

The

**CODIFIED ORDINANCES**

OF

**TYRONE TOWNSHIP,**  
ADAMS COUNTY,  
COMMONWEALTH OF PENNSYLVANIA

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**CHAPTER 1  
ADMINISTRATION AND GOVERNMENT**

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## **CHAPTER 1**

### **ADMINISTRATION AND GOVERNMENT**

#### **PART 1**

#### **ELECTED OFFICIALS**

**§1-101. Supervisor Compensation.**

Each supervisor of Tyrone Township elected or appointed to office on or after the effective date of this Chapter shall receive compensation for attending duly advertised general or special public meetings or hearings of the board of supervisors, or other meetings authorized by the board of supervisors at the rate of seventy-five dollars (\$75.00) for each meeting attended by such supervisors, not to exceed one thousand eight hundred seventy-five dollars (\$1,875.00) per year.

**§1-102. Payment Of Supervisor Compensation.**

Such compensation shall be paid in monthly or quarterly installments.

*Part History:* (Ordinance 17, enacted 1/1/1986; repealed and superseded by Ordinance 28, enacted 10/1/1996)



**PART 2**

**BOARD, COMMISSIONS, AND COUNCILS**

**§1-201. Planning Commission.**

- A. The Board of Supervisors, does hereby create a Township Planning Commission under the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as amended and supplemented.
- B. The Planning Commission shall consist of six (6) members, all of whom shall be citizens of the Township of Tyrone. The term of office of the members shall be four (4) years or until a successor is appointed, except that the terms of the members first appointed shall be as follows: two (2) members four (4) years, two (2) members three (3) years and two (2) members two (2) years. In the event of vacancies, the governing body shall appoint a member to fill the unexpired term. Members whose terms have expired shall hold office until their successors have been appointed.
- C. The Planning Commission shall have the power and shall be required to:
  - 1. Prepare the comprehensive plan for the development of the municipality as set forth in Act 247 (Municipalities Planning Code) and present it for the consideration of the governing body;
  - 2. Maintain and keep on file records of its action. All records and files of the planning agency shall be in the possession of the governing body.
- D. The Planning Commission shall:
  - 1. Prepare and present for consideration to the governing body of the municipality and, after adoption, maintain for the governing body an official map, and make recommendations to the governing body on proposed changes in such map as set forth in Act 247;
  - 2. Prepare and present to the governing body of the municipality a zoning ordinance, and make recommendations to the governing body on proposed amendments to it;

3. Prepare and administer subdivision and land development regulations;
  4. Prepare and administer planned residential development regulations;
  5. Prepare and present to the governing body of the municipality a building code and make recommendations to the governing body on proposed amendments thereto;
  6. Prepare and present to the governing body of the municipality a housing code and make recommendations to the governing body on proposed amendments thereto;
  7. Submit to the appointing authority of the municipality a recommended capital improvements program;
  8. Promote public interest in, and understanding of, the comprehensive plan and planning;
  9. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals;
  10. Hold public hearings and meetings;
  11. Require from other departments and agencies of the municipality such available information as relates to the work of the Planning Commission;
  12. In the performance of its functions, enter upon any land to make examinations and surveys either after permission has been obtained from the owner or after public notices;
  13. Do such other act or make studies as may be necessary to fulfill the duties and obligations imposed by Act 247.
- E. The Planning Commission may, with the consent of the governing body, accept and utilize any funds, personnel or other assistance made available by the county, the Commonwealth or the federal government, or any of their agencies, or from private sources. The governing body may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accordance with the governmental procedures of the municipality.

**§1-202. Shares Adams County Uniform Construction Code Board Of Appeals.**

The Board of Supervisors of Tyrone Township is hereby authorized to enter into the Intermunicipal Agreement as attached. Said Agreement generally provides, as follows:

- A. The purpose of the Agreement is to create a Shared Adams County UCC Board of Appeals to administer and enforce the Uniform Construction Code on behalf of all participating member municipalities pursuant to the Uniform Construction Code and the regulations and ordinances enacted thereunder.
- B. The member municipalities shall create an Executive Committee, consisting of the building code official for each member municipality, which shall govern the Shared Adams County UCC Board of Appeals. The Executive Committee shall appoint qualified persons to serve on the Board of Appeals.
- C. All costs of appeals or hearings shall be paid from the filing fees collected by the municipality from which the appeal was taken. Any costs of the Board of Appeals not directly related to a specific appeal shall be paid equally by the municipalities.
- D. The Agreement shall be effective until terminated by approval of two-thirds (2/3) of all member municipalities or when so many member municipalities withdraw that there are no longer two (2) who wish to share a common UCC Board of Appeals. In any event, any individual member municipalities shall have the right to withdraw from participation upon ninety (90) days' notice.

**§1-203. Membership In Council Of Governments Authorized.**

- A. The Township is hereby authorized and directed, through its appropriate Officers to cause the Township to become a member of the Adams County Council of Governments.
- B. Agreement Authorization to Ratify Bylaws. The "Adams County Council of Governments Proposed Bylaws and Agreement" is hereby approved as the agreement for the Adams County Council of Governments, and the delegate from this Township is hereby authorized to ratify and confirm the said Proposed Bylaws and Agreement as and for the operating instrument for the Council of Governments.
- C. Delegates to Council of Governments. The Township shall appoint by Resolution, from time to time, a delegate to the Council of Governments, and up to two (2) alternate delegates.

*Chapter 1*  
*Administration and Government*

*Part History:* (Ordinance 1, enacted 1/25/1971; Ordinance 36 (#6-2005), enacted 4/27/2005; Ordinance 39 (#2009-02), enacted 8/12/2009)

## **PART 3**

### **INTERGOVERNMENTAL COOPERATION**

**§1-301. PSATS Unemployment Compensation Trust.**

- A. That the Township adopts the Restated Trust Agreement and agrees to participate in the PSATS Unemployment Compensation Trust (the Trust) in accordance with the amended and updated terms of the Restated Trust Agreement and that the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to sign the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust.

The Restated Trust Agreement is on file for inspection and review at the Township's offices at 5280 Old Harrisburg Road, York Springs, PA 17372. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust.

The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

- B. That the participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.
- C. That, as set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:
1. That each Participating Employer must meet the admission and eligibility requirements set forth therein;
  2. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
  3. That each Participating Employer complies with all other conditions of the Restated Trust Agreement.

- D. That the Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.
- E. That the effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be February 18, 2015.
- F. That each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.
- G. That the organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.
- H. That the funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.
- I. That the Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.
- J. That as a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.
- K. That the Secretary of the Township shall provide a certified copy of the ordinance upon its enactment to the Board of Trustees of the Trust.
- L. The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this section and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.
- M. The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

- N. The Board of Supervisors hereby specifically finds and determines as follows:
1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.
  2. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement.
  3. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.
  4. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.
  5. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.
  6. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.
  7. The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.
- O. Nothing in this section shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this section.

**§1-302. PSATS Employee Pension Trust.**

- A. The Township had established and has maintained a non-uniform pension plan for Township employees since the year 2002.
- B. Since its inception, the non-uniform pension plan has been administered through the

- Pennsylvania State Association of Township Supervisors.
- C. After consultation with the Pension Plan Administrator, the Township Solicitor and the pension plan actuary, and after consulting with affected Township employees, and careful consideration of all of the factors, the Board of Supervisors decided to terminate the existing non-uniform pension plan for all Township employees and participants.
  - D. The non-uniform pension plan established by the Township shall be and is hereby terminated as of November 20, 2019.
  - E. The enabling legislation that established the non-uniform pension plan for Tyrone Township is rescinded effective November 20, 2019.
  - F. The Township shall withdraw from and terminate its participation in the non-uniform pension plan administered through the Pennsylvania State Association of Township Supervisors effective November 20, 2019.
  - G. On termination, the proceeds of the non-uniform plan shall be disbursed to the Commonwealth of Pennsylvania and Tyrone Township as determined by the Plan Administrator.

**§1-303. Northern Adams Regional Emergency Management Agency.**

- A. Pursuant to authority under the Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301, *et seq.*, the Board of Supervisors of Tyrone Township hereby approves the Restated and Revised Intergovernmental Cooperation Agreement (the “ICA”), incorporated herein by reference, establishing the Northern Adams Regional EMA. The Northern Adams Regional EMA shall exercise all of the powers and fulfill all duties of each participating municipality as set forth in 35 Pa.C.S.A. §7503, as amended from time to time.  
  
The Restated and Revised Intergovernmental Cooperation Agreement is on file for inspection and review at the Township's offices at 5280 Old Harrisburg Road, York Springs, PA 17372.
- B. The Northern Adams Regional EMA shall, on behalf of the participating municipalities, exercise the powers and perform the duties as set forth in Article I of the ICA.
- C. The jurisdiction of the Northern Adams Regional EMA shall be as set forth in Article



- II of the ICA.
- D. The Northern Adams Regional EMA shall be governed by an Executive Committee as set forth in Article III of the ICA.
  - E. The budgeting, assignment of costs and designation of an agent shall be in accordance with the requirements of Article IV of the ICA.
  - F. Any amendment to or withdrawal from the ICA shall be done in accordance with Article 5 of the ICA.

*Part History:* (Ordinance 56 (#2015-01), enacted 2/18/2015; Ordinance 57 (#2015-02), enacted 2/18/2015; Resolution 2019-03; Ordinance 72 (#2020-06), enacted 11/4/2020)

**PART 4**

**ATTORNEY FEES FOR MUNICIPAL CLAIMS, DELINQUENT  
SANITARY SEWER ACCOUNTS, AND OTHER MUNICIPAL CHARGES**

**§1-401. Schedule of Fees.**

- A. The Township hereby approves the following schedule of attorney fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in the Section 3(a.1) of the Municipal Claims and Tax Collection Act:

<b>Legal Services</b>	<b>Fee for the Services</b>
Initial Review and Send Demand Letter and Title Report	\$250.00
File Lien, Prepare Writ of Scire Facias, File Writ, Service of Writ by Sheriff	\$500.00
Prepare and Mail Notice of Intent to Enter Default Judgment Under Pa.R.C.P. 237.1; Prepare Default Judgment, Notices, Pleadings and Affidavits	\$500.00
Prepared Writ of Execution, Notice of Sheriff Sale and Affidavits; Attendance at Sale; Review Schedule of Distribution and Resolve Distribution Issues	\$1,000.00
Services Not Covered Above:	
Satisfaction of Municipal Lien	\$50.00
Satisfaction of Judgment	\$50.00
Review of Bankruptcy (including Proof of Claim)	\$250.00
Motion for Relief from Automatic Stay	\$700.00

Motion for Special Service	\$600.00
Petition to Reassess Damages	\$275.00
Forbearance Agreement	\$200.00
All Other Services	\$200.00 per hour

- B. The above amounts are exclusive of the reasonable out-of-pocket expenses of counsel in connection with each of these services, including, but not limited to filing fees, title search fees, Sheriff's fees, advertising fees and postage fees, which shall be added into and itemized in the applicable counsel bills and shall be deemed to be a part of the fees.
- C. The amount of fees and costs determined, as set forth above shall be added to the Township's claim in each account.

