EAST DEER TOWNSHIP BOARD OF
COMMISSIONERS AND ALL OTHER TOWNSHIP
COMMISSIONS INVOLVED IN SUBDIVISIONS ARE
CURRENTLY IN THE PROCESS OF UPDATING THIS
ORDINANCE.**