**§1-402. Collection Procedure.**

The following collection procedures are hereby established in accordance with the Act:

- A. At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an account, the Township shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the rate payer or other entity liable for the account (the "Account Debtor").
- B. If within thirty (30) days after mailing the notice in accordance with subsection (A), the certified mail to an Account Debtor is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to the assessing or imposing such attorney fees, the Township shall mail or cause to be mailed, by first class mail, a second notice to such Account Debtor.
- C. All notices required by this Part shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the Township, or such other address as it may be able to obtain from the County Office of Tax Assessment.
- D. Each notice as described above shall include the following:
  - (i) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;

- (ii) A statement of the Township's intent to impose or assess attorney fees thirty (30) days after the mailing of the first notice, or ten (10) days after the mailing of the second notice;
- (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
- (iv) The place of payment for the account and the name and telephone number of the Township official designated as responsible for the collection matter.

**§1-403. Related Action.**

The proper officials of the Township are hereby authorized and empowered to take such additional action as they deem necessary or appropriate to implement this Part.

*Part History:* (Ordinance 62 (2018-62), enacted 9/5/2018)

**CHAPTER 2**  
**CODE ENFORCEMENT**

**PART 1**

**UNIFORM CONSTRUCTION CODE**

- §2-101. Administration and Enforcement Of The Uniform Construction Code.  
§2-102. Fees For Uniform Construction Code Matters.

## **CHAPTER 2**

### **CODE ENFORCEMENT**

#### **PART 1**

#### **UNIFORM CONSTRUCTION CODE**

**§2-101. Administration And Enforcement Of The Uniform Construction Code.**

- A. The Township of Tyrone hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101-7210.1103, as amended from time to time, and its regulations.
- B. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401- 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Township of Tyrone.
- C. Administration and enforcement of the Code within the Township of Tyrone shall be undertaken in any of the following ways as determined by the governing body of the Township of Tyrone from time to time by resolution:
  - 1. By the designation of an employee of the Township of Tyrone to serve as the municipal code official to act on behalf of the Township of Tyrone;
  - 2. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township of Tyrone;
  - 3. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
  - 4. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Township of Tyrone.
  - 5. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than

one-family or two-family dwelling units and utility and miscellaneous use structures.

- D. A Board of Appeals shall be established by resolution of the governing body of the Township of Tyrone in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

**§2-102. Fees For Uniform Construction Code Matters.**

Fees assessable by the Township of Tyrone for the administration and enforcement undertaken pursuant to this Chapter and the Code shall be established by the governing body by resolution from time to time

*Part History:* (Ordinance 2, enacted 1/7/1974; repealed by Ordinance 8, enacted 11/28/1978; amended by Ordinance 9, enacted 11/28/1978; amended by Ordinance 21, enacted 10/10/1990; repealed by Ordinance 35 (#6-9-2004), enacted 6/9/2004)

**CHAPTER 3**

**CONDUCT**

**PART 1**

**NUISANCES**

- §3-101. Definitions.
- §3-102. Nuisances Declared Illegal.
- §3-103. Written Notice To Violators Required.
- §3-104. Penalty For Violation.



## **CHAPTER 3**

### **CONDUCT**

#### **PART 1**

#### **NUISANCES**

**§3-101. Definitions.**

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

**TOWNSHIP** - is the Township of Tyrone, which is located within the confines of Adams County, Pennsylvania.

**BOARD OF SUPERVISORS** - is the Board of Supervisors of Tyrone Township, Adams County.

**OWNER** - is a person owning, leasing, occupying or having charge of any premises within the Township.

**PERSON** - is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

**VEGETATION** - is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

**NUISANCE** - is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

**ABANDONED OR JUNKED MOTOR VEHICLES** - is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

**§3-102. Nuisances Declared Illegal.**

Nuisances, including, but not limited to the following, are hereby declared to be illegal:

- A. Storing or Accumulating the following:
  - 1. Garbage, ashes, refuse or rubbish.
    - a. Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the Township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm or corporation to store more than 14 days of garbage as defined by this Chapter which may pose a potential health and safety problems to the community.
    - b. Refuse/rubbish: Combustible trash, including paper, cartons, boxes, barrels, wood furniture, bedding; noncombustible trash, including metals, tin cans, metal furniture. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the Township excepting in a covered container.
    - c. Ashes: Residue from fire used for cooking and for heating buildings.
  - 2. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania.
- B. Storing or accumulating abandoned or junked motor vehicles
- C. Storing or accumulating antique or collector motor vehicles for restoration which are neither sheltered by a building, nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances.

- D. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley or from any property into or upon any adjoining property.
- E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- F. Burning of tires, tar products or garbage.
- G. Maintaining or causing to be maintained, any dangerous or unsafe structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- H. Permitting the growth of any grass, weeds, or noxious weeds, in excess of two feet in height or length on lots situated within a residential area.
- I. Permitting or allowing any well or cistern to be, or remain, uncovered.
- J. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- K. Allowing or permitting any excavation, excavated material or obstruction on or within the right-of-way of any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- L. Allowing or permitting constructed ponds or pools of stagnant water that provide a breeding place for mosquitoes.
- M. Allowing or permitting any activity or business that is carried on or maintained so as to constitute a danger to any person or an offensive manufacture or business.
- O. Keeping of animals in a manner that causes injury, damage, hurt, inconvenience to any person or resident in the legitimate enjoyment of his reasonable rights of person or property including but not limited to:
  - 1. by permitting excessive noise (including barking of dogs, etc.)

2. by permitting odors
3. by creating health and safety hazards
4. by failure to adequately dispose of fecal matter
5. by failure to maintain animals within the boundary of the property
6. by harboring exotic wildlife without a permit

**§3-103. Written Notice To Violators Required.**

Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owners; or
2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
4. By mailing a copy of the notice to the last known address of the owner by certified mail.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section 3-102(F), (I), (J) or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

**§3-104. Penalty For Violation.**

This Part regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P.S. 566601(c.1)(2).

- A. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Pa which shall be found to have been violated shall constitute a separate offense
- B. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.
- C. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

*Part History:* (Ordinance 6, enacted 12/28/1976; repealed and superseded by Ordinance 55 (#2014-04), enacted 10/22/2014)

**CHAPTER 4  
FLOODPLAINS**

**PART 1**

**CONSTRUCTION IN A FLOODPLAIN**

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## **CHAPTER 4**

### **FLOODPLAINS**

#### **PART 1**

#### **CONSTRUCTION IN A FLOODPLAIN**

##### **General Provisions.**

##### **§4-101. Intent.**

The intent of this Part is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

##### **§4-102. Applicability.**

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Tyrone unless a Permit has been obtained from the Floodplain Administrator.

##### **§4-103. Abrogation and Greater Restrictions.**

This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other provisions shall remain in full force and effect to the extent



that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part, the more restrictive shall apply.

**§4-104. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Part shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Part, which shall remain in full force and effect, and for this purpose the provisions of this Part are hereby declared to be severable.

**§4-105. Warning and Disclaimer of Liability.**

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Part shall not create liability on the part of the Township of Tyrone or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

**Administration.**

**§4-106. Designation of the Floodplain Administrator.**

The Chairman of the Board of Supervisors is hereby appointed to administer and enforce this Part and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Vice Chairman of the Board of Supervisors.

**§4-107. Permits Required.**

A Permit shall be required before any construction or development is undertaken within any area of the Township of Tyrone.

**§4-108. Duties and Responsibilities of the Floodplain Administrator.**

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it

considers necessary.

- G. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this Part including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in this Part as the floodplain administrator/manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2015 IBC and the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

**§4-109. Application Procedures and Requirements.**

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Tyrone. Such application shall contain the following:
  - 1. Name and address of applicant.
  - 2. Name and address of owner of land on which proposed construction is to occur.
  - 3. Name and address of contractor.
  - 4. Site location including address.
  - 5. Listing of other permits required.
  - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any

identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  3. adequate drainage is provided so as to reduce exposure to flood hazards;
  4. structures will be anchored to prevent floatation, collapse, or lateral movement;
  5. building materials are flood-resistant;
  6. appropriate practices that minimize flood damage have been used; and
  7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
  2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a. north arrow, scale, and date;
    - b. topographic contour lines, if available;
    - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - d. the location of all existing streets, driveways, and other access ways; and
    - e. the location of any existing bodies of water or watercourses, identified

- floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - b. The elevation of the base flood;
    - c. supplemental information as may be necessary under 34 PA Code, the 2015 IBC or the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
  
  4. The following data and documentation:
    - a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
    - b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
    - c. documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See section 4-117.A) will not increase the base flood elevation at any point.
    - d. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 4-117.B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
    - e. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- f. detailed information needed to determine compliance with Section 4-123.F, Storage, and Section 4-124, Development Which May Endanger Human Life, including:
    - i. the amount, location and purpose of any materials or substances referred to in Sections 4-123.F. and 4-124 which are intended to be used, produced, stored or otherwise maintained on site.
    - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4-124 during a base flood.
  - g. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - h. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

**§4-110. Review of Application by Others.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

**§4-111. Changes.**

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to Floodplain Administrator for consideration.

**§4-112. Placards.**

In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

**§4-113. Start of Construction.**

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns; or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with this Part & FIRM/FIS in effect at the time the extension is granted.

**§4-114. Enforcement.**

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;

2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part.

**B. Penalties**

Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Township of Tyrone, of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of or noncompliance with this Part shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Part may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

**§4-115. Appeals.**

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Part, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.



**Identification of Floodplain Areas.**

**§4-116. Identification.**

The identified floodplain area shall be:

- A. Any areas of Township of Tyrone, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated February 18, 2009 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Tyrone and declared to be a part of this Part.

**§4-117. Descriptions and Special Requirements of Identified Floodplain Areas.**

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
  - 1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - 2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
  2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
    - i. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
    - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence

of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

**§4-118. Changes in Identification of Area.**

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 4-121.B for situations where FEMA notification is required.

**§4-119. Boundary Disputes.**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of Tyrone and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

**§4-120. Jurisdictional Boundary Changes.**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

**Technical Provisions.**

**§4-121. General.**

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When Township of Tyrone proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1 -30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances

incorporating the increased base flood elevations and I or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

**§4-122. Elevation and Floodproofing Requirements.**

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation (see definition in Section 4-137).
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation (see definition in Section 4-137) determined in accordance with Section 4-117.C of this Part.
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement)

elevated up to, or above, the Regulatory Flood Elevation (see definition in Section 4-137), or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

- a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
  - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation (see definition in Section 4-137) determined in accordance with Section 4-117.C of this Part.
  3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
  4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation (see definition in Section 4-137) shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
  5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
    - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate

properly under flood conditions. Components that must be inspected include at a minimum:

1. Mechanical equipment such as sump pumps and generators,
  2. Flood shields and closures,
  3. Walls and wall penetrations, and
  4. Levees and berms (as applicable)
- b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
  2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
  3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
  4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.

5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
6. The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls
  - b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do



not preclude the structure's continued designation as a historic structure. Documentation that a specific Part requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from Part requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 200 square feet.
3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

- b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Section 4-135. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
10. Prohibit the storage of Hazardous Materials in accessory structures.

**§4-123. Design and Construction Standards.**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- A. Fill
  - 1. If fill is used, it shall:
    - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
    - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
    - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
    - d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

- e. be used to the extent to which it does not adversely affect adjacent properties.

**B. Drainage Facilities**

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

**C. Water and Sanitary Sewer Facilities and Systems**

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

**D. Other Utilities**

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

**E. Streets**

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

**F. Storage**

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 4-124, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement
2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Part, to the extent that they are more restrictive and supplement the requirements of this Part.

International Building Code (IBC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:  
Secs. R104, R109, R322, Appendix E, and Appendix J.

**§4-124. Development That May Endanger Human Life.**

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. will be used for the production or storage of any of the following dangerous materials or substances; or,
  2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen

- Petroleum products (gasoline, fuel oil, etc.)
  - Phosphorus
  - Potassium
  - Sodium
  - Sulphur and sulphur products
  - Pesticides (including insecticides, fungicides, and rodenticides)
  - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A, above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 4-124.A above, shall be elevated to remain completely dry up to at least one and one half (1½) feet above base flood elevation and built in accordance with Sections 4-121, 4-122 and 4-123.
- C. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 4-124.A above, shall be built in accordance with Sections 4-121, 4-122 and 4-123 including:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1½) feet above base flood elevation, and
  2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof: that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

**§4-125. Special Requirements for Subdivisions and Development.**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision

(CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

**§4-126. Special Requirements for Manufactured Homes.**

- A. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  - 1. placed on a permanent foundation;
  - 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1½) feet above base flood elevation;
  - 3. and anchored to resist flotation, collapse, or lateral movement.
  
- B. Equipment requirement:
  - 1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse, and lateral movement.
  - 2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
  
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2015 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
  
- D. Consideration shall be given to the installation requirements of the 2015 IBC, and the 2015 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.



**§4-127. Special Requirements for Recreational Vehicles.**

- A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
1. be on the site for fewer than 180 consecutive days, and
  2. be fully licensed and ready for highway use, or
  3. meet the permit requirements for manufactured homes in Section 4-126.

**Activities Requiring Special Permits.**

**§4-128. General.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Township of Tyrone:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
1. Hospitals
  2. Nursing homes
  3. Jails or prisons
- B. The commencement of, or any construction of a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

**§4-129. Application Requirements for Special Permits.**

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - 1. north arrow, scale and date;
  - 2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
  - 3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - 4. the location of all existing streets, driveways, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - 5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - 6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  - 7. the location of all proposed buildings, structures, utilities, and any other improvements; and
  - 8. any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - 1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
4. detailed information concerning any proposed floodproofing measures, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan;
5. cross section drawings for all proposed streets, driveways, other accessways, and parking areas, showing all rights-of-way and pavement widths;
6. profile drawings for all proposed streets, driveways, and vehicular accessways including existing and proposed grades; and
7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

**§4-130. Application Review Procedures.**

Upon receipt of an application for a Special Permit by the Township of Tyrone the following procedures shall apply in addition to those of Section 4-106 through Section 4-115:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of Tyrone Planning Commission and Township of Tyrone engineer for review and comment.
- B. If an application is received that is incomplete, the Township of Tyrone shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township of Tyrone decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of Tyrone approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of

Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

- E. Before issuing the Special Permit, the Township of Tyrone shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of Tyrone.
- F. If the Township of Tyrone does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of Tyrone and the applicant, in writing, of the reasons for the disapproval, and the Township of Tyrone shall not issue the Special Permit.

**§4-131. Special Technical Requirements.**

- A. In addition to the requirements of Section 4-121 through Section 4-127 of this Part, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 4-121 through Section 4-127 of this Part or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
    - b. the lowest floor (including basement) will be elevated to at least one and one half (1½) feet above base flood elevation.

- c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township of Tyrone and the Department of Community and Economic Development.

#### **Existing Structures in Identified Floodplain Areas.**

##### **§4-132. Existing Structures.**

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 4-133 shall apply.

##### **§4-133. Improvements.**

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall

constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.

- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2015 IBC and the 2015 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District (See Section 4-117.A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office
- F. Within any AE Area/District without Floodway (See Section 4-117.B), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

**Variances.**

**§4-134. General.**

If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Tyrone Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

**§4-135. Variance Procedures and Conditions.**

Requests for variances shall be considered by the Township of Tyrone Zoning Hearing Board in accordance with the procedures contained in Section 4-115 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

- C. No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 4-128 through 4-131) or to Development Which May Endanger Human Life (Section 4-124).
- E. If granted, a variance shall involve only the least modification necessary to provide relief
- F. In granting any variance, the Township of Tyrone Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.
- G. Whenever a variance is granted, the Township of Tyrone Zoning Hearing Board shall notify the applicant in writing that:
  - 1. The granting of the variance may result in increased premium rates for flood insurance.
  - 2. Such variances may increase the risks to life and property.
- H. In reviewing any request for a variance, the Township of Tyrone Zoning Hearing Board shall consider, at a minimum, the following:
  - 1. That there is good and sufficient cause.
  - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
  - 3. That the granting of the variance will
    - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
    - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.



- I. A complete record of all variance requests and related actions shall be maintained by the Township of Tyrone Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

**Definitions.**

**§4-136. General.**

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its' most reasonable application.

**§4-137. Specific Definitions.**

**ACCESSORY USE OR STRUCTURE** - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BASE FLOOD** - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

**BASE FLOOD DISCHARGE** - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE)** - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT** - any area of the building having its floor below ground level on all sides.

**BUILDING** - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT)** - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the

lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

**DEVELOPMENT** - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD** - a temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM)** - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOODPLAIN AREA** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING** - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURES** - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
  - i. By an approved state program as determined by the Secretary of the Interior or
  - ii. Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** - this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4-116 and 4-117 for the specifics on what areas the community has included in the Identified Floodplain Area.

**LOWEST FLOOR** - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

**MANUFACTURED HOME** - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after June 1, 1989, and before the effective start date of this Part is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes: are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PERSON** - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**POST-FIRM STRUCTURE** - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated June 1, 1989, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

**PRE-FIRM STRUCTURE** - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated June 1, 1989, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

**RECREATIONAL VEHICLE** - a vehicle which is:

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light-duty truck,
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION** - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet. The freeboard safety factor also applies to utilities and ductwork.

**SPECIAL PERMIT** - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**SPECIAL FLOOD HAZARD AREA (SFHA)** - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

**START OF CONSTRUCTION** - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**SUBDIVISION** - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIAL DAMAGE** - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**UNIFORM CONSTRUCTION CODE (UCC)** - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**VARIANCE** - A grant of relief by a community from the terms of a floodplain management regulation.

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(S) is presumed to be in violation until such time as that documentation is provided.

*Part History:* (Ordinance 22, enacted 10/9/1991; repealed and superseded by Ordinance 38 (#2009-01), enacted 1/14/2009; repealed and superseded by Ordinance 68 (#2020-02), enacted 4/15/2020)

**CHAPTER 5  
HEALTH AND SAFETY**

**PART 1**

**NUMBERING**

- §5-101. Duty To Number Dwelling Unit Or Business.
- §5-102. Number Requirements.
- §5-103. Exceptions To Numbering.
- §5-104. Unlawful To Cover Or Conceal Numbering.
- §5-105. Buildings Exempt From Numbering.
- §5-106. Buildings Exempt From Numbering With No Mailbox.
- §5-107. Notice Of Numbering Requirement By Building Permit Officer.
- §5-108. Notice Of Non-Compliance.
- §5-109. Penalties.



## **CHAPTER 5**

### **HEALTH AND SAFETY**

#### **PART 1**

#### **NUMBERING**

**§5-101. Duty To Number Dwelling Unit Or Business.**

From and after the effective date of this Part, it shall be the duty of each owner of property within the Township of Tyrone to cause each improved lot or parcel and each dwelling unit and each business upon any such lot or parcel to be numbered in accordance with this Part.

**§5-102. Number Requirements.**

The number or address of the lot, parcel, business, residence or dwelling shall be displayed at a location on the property where it abuts public access, such as the mailbox post or other such post, pole or structure of all residents within Tyrone Township, Adams County, Pennsylvania.

The identifying numbers located at the public access site shall be of a material that reflects light. All identifying numbers shall be of a contrasting color to the supporting structure and shall be no less than three (3) inches in height. The lowest part of the numbers shall be placed so as to be easily visible to passing vehicles to. At the public access location, the identifying number shall be displayed on both sides of the supporting structure, and on residences, the identifying number shall be affixed to the residence in such a manner as to be visible from the nearest public right-of-way. In situations where more than one (1) residence is located on a common drive, all residences must be marked so as to be visible from the lane or common driveway.

The number shall be plain and not script or other hard to read lettering and shall be of durable materials. Each letter or number shall be affixed so as to be visible from the roadway.

**§5-103. Exceptions To Numbering.**

Any structure located more than three hundred (300) feet from the roadway or not visible from the roadway, need not be marked unless more than one (1) structure required to be marked by this Part is located on a common lane, then each must be marked nearest the point at which a

vehicle could stop at said building.

**§5-104. Unlawful To Cover Or Conceal Numbering.**

It shall be unlawful to cover or conceal or to permit the sight obstruction of the numbers required to be displayed by this Part. It shall further be unlawful to post other numbers or a mailbox, structure or other display area intended for such numbers, which would be confusing.

**§5-105. Buildings Exempt From Numbering.**

The following buildings and uses shall be exempt from the requirements of this Part:

1. Farm buildings and structures, which are accessory to a farm, use except that buildings used for the retail sale of products grown on the farm and farm residences shall be numbered.
2. Home occupations.
3. Buildings, structures, and uses accessory to the primary use of a commercial, industrial, institutional, governmental or other nonresidential uses or structures not requiring separate addresses.
4. Unoccupied farmland or lots containing no dwellings or businesses.

**§5-106. Buildings Exempt From Numbering With No Mailbox.**

Should any structure(s) not required to be marked under the provisions of Section 105 hereinabove not have a mailbox along the roadway, then the required number(s) must be displayed at the intersection of the private land and the roadway under the size and location provisions of this Part.

**§5-107. Notice Of Numbering Requirement By Building Permit Officer.**

Upon issuance of a building permit, the Building Permit Officer shall inform the persons to whom the permit is issued of the requirements of this Part and any amendments thereto; provided, however, that the alleged absence of such notice shall not constitute a defense in any prosecution under this Part.

**§5-108. Notice Of Non-Compliance.**

Upon notification of non-compliance with the present Part by the Tyrone Township Board of Supervisors, and/or said Board's authorized representative, the notified party shall have fifteen (15) days from the date of receipt of such notification within which to comply with the present Part without penalty. Said notification may be in written or oral form.

**§5-109. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense

*Part History:* (Ordinance 23, enacted 1/27/1992; amended by Ordinance 33 (2002-1), enacted 1/23/2002)

**CHAPTER 6**

**LICENSES, PERMITS, AND GERNERAL BUSINESS  
REGULATIONS**

**PART 1**

**JUNKYARDS**

- §6-101. License Fee.
- §6-102. Inspections.
- §6-103. Free Deposit Of Garbage And Refuse.

**PART 2**

**TELECOMMUNICATIONS SYSTEMS**

- §6-201. Scatcom, Inc. Authorization.

## **CHAPTER 6**

# **LICENSES, PERMITS, AND GENERAL BUSINESS REGULATIONS**

## **PART 1**

### **JUNKYARDS**

**§6-101. Location And License Fee.**

The Township consents to the operation of a sanitary landfill by Adams Sanitation Company on a tract of land situate in Tyrone Township owned by Nettie Deatrck bounded on the east, the south, and the west by land of R & L Orchard Company and on the north by the Cranberry Valley Road, and on the north and west of Cranberry Road, and containing approximately 108 acres and 111 perch, for a period of two years from and after January 1, 1977.

That a license fee of four hundred dollars (\$400.00) be paid to the Board of Supervisors of Tyrone Township on the date hereof.

**§6-102. Inspections.**

That said Board of Supervisors shall have the right to inspect said sanitary landfill operation as frequently as said Board desires and shall have the right to revoke this license if said Company fails to comply fully with the rules and regulations of the Department of Health of the Commonwealth of Pennsylvania relating to public health or if the operation of said sanitary landfill should become a nuisance; provided, however, that this license shall not be revoked until the aforesaid Company shall have had a period of 20 days after the receipt of written notice from said Board to eliminate the condition specified in such written notice.

**§6-103. Free Deposit Of Garbage And Refuse.**

The Supervisors of Tyrone Township, or its employees, shall have the privilege of depositing at the landfill, without charge, garbage, rubbish or other refuse collected and picked up along the

*Chapter 6*  
*Licenses, Permits, and General Business Regulations*

public roads of the Township, without payment for such privilege; furthermore, residents of the Township shall have the privilege of depositing garbage and refuse at the landfill, two (2) days per month, viz, the first Friday of the month, between the hours of 9:00 o'clock, A.M. and 5:00 o'clock, P.M., and the third Saturday of each month, between the hours of 9:00 o'clock, A.M. to 12:00 o'clock Noon, upon payment of fair and reasonable charges for such privilege, the Company to take into account the fact that it has not had to collect the same, so that the charge shall be for the landfill disposal only.

The Company is authorized to make reasonable rules and regulations as to the charges, taking into account that at times there may be one deposit of a multiple number of residents, and as to the location at the landfill where the garbage and refuse shall be deposited.

The above privilege clauses shall be specifically limited to residents of Tyrone Township.

*Part History:* (Ordinance 4, enacted 10/11/1976)

**PART 2**

**TELECOMMUNICATIONS SYSTEMS**

**§6-201. Scatcom, Inc. Authorization.**

Scatcom, Inc., its successors and assigns, hereinafter referred to as "Scatcom", is granted the right and authority to build, construct, install, maintain, own, acquire, equip, and operate a community antenna television system (CATV) within the corporate limits of the Township of Tyrone, hereinafter referred to as "Municipality". Scatcom is granted the right and authority to construct, install, maintain, and operate towers, antennas, poles, conduit, wire, cable, lines, amplifiers, connectors and any and all other plant, fixtures, appurtenances, equipment or apparatus as are reasonably necessary for operating a CATV system in Municipality, and providing CATV service to persons, firms, organizations and corporations, living or located within or near Municipality.

- A. Scatcom is further granted the right and authority to enter upon, use and occupy the bridges, avenues, streets, alleys, lanes, roadways, sidewalks, public grounds and public ways, as they exist now or shall exist in the future, for the above purposes and all other purposes reasonably necessary for the proper operation of such CATV system.
- B. The right and authority granted to Scatcom herein shall be exclusive, and Municipality shall not grant similar right and authority for such use to any other person at any time during the period of this franchise.
- C. The terms and conditions of this grant of right and authority to Scatcom shall be such as provided in a Franchise Agreement entered into by Scatcom and Municipality, which Agreement is made a part of this Section and incorporated herein by reference.
- D. This Section shall be effective upon its final passage and enactment and upon being signed, approved and attested by the proper officials of Municipality and upon the acceptance of and execution by Municipality and Scatcom of the Franchise Agreement.

*Part History:* (Ordinance 13, enacted 1/25/1984)

**CHAPTER 7**  
**MOTOR VEHICLES AND TRAFFIC**

**PART 1**

**GENERAL REGULATIONS**

- §7-101. Definitions And Interpretation.
- §7-102. Manner Of Adopting Permanent Traffic And Parking Regulations.
- §7-103. Provisions To Be Continuation Of Existing Regulations.
- §7-104. Temporary And Emergency Regulations.
- §7-105. Experimental Regulations.
- §7-106. Traffic On Streets Closed Or Restricted For Construction, Maintenance Or Special Events.
- §7-107. Use Of Streets By Processions And Assemblages.
- §7-108. Authorization For Use Of Speed Timing Devices.

**PART 2**

**TRAFFIC REGULATIONS**

- §7-201. Maximum Speed Limits Established On Certain Streets.
- §7-202. Maximum Speed Limits Established On Certain Bridges And Elevated Structures.
- §7-203. Maximum Speed Limits Established For Certain Vehicles On Hazardous Grades.
- §7-204. Maximum Speed Limits Established In Parks.
- §7-205. Traffic Signals At Certain Locations.
- §7-206. Intersections Where Turn Prohibited On Red Signal.
- §7-207. One-Way Streets Established.
- §7-208. Turning At Certain Intersections Prohibited Or Restricted.
- §7-209. Right Turn Only Permitted At Certain Intersections.
- §7-210. U-Turns Prohibited at Certain Locations.
- §7-211. No Passing Zones Established.
- §7-212. Through Highways Established.
- §7-213. Stop Intersections Established.
- §7-214. Yield Intersections Established.
- §7-215. Operation Of Motor Vehicles On Public Lands.



### **PART 3**

#### **RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD**

- §7-301. Vehicle Weight Limits Established On Certain Streets And Bridges.
- §7-302. Restrictions On Size Of Vehicles On Certain Streets And Bridges.
- §7-303. Restrictions As To Weight And Size Of Vehicles On Certain Streets And Bridges.
- §7-304. Truck Traffic Restricted On Certain Streets.

### **PART 4**

#### **GENERAL PARKING REGULATIONS**

- §7-401. Vehicles To Be Parked Within Marked Spaces.
- §7-402. Parking Prohibited At All Times In Certain Locations.
- §7-403. Parking Prohibited In Certain Locations Certain Days And Hours.
- §7-404. Parking Of Trucks, Buses And Certain Other Vehicles Prohibited In Certain Locations.
- §7-405. Parking Time Limited In Certain Locations Certain Days And Hours.
- §7-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.
- §7-407. Standing Or Parking On Roadway For Loading Or Unloading.
- §7-408. Penalties.

### **PART 5**

#### **REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES**

- §7-501. Applicability And Scope.

- §7-502. Authority To Remove And Impound.
- §7-503. Tow Away Zones Designated.
- §7-504. Designation Of Approved Storage Garages; Bonding; Towing And Storage.
- §7-505. Payment Of Towing And Storage Charges.
- §7-506. Reclamation Costs.
- §7-507. Records Of Vehicles Removed And Impounded.
- §7-508. Restrictions Upon Removal Of Vehicles.
- §7-509. Penalty.
- §7-510. Reports And Disposition Of Unclaimed Vehicles.

## CHAPTER 7

### MOTOR VEHICLES AND TRAFFIC

#### PART 1

#### GENERAL REGULATIONS

**§7-101. Definitions And Interpretation.**

- A. Words and phrases, when used in this Chapter, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa. C.S.A. §101, et seq., except that in this Chapter the word “street” may be used interchangeably with the word “highway,” and shall have the same meaning as the word “highway” as defined in the Vehicle Code.
- B. The term “legal holidays” as used in this Chapter shall mean and include: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- C. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**§7-102. Manner Of Adopting Permanent Traffic And Parking Regulations.**

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this Chapter, except where the law specifically authorizes less formal action.

**§7-103. Provisions To Be Continuation Of Existing Regulations.**

The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

**§7-104. Temporary And Emergency Regulations.**

The Board of Supervisors shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

- A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and 2. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than seventy-two (72) hours.

Such temporary and emergency regulations shall be enforced in the same manner as permanent regulations. Any person who shall operate or park a vehicle in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than twenty-five (\$25.00) dollars together with costs of prosecution.

**§7-105. Experimental Regulations.**

The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township of Tyrone where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate or park a vehicle in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than twenty-five (\$25.00) dollars together with costs of prosecution; provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the Chapters of the Township relative to traffic and parking.

**§7-106. Traffic On Streets Closed Or Restricted For Construction, Maintenance Or Special Events.**

- A. Board of Supervisors shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
- B. Board of Supervisors shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
- C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-107. Use Of Streets By Processions And Assemblages.**

- A. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

**ASSEMBLAGE** - a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street;

**PROCESSION** - a group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

- B. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Board of Supervisors, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage will convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

- C. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Board of Supervisors, which shall be issued without fee. Application for the permit shall be made at least two (2) weeks in advance of the day. When the procession is proposed to be held, but in any case where a state-designated highway is proposed to be used, a location shall be made at least three (3) weeks in advance of proposed date. The permit shall specify the date on which the procession is to held, the route to be followed by the procession, the hour when and place where participants will commence to assemble and form before. The procession is under way, the time when the procession will commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than, those stated in the permit.
- D. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-108. Authorization For Use Of Speed Timing Devices.**

The Board of Supervisors hereby authorizes the use of all speed timing devices for the determination of speed of a motor vehicle as are approved or will be, approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with 75 Pa.C.S.A. §3368.

This section authorizes the use of said devices upon all highways within the Township, be they Tyrone Township, county, or state highways.

*Part History:* (Ordinance 10; amended by Ordinance 14, enacted 4/25/1984; amended by Ordinance 15, enacted 10/23/1985; amended by Ordinance 16, enacted 10/23/1985; amended by Ordinance 19, enacted 5/25/1988; amended by Ordinance 24, enacted 1/27/1993; amended by Ordinance 25, enacted 6/24/1992; amended by Ordinance 26, enacted 8/9/1995; amended by Ordinance 94-25, enacted 12/28/1994; amended by Ordinance 29, enacted 6/12/1996; amended by Ordinance 47 (2012-2), enacted 7/25/2012)

**PART 2**

**TRAFFIC REGULATIONS**

**§7-201. Maximum Speed Limits Established On Certain Streets.**

- A. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where the maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit
Five Points Road	Oxford Road and Pennsylvania Legislative Route 234	35
Gardners Station Road	Old Carlisle Road to Rte. 34	25 mph
Bull Valley Road	Cranberry Road to Township Line	35 mph
Company Farm Road	Rupp Road to Upper Bermudian Road	30 mph

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of thirty-five (\$35.00) dollars. Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two (\$2.00) dollars per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

**§7-202. Maximum Speed Limits Established On Certain Bridges And Elevated Structures.**

- A. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure, at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit

- D. Any person who violates any provision of this section shall, upon conviction, be

sentenced to pay a fine of thirty-five (\$35.00) dollars. Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two (\$2.00) dollars per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

**§7-203. Maximum Speed Limits Established For Certain Vehicles On Hazardous Grades.**

- A. The following are declared to be hazardous grades, and, upon any such hazardous grade, no person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this section for that grade, and, if so stated for a particular grade, the driver of very such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of thirty-five (\$35.00) dollars. Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two (\$2.00) dollars for each mile in excess of five (5) miles per hour over the maximum speed limit.

**§7-204. Maximum Speed Limits Established In Parks.**

- A. A speed limit of thirty-five (35) miles per hour is established on all streets and roadways in the public parks maintained and operated by the Township, except in the following locations, Where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of thirty-five (\$35.00) dollars. Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two (\$2.00) dollars per mile for each mile in excess of five (5) miles per



hour over the maximum speed limit.

**§7-205. Traffic Signals At Certain Locations.**

- A. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal

- B. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-206. Intersections Where Turn Prohibited On Red Signal.**

- A. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling on	Facing

- B. Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-207. One-Way Streets Established.**

- A. The following are established as one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-208. Turning At Certain Intersections Prohibited Or Restricted.**

- A. It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

Vehicles Traveling on	Direction of Travel	Not to Make	Into	When	Type of Vehicle Applicable to

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-209. Right Turn Only Permitted At Certain Intersections.**

- A. It shall be unlawful for the driver of any vehicle, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a right turn, at any time stated, both left turns and straight-across traffic being prohibited:

Vehicles Traveling on	Direction of Travel	Times	Not to Make Left turn into or travel straight across

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-210. U-Turns Prohibited at Certain Locations.**

- A. It shall be unlawful for the driver of any vehicle, traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:

Street	Portion	Direction of Travel

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- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-211. No Passing Zones Established.**

- A. The following are established as no passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no passing zone:

Street	Direction of Travel	Between

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-212. Through Highways Established.**

- A. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this section shall stop the vehicle or yield right-of-way as required by Section 3323(b) or 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has following all applicable requirements of that section of the law:

Highway	Between

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-213. Stop Intersections Established.**

- A. The following intersections (in addition to intersections with the through highways established by §212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position

as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
Spicer Road	Business Rte. 15	West
White Church	PA Route 234	South
Millar Road	Oxford Road	East
Millar Road	Red Bridge Road	South
Studebaker Road	Red Bridge Road	North
Studebaker Road	Oxford Road	East
West Reynolds Road	Oxford Road	West
Bair Road	Oxford Road	West
Oak Grove Road	Oxford Road	West
Oak Grove Road	Tapeworm Road	East
Tapeworm Road	Plum Run Road	South
Plum Run Road	Oxford Road	West
Cashman Road	VanCleve Road	South
Cashman Road	Tapeworm Road	South
Cashman Road	Tapeworm Road	North
Cashman Road	VanCleve Road	North
VanCleve Road	PA Route 234	Northeast
Cashman Road	PA Route 234	Northwest
Five Points Road	PA Route 234	Northeast
Five Points Road	Oxford Road	West
Gun Club Road	East Berlin Road	South
Smith Road	Business Route 15	West
Company Farm Road	Rupp Road	West
Company Farm Road	East Company Farm Road	West
East Company Farm Road	Upper Bermudian Road	North
Bull Valley Road	Upper Bermudian Road	North
Bull Valley Road	Cranberry Road	North
Funt Road	Bull Valley Road	South
Funt Road	Cranberry Road	South
Funt Road	Upper Bermudian Road	North
Funt Road	Cranberry Road	North
Tree Lane Road	Cranberry Road	North
Lobaugh Road	Old Carlisle Road	West

Gardner's Station Road (dirt section)	Upper Bermudian Road	South
Gardner's Station Road	Upper Bermudian Road	West
Gardner's Station Road	Upper Bermudian Road	East
Gardner's Station Road	Old Carlisle Road	West
Gardner's Station Road	Old Carlisle Road	East
Gardner's Station Road	PA Route 34	Southwest
Gardner's Station Road	Gardner's Station Road	Northeast
Conrad Lane	Reservoir Road	North
Reservoir Road	Gabbler's Road	West
Coon Road	Coon Road	West
High Road	Coon Road	North
Reservoir Road	PA Route 34	East
Pond Road	Old Carlisle Road	Northeast
Kime Hatchery Road	Upper Bermudian Road	North
Kime Hatchery Road	Old Carlisle Road	Northwest
Schoolhouse Road	Bull Valley Road	North
Schoolhouse Road	PA Route 234	South
Rock Valley Road	Schoolhouse Road	West
Rock Valley Road	East Company Farm Road	North
Frazier Road	East Company Farm Road	Northeast
Frazier Road	Schoolhouse Road	West
Game Land Road	PA Route 234	North
Twin Bridge Road	PA Route 234	North
Twin Bridge Road	Business Route 15	East
East Chestnut Hill Road	PA Route 234	South
West Chestnut Hill Road	PA Route 234	South
Chestnut Hill Road (dirt section)	Schoolhouse Road	East
Chestnut Hill Road (dirt section)	West Chestnut Hill Road	South
Rupp Road	PA Route 234	South

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-214. Yield Intersections Established.**

- A. The following intersections (in addition to intersections with the through highways established by §212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such 'a

position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection.

Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by Section 3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction
Cashman Road	Five Points Road	North
Cashman Road	Five Points Road	South

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

**§7-215. Operation Of Motor Vehicles Restricted On Public Lands.**

- A. No motor vehicle or motorcycle or minibike shall be operated on any lands owned by the Township of Tyrone or any other public body or agency within the Township, except on those lands specifically designated for the operation of motor vehicles or minibikes by resolution of the Board of Supervisors, without the permission of the property owner and a permit from the Board of Supervisors of the Township of Tyrone.
- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

*Part History:* (Ordinance 10; amended by Ordinance 14, enacted 4/25/1984; amended by Ordinance 15, enacted 10/23/1985; amended by Ordinance 16, enacted 10/23/1985; amended by Ordinance 19, enacted 5/25/1988; amended by Ordinance 24, enacted 1/27/1993; amended by Ordinance 25, enacted 6/24/1992; amended by Ordinance 26, enacted 8/9/1995; amended by Ordinance 94-25, enacted 12/28/1994; amended by Ordinance 29, enacted 6/12/1996; amended by Ordinance 47 (2012-2), enacted 7/25/2012; amended by Ordinance 59, enacted 11/15/2017)

**PART 3**

**RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND  
LOAD**

**§7-301. Vehicle Weight Limits Established On Certain Streets And Bridges.**

- A. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
Bair Road		3 tons
Tapeworm Road	Plum Run Road	10 tons
Reservoir Road	Gabler's Road	15 tons

- B. Local traffic may exceed the aforesaid weight limits unless the Township determines that an over posted weight vehicle or vehicles being driven to or from a particular destination or destinations are likely to damage the street and/or bridge.
- C. For the purposes of this section, local traffic is limited to the following:
1. Emergency vehicles
  2. School buses
  3. Vehicles and combination of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted road or in a location which can only be reach via a posted road
  4. Vehicles or combination going to or from a residence, commercial establishment, or farm located on a posted road or which can be reached only via posted road.
- D. In the event that the Township determines that local over posted weight traffic is likely to damage the roadway, it shall be unlawful for any person or persons to drive any vehicle or combination of vehicles in excess of the maximum gross weight limit set forth above unless the Township has issued a permit for the

vehicle or vehicles in accordance with this Section.

- E. The Township may issue a permit to exceed a posted weight limit or limits provided that the permittee to accept financial responsibility for excess maintenance of the posted road or portion thereof to be used by the permittee in the form of an Excess Maintenance Agreement. For the purpose of this section, excess maintenance shall mean maintenance or restoration or both (but not betterment) of a posted road in excess or normal maintenance, caused by use of over-posted-weight vehicles. For the purposes of this section, normal maintenance shall mean the usual and typical activities necessary to maintain the roadway, shoulders, and drainage facilities in the state of repair existing as of the date of the inspection of the roadway as set forth below.
- F. The Township may, in addition to an Excess Maintenance Agreement, require the permittee to provide security in favor of the Township to ensure compliance with the Excess Maintenance Agreement.
- G. The Township, prior to issuing a permit, shall make a determination of the roadway condition as follows:
  - 1. Inspection. Representatives of the Township and of the permittee will make an onsite inspection of the roadway immediately before issuance of each permit to determine its condition.
  - 2. Reinspection. The posted roadway will be reinspected:
    - a. Upon issuance of any new permit;
    - b. From time to time as the Township determines repairs maybe required;
    - c. Upon termination of any permit to determine the amount of any damage for which the permittee may be responsible.
  - 3. Inspection Costs. The inspection costs of the Township, as set by resolution, shall be paid by the permittee
- H. The Township will charge administrative fee for the issuance of each permit in an amount set by Resolution of the Township from time to time.
- I. Any person who violates any provision of this section shall be prosecuted under Sections 4902 (a) and 4902 (g) (1) of the Vehicle Code, and upon conviction, shall be sentenced to pay a fine of one hundred fifty (\$150.00) dollars plus one



hundred fifty (\$150.00) dollars for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight, plus costs.

**§7-302. Restrictions On Size Of Vehicles On Certain Streets And Bridges.**

- A. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restriction

- B. Any person who violates any provision of this section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of seventy-five (\$75.00) dollars and costs.

**§7-303. Restrictions As To Weight And Size Of Vehicles On Certain Streets And Bridges.**

- A. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restrictions prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restriction

- B. Any person who violates any provision of this section shall be prosecuted under Section 4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine or not less than twenty-five (\$25.00) dollars and not more than one hundred (\$100.00) dollars and costs.

**§7-304. Truck Traffic Restricted On Certain Streets.**

- A. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street	Between

Five Points Road	Oxford Road and Route 234
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Provided: nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

- B. Any person who violates any provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five (\$25.00) dollars and costs.

*Part History:* (Ordinance 10; amended by Ordinance 14, enacted 4/25/1984; amended by Ordinance 15, enacted 10/23/1985; amended by Ordinance 16, enacted 10/23/1985; amended by Ordinance 19, enacted 5/25/1988; amended by Ordinance 24, enacted 1/27/1993; amended by Ordinance 25, enacted 6/24/1992; amended by Ordinance 26, enacted 8/9/1995; amended by Ordinance 94-25, enacted 12/28/1994; amended by Ordinance 29, enacted 6/12/1996; amended by Ordinance 47 (2012-2), enacted 7/25/2012; amended by Ordinance 59, enacted 11/15/2017)

**PART 4**

**GENERAL PARKING REGULATIONS**

**§7-401. Vehicles To Be Parked Within Marked Spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise.

**§7-402. Parking Prohibited At All Times In Certain Locations.**

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Five Points Road	Southwestern	Intersection with Cashman Road 200 feet northeast of said intersection

**§7-403. Parking Prohibited In Certain Locations Certain Days And Hours.**

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this section, as follows:

Street	Side	Between	Days	Hours

**§7-404. Parking Of Trucks, Buses And Certain Other Vehicles Prohibited In Certain Locations.**

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

Street	Between

**§7-405. Parking Time Limited In Certain Locations Certain Days And Hours.**

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours	Parking Time Limit

**§7-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.**

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked, in any such zone, except as specifically provided for that zone:

Street	Side	Between	Days	Hours	Parking Tim Limit

**§7-407. Standing Or Parking On Roadway For Loading Or Unloading.**

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the 'hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

Street	Side	Between

**§7-408. Penalties.**

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than fifteen (\$15.00) dollars and costs.

**Chapter 7**  
**Motor Vehicles and Traffic**

*Part History:* (Ordinance 10; amended by Ordinance 14, enacted 4/25/1984; amended by Ordinance 15, enacted 10/23/1985; amended by Ordinance 16, enacted 10/23/1985; amended by Ordinance 19, enacted 5/25/1988; amended by Ordinance 24, enacted 1/27/1993; amended by Ordinance 25, enacted 6/24/1992; amended by Ordinance 26, enacted 8/9/1995; amended by Ordinance 94-25, enacted 12/28/1994; amended by Ordinance 29, enacted 6/12/1996; amended by Ordinance 47 (2012-2), enacted 7/25/2012)

**PART 5**

**REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED  
VEHICLES**

**§7-501. Applicability And Scope.**

This Part is enacted under authority of Section 6109(a) (22) of the Vehicle Code, and gives authority to the Township of Tyrone to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Motor Vehicle Code.

**§7-502. Authority To Remove And Impound.**

The Township shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in §501 of this Part. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provision of the Pennsylvania Vehicle Code.

**§7-503. Tow Away Zones Designated.**

The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Township parking regulations:

Street	Side	Between	Parking Lot

**§7-504. Designation Of Approved Storage Garages; Bonding; Towing And Storage.**

Removal and impounding of vehicles under this Chapter shall be done only by "approved storage garages" that shall be designated from time to time by the Board of Supervisors. Every such garage shall submit evidence to the Board of Supervisors that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the

custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Board of Supervisors its schedule of charges for towing and storage of vehicles under this Chapter, and, when the schedule is approved by the Board of Supervisors, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Chapter by any approved storage garage.

The Board of Supervisors shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Chapter.

**§7-505. Payment Of Towing And Storage Charges.**

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Chapter for which the vehicle was removed or impounded.

**§7-506. Reclamation Costs.**

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a twenty-five (\$25.00) dollars fee of which ten (\$10.00) dollars shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

**§7-507. Records Of Vehicles Removed And Impounded.**

The Township of Tyrone shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

**§7-508. Restrictions Upon Removal Of Vehicles.**

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

**§7-509. Penalty.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be

sentenced to pay a fine of fifty (\$50.00) dollars together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 Pa.C.S.A. §7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

**§7-510. Reports And Disposition Of Unclaimed Vehicles.**

If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with Penn DOT in accordance with §7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa C.S.A. §101 et seq., as amended).

*Part History:* (Ordinance 10; amended by Ordinance 14, enacted 4/25/1984; amended by Ordinance 15, enacted 10/23/1985; amended by Ordinance 16, enacted 10/23/1985; amended by Ordinance 19, enacted 5/25/1988; amended by Ordinance 24, enacted 1/27/1993; amended by Ordinance 25, enacted 6/24/1992; amended by Ordinance 26, enacted 8/9/1995; amended by Ordinance 94-25, enacted 12/28/1994; amended by Ordinance 29, enacted 6/12/1996; amended by Ordinance 47 (2012-2), enacted 7/25/2012)



## **CHAPTER 8**

### **SEWERS AND SEWAGE DISPOSAL**

#### **PART 1**

##### **MANDATORY SEWAGE CONNECTION**

- §8-101. Definitions.
- §8-102. Improved Properties To Be Connected.
- §8-103. Sewage And Certain Industrial Wastes To Be Discharged Into Sewers.
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#### **PART 2**

##### **SEWER SERVICE AREAS, RENTALS, AND CHARGES**

- §8-201. Sewer Service Area.
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#### **PART 3**

##### **SEWAGE SYSTEM RULES AND REGULATIONS**

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- §8-302. Building Sewers And Connections To The Municipal Sewer.

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- §8-304. Regulations Governing Admission Of Industrial Wastes Into The Sewage System.
- §8-305. Access.
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### **INDIVIDUAL OR COMMUNITY SEWAGE SYSTEM PERMITS**

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## **PART 5**

### **ON-LOT SEWAGE MANAGEMENT**

- §8-501. Legislative Authority; Purpose.
- §8-502. Definitions.
- §8-503. Applicability To On-Lot Sewage Systems.
- §8-504. Pumping Requirements; Notification Of Property Owners; Report Required; Additional Maintenance.
- §8-505. Inspection Of Systems; Pumper/Hauler Responsibilities; Reports; Malfunctioning Systems.
- §8-506. Waste Discharges.
- §8-507. Ground Markers Required; Tank Accessibility.
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## **PART 6**

### **HOLDING TANKS**

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## CHAPTER 8

### SEWERS AND SEWERS DISPOSAL

#### PART 1

#### MANDATORY SEWAGE CONNECTION

**§8-101. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Part shall be as follows:

**TOWNSHIP** - The Township of Tyrone, Adams County, Pennsylvania, a political subdivision (a Township of the Second Class) of the Commonwealth of Pennsylvania (the "Commonwealth").

**BUILDING SEWER** - The extension from the sewage drainage system of any structure to the Lateral of a sewer. Also referred to as "service line".

**IMPROVED PROPERTY** - Any property located within the Township and within the area served by the Township upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure or structures Sewage, wastewater or Industrial Waste shall be or may be discharged.

**INDUSTRIAL WASTES** - shall mean any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industrial activity or from any establishment, as compared to the liquid wastes from industrial operations and/or processes, which is distinct from segregated domestic wastes or wastes from sanitary conveniences.

**LATERAL** - means that part of the Sewer System extending from a Sewer to the curb line, or if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then "Lateral" shall mean that portion of or place in a Sewer which is provided by the Township for connection of any Building Sewer Service Line.

**OWNER** - Any person vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the area served by the Township.

**PERSON** - Any individual, partnership, company, firm, trust, association, society, corporation or other group or part of legal entity.

**SEWAGE** - shall mean a combination of water carried wastes from residences, commercial establishments, industrial facilities, and institutions.

**SEWER** - Any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection and transportation purposes.

**SEWER SYSTEM** - shall mean all facilities, as of any particular time, for collecting, pumping, transporting, and/or disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to the Township's System, undertaken to be constructed and/or to be acquired to be owned, to be maintained and to be operated by this Township for rendering sewage service.

**STREET** - Includes any street, road, lane, court, alley and public square.

**§8-102. Improved Properties To Be Connected.**

The Owner of any Improved Property located in the Township and adjoining or adjacent to the sewer system or whose principal building is within two hundred (200) feet from the Sewer System shall connect such Improved Property to the Sewer System, in such manner as the Township may require, within sixty (60) days after notice to such Owner from the Township to make such connection, for the purpose of discharge of all Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township, from time to time.

In no event shall the Township require the Owner of an Improved Property on which the principal building is located in excess of two hundred (200) feet from the Sewer System to connect such principal building to the Sewer System.

**§8-103. Sewage And Certain Industrial Wastes To Be Discharged Into Sewers.**

All Sewage and, to the extent permitted by the Township, Industrial Wastes from any Improved Property shall be discharged into the Sewer System, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township from time to time

**§8-104. Unlawful Discharge Or Deposit Of Sewage And Industrial Wastes.**

No person shall place or deposit or permit to be placed or deposited upon public or private

property within the area served by the Sewer System any Sewage or Industrial Wastes in violation of Section 103.

No person shall discharge or permit to be discharged to any natural outlet within the area served by the Sewer System any Sewage or Industrial Wastes in violation of Section 103 except where suitable treatment has been provided which is satisfactory to the Township.

**§8-105. Unlawful Water Discharge.**

No person shall discharge or cause to be discharged any spring water, storm water, surface water, ground water, roof runoff or sub-surface drainage, building foundation drainage, sump pump drains, drainage from roof leader connections, cooling water or unpolluted industrial or commercial process waters into the Sewer System, except with the consent and approval of the Township. Basement floor and garage floor drains shall not be connected in any manner whatsoever to the Sewer System.

**§8-106. Certain Receptacles Not To Be Used.**

No privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to the Sewer System or which shall be required under Section 103 to be connected to the Sewer System.

Every such privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle in existence shall be abandoned, rendered inoperable and shall be pumped out by a certified hauler and contents disposed of properly and in accordance with applicable laws, and the tank must be removed or knocked down and or back filled with suitable material under the observation and approval of the Township; and any such privy, cesspool, sinkhole, septic tank, holding tank, or similar receptacle not so abandoned and not so cleansed and filled shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

**§8-107. Certain Receptacles And Drainage Facilities Not To Be Connected.**

No privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle at any time shall be connected to the Sewer System. No surface or subsurface drainage facility shall at any time be connected to the Sewer System.

**§8-108. Notice To Connect.**

The notice by the Township to make a connection to the Sewer System, referred to in Section 102, shall consist of a written or printed document requiring the connection and referring to this Chapter and may be given at any time after the Sewer System is in place which can receive and convey Sewage and, to the extent permitted by the Township, Industrial Wastes, for treatment and disposal from the particular Improved Property. Such notice shall be served upon the owner either by personal service or by certified or registered mail or by such other method as at any time may be provided by law.

**§8-109. Enforcement and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense

*Part History:* (Ordinance 50 (#2013-03), enacted 11/1/2013)

**PART 2**

**SEWER SERVICE AREAS, RENTALS, AND CHARGES**

**§8-201. Sewer Service Area.**

There is hereby created in the Township of Tyrone one sewer service area, to be known, as the Heidlersburg Sewer Service Area.

**§8-202. Sewer Service Rentals And Charges.**

Sewer rentals and charges initially established herein, as may be amended, supplemented, or modified by the Board of Supervisors of Tyrone Township by resolution from time to time, are hereby imposed as follows:

**A. Heidlersburg Sewer Service Area**

**1. Rentals**

- a. Single-family residential unit containing plumbing for kitchen or for toilet facilities, whether a house, apartment unit or mobile home: a sewer rental of eighty-seven dollars (\$87.00) per month.
- b. Commercial, industrial, institutional or other user: a quarterly sewer rental computed on the basis of ten dollars (\$10.00) per 1,000 gallons of actual water used in the previous month, as reflected by the water or wastewater meter records. The minimum monthly billing for this category of user shall be eighty-seven dollars (\$87.00) per month per EDU.

**2. Tapping Fee (Established in Accordance with Act 57 of 2003, as amended from time to time)**

There is hereby fixed and imposed upon the owner of each property making any connection to the sewer system, directly or indirectly, including those changing the type of use of property previously connected or connecting one or more new uses of the types hereinafter referred to through an existing connection, regardless of whether such property is connected separately or through one or more existing or new lateral sewer or sewer connections or collection lines owned by any owner other than Tyrone Township, a tapping fee of five thousand four hundred dollars (\$5,400.00) per equivalent dwelling unit, or part thereof, according to the Rules



and Regulations established by the Township by Resolution, as may be amended from time to time, for each connection within the Township. The imposition of the tapping fee is in accordance with the Act 57 of 2003 Calculation of Tapping Fee October 2013 study prepared by Wm. F. Hill & Associates, Inc. Tapping fees shall, hereafter, not exceed those schedules which shall be adopted, from time to time, by resolution of the Township, provided that such fees are based on future studies by the Township's Engineer and in compliance with current laws.

3. Connection Fee (Established in Accordance with Act 57 of 2003, as amended from time to time)

The connection fee is to be applied when the Township installs the sanitary facilities from the sanitary sewer main to the property line. The connection fee shall be established in accordance with the provisions of Act 57.

Any cost associated with the connection fee, including labor and materials, in addition to the above schedule, shall be paid by the owner of the property to be served by the Township promptly upon completion of the connection and before service shall be supplied to the property. The basis for the calculation of the cost shall be the actual cost to the Township for the labor, materials and equipment included in the installation, plus overhead expenses.

4. Customer Facilities Fee (Established in Accordance with Act 57 of 2003, as amended from time to time)

This fee is to be applied when the Township installs the sanitary facilities from the property line or right-of-way line to the proposed dwelling or building. If the sanitary facilities are installed by the property owner the Township's only cost is for the required inspection.

- B. The Township reserves the right to adopt by resolution and promulgate from time to time additional classifications and sewer rates or charges therefor or modifications of the schedule of sewer rates or charges as set forth in this Section, which additional classifications and sewer rates or charges or modifications, as the case may be, shall be construed as a part of this Chapter.

**§8-203. Change Of Classification Of Property.**

If use or classification of any property should change within any month, the difference in sewer rental, prorated on a monthly basis to the nearest calendar month, will be charged or credited, as the case may be, in the bill for the succeeding month.

**§8-204. Bills For Sewer Rentals And Charges.**

- A. Bills for the sewer rentals or charges shall be mailed by the Township to the owners of property receiving sewer service. Said sewer rentals are payable at par by the 15th day of each calendar month and are subject to a one-time ten percent (10%) penalty if not paid on or before the 22nd day of the month that the sewer rentals or charges are first due. Thereafter, interest at a rate of ten percent (10%) per annum on unpaid sewer rentals or charges shall be assessed from the date of the filing of a municipal lien therefore until paid in full. The sewer rentals herein provided shall be collected and enforced in a manner deemed appropriate or necessary by the Township, exercising such remedies provided by law for the assessment and collection of municipal claims and the enforcement of municipal liens under the laws of the Commonwealth of Pennsylvania.
- B. In lieu of monthly payment of sewer rentals, residential customers may elect to prepay sewer rentals in accordance with the following schedule:
  - 1. Full prepayment of twelve (12) months of base sewer rentals shall be subject to a discount of 5%.
  - 2. Full prepayment of six (6) months of base sewer rentals shall be subject to a discount of 2.5%.
- C. Residential customers desiring to prepay sewer rentals shall contact the Township and request the appropriate prepayment amount in accordance with the above schedule. Prepayments shall be applied to the sewer rentals incurred in the calendar months following the receipt of the prepayment. If during the prepayment period the sewer rental charges are increased, the residential customer electing to prepay shall be issued a bill for the difference in the prepaid amount and the increased rate, subject to the discount specified above. Said bill shall be paid within thirty (30) days from issuance. If said bill is not paid within thirty (30) days of issuance, the amount shall not be subject to discount and said bill shall be subject to the penalty and interest provisions set forth above.
- D. The owner of any improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part.
- E. If any property owner shall connect a drain or pipe with the Sewer System without having first received a permit and paying the tapping fee and connection charge, if any, or if any property owner or occupier of premises who has obtained a permit and made connection with the Sewer System shall permit any person, partnership or corporation to make an attachment to or connect with his/her or its drain or sewer leading into the Sewer System so as to drain any other property than for which a permit was granted, such

property owner shall pay the amount of the sewer rental due from the date the said public sewer became available for connection at the rate set forth above for the applicable sewer service area and shall be liable to pay in addition thereto the applicable tapping fee as set forth above and a penalty charge of two hundred dollars (\$200) for failure to abide by the requirements of this Chapter.

**§8-205. Use Of Funds.**

The funds received by the Township from the collection of rentals or charges herein provided for shall be used only for the purpose of defraying the expense of the Township, as recommended by the Township Engineer, in the operation, maintenance, repair, alteration, inspection or other expense in relation to such sewer and sewage system and for such payments as the Township may be required to make under any obligation or agreement they may enter into for said sewers and sewage system, including the reimbursement of any funds expended from the Township general fund on behalf of the Sewer System as required by any guaranty or general obligation, in accordance with the provisions of law.

*Part History:* (Ordinance 51 (#2013-04), enacted 11/14/2013; amended by Resolution 2016-01, adopted 12/21/2016; amended by Ordinance 61 (2018-2), enacted 3/21/2018; amended by Ordinance 66 (#2019-66), enacted 11/20/2019)

### **PART 3**

## **SEWAGE SYSTEM RULES AND REGULATIONS**

**§8-301. Definitions.**

Definitions: Unless the context specifies and clearly indicates otherwise, the meaning of items and phrases pertaining to this Part shall be as follows:

**ACT 57 OF 2003** - an amendment to the Municipality Authorities Act of 1945, signed into law.

**TOWNSHIP** - Tyrone Township, a Pennsylvania Municipality.

**AUTHORIZED FLOOR DRAIN** - a protected and trapped drain for the purpose of carrying off spent water (wastewater) from the basement of a dwelling, factory, laboratory, workshop, or other building, but excluding any drainage from rainwater, springs, wells, or other ground or surface water.

**BOD (BIOCHEMICAL OXYGEN DEMAND)** - the quantity of oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for 5 days at 20 degrees Centigrade. The standard laboratory procedure shall be found in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

**BUILDING SEWER CLEAN-OUT** - a clean-out on the building sewer just inside or outside the building wall through which the sewer may be cleaned. In the case of existing construction, a clean-out shall be located on the Building Sewer.

**BUILDING SEWER** - the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

**BUILDING TRAP** - a device, fitting, or assembly of fittings installed on the building drain to prevent circulation of air between the drainage system of the building and the Building Sewer. In the case of existing construction, the Building Trap shall be located on the Building Sewer.

**COMMERCIAL ESTABLISHMENT** - an establishment engaged in nonmanufacturing or nonprocessing business including but not limited to, stores, markets, office buildings, restaurants, shopping centers, theaters and institutional facilities, to include but not limited to schools, hospitals, retirement villages, nursing homes, and rehabilitation centers.

**DWELLING UNIT** - a building under one roof and occupied by one family or business; or

1. A combination of buildings in one enclosure or group and occupied by one family or one business; or
2. One side of a double building or house having a solid vertical partition wall; or
3. Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as a separate living quarters by a family or other group of persons living together or by a person living alone; or
4. Each apartment, office, or suite of offices in a building or house having several such apartments, offices, or suites of offices and using in common one or more hallways and one or more means of entrance; or
5. Any trailer or mobile home occupied by one family or business; or
6. Any other unit or category listed in the schedule of EDU's set forth in Section 307.

**GREASE RECOVERY UNIT** - a device installed in the building sewer for the purpose of removing grease from the wastewater.

**GRINDER PUMP** - a pump installed on a pressure lateral that reduces solids in the waste stream to a pumpable size.

**IMPROVED PROPERTY** - any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** - any room, group of rooms, building, or enclosure used or intended for use in the operation of one business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article, or from which process waste, as distinct from Sanitary Sewage, shall be discharged.

**INDUSTRIAL WASTES** - any and all wastes discharged from an Industrial Establishment other than Sanitary Sewage.

**INSPECTION TEES** - a "Tee" fitting installed in a Building Sewer with a riser pipe and threaded plug which allows inspection of the Building Sewer.

**LATERAL** - that part of a Sewer System extending from a Sewer to the curb line, or if there shall be no curb line, to the property line, or if no such lateral shall be provided, then "Lateral" shall mean that portion of or place in a Sewer which is provided for connection of any Building

Sewer.

**OWNER** - any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

**PERSON** - any individual, partnership, company, association, society, corporation, or other group or entity.

**PH** - the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

**PLUMBING INSPECTOR** - the person or persons appointed by the Township to enforce the terms of these rules and regulations.

**SANITARY SEWAGE** - normal water carried household and toilet wastes from any Improved Property.

**SEWER** - any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection.

**SEWER SYSTEM** - all facilities as of any particular time, for collecting, pumping, transporting, treating, or disposing of Sanitary Sewage and Industrial Wastes, owned or to be owned by the Township.

**STORM SEWER OR DRAIN** - a pipe or conduit which carries storm, surface water, drainage, and certain industrial waste discharges, such as cooling and air conditioning waters.

**SURCHARGE** - a charge assessed by the Township to treat a waste with concentrations of various pollutants in excess of those concentrations typical of a domestic wastewater.

**SUSPENDED SOLIDS** - suspended solids as determined pursuant to the procedure set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association.

**TOXIC SUBSTANCE** - a substance which can have detrimental effects to living organisms when exposed to said substances.

**USER** - any individual, partnership, company, association, society, corporation, or other group or entity that utilizes the Sewer System.

**§8-302. Building Sewers And Connections To The Municipal Sewer.**

- A. No person shall uncover, connect with, make any opening into or use, alter, or disturb, in any manner, any Sewer or the Sewer System without first making application for and securing a permit, in writing, from this Township.
- B. Application for a permit shall be made by the Owner of the Improved Property to be served or his duly authorized agent.
- C. No person shall make, or cause to be made, a connection of any Improved Property with a Sewer until such person shall have fulfilled each of the following conditions:
  - 1. Such person shall have notified the Township of the desire and intention to connect such Improved Property to a Sewer.
  - 2. Such Person shall have made application for and obtained a permit from the Township.
  - 3. Such Person shall have given the Township at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect the work of connection and necessary testing.
  - 4. Such Person shall have paid to the Township any fee charged and imposed by the Township, as required under Section 307 of these Rules and Regulations.
- D. Each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons, or other good cause shown, and then only after special permission of this Township, in writing, shall have been secured. Such grouping if permitted shall be subject to such rules, regulations, and conditions as may be prescribed by this Township.
- E. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Township, from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or the connection of a Building Sewer to a Sewer.
- F. A Building Sewer shall be connected to a Sewer at the place designated by this Township and where the Lateral is provided.

The invert of a Building Sewer at the point of a gravity connection shall be at the same or higher elevation than the invert of the Sewer, unless the connection is a pressure connection from a force main discharge, as approved by this Township. The connection

of a Building Sewer to the Lateral shall be made secure and watertight.

- G. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.
- H. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks, and other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township.
- I. If any Person shall fail or refuse, upon receipt of a notice of this Township, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within 60 days of receipt of such notice, this Township may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Township.
- J. Where an Improved Property, at the time of connection to a Sewer, is required to be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made with proper fittings, to continue such house sewer line, as a Building Sewer.
- K. No Building Sewer shall be covered until it has been inspected and approved by this Authority. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.
- L. Upon completion of the Sewer System connection, cesspools, sinkholes, septic tanks, or similar waste receptacles shall be abandoned. Such waste receptacles shall be entirely emptied of all their contents. The contents shall be disposed of in accordance with applicable regulatory requirements. Empty receptacles shall be completely filled with sand or noncompactable material or the tank may be dismantled (cover completely removed) and backfilled. Compliance shall be ascertained and enforced by the Plumbing Inspector at the sole expense of the Owner of said waste receptacle.

**§8-303. Prohibited Wastewaters And Industrial Waste Discharges.**

- A. No customer will discharge into the Sewer System any Industrial Wastes or commercial process water without first obtaining the permission of the Township to do so. All Industrial Wastes are subject to regulation by the Township and the Township reserves



the right at its discretion to refuse connection to the Sewer System, or to compel discontinuance of the use of the sewers, or to compel pretreatment of Industrial Wastes by an industry.

- B. Except as otherwise provided in these Rules and Regulation, no person, partnership, corporation or other legal entity shall discharge or cause to be discharged any of the following described wastes or waters into the Sewer System:
1. Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit or heat in amounts which will inhibit biological activity at the Township's wastewater treatment facility resulting in interference.
  2. Any water or waste containing more than 100 mg/l of fats, tar, oils and/or grease.
  3. Any pollutant which will cause corrosive damage to the Sewer System or the Township's wastewater treatment facility.
  4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the Township's wastewater treatment facility.
  5. Any trucked or hauled pollutants, except if approved by the Township and at discharge points designated by the Township.
  6. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the Township's wastewater treatment facility. At no time, shall two successive readings on an explosion hazard meter, at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naptha, benzene, ethylbenzene, toluene, xylene, ethers, bromates, carbides, hydrides and sulfides and other substances which the Township, the Commonwealth or the E.P.A. has notified the User is a fire hazard or found to be detrimental to the treatment process.
  7. Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, shall be capable of creating a public nuisance or hazard to life or of preventing entry into the Sewer System or the wastewater treatment facility for maintenance and repair or which may cause acute worker health or safety problems.
  8. Any water or waste containing any solid wastes with particles greater than one-

half inch (1/2") in any dimension, resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinder.

9. Any solids or viscous substances which may cause obstruction to the flow in the Sewer System or other interference with proper operation of the wastewater treatment facility such as, but not limited to: animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, dental floss, wool or other fibers.
10. Any water or waste having a pH (as determined by this Township) lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures or equipment of the Sewer System or the wastewater treatment facility or to personnel engaged in operation and maintenance thereof.
11. Any pollutants that are a hazardous waste pursuant to 40 C.F.R. Part 261 unless such pollutant is subject to the domestic sewage exemption under 40 C.F.R. § 261.4 (a) (1) (ii).
12. Any pollutant which causes pass through or interference.
13. Any water or waste containing any Toxic Substance, as defined below, in quantity sufficient to constitute a hazard to humans or animals or to interfere with any wastewater treatment process of the wastewater treatment facility or that will pass through the wastewater treatment facility in such condition so that it will exceed State, Federal or other validly existing requirements. Samples taken to determine the maximum allowable concentration shall be at the point of discharge to the Sewer System.

Toxic Inorganic Substances	Maximum Allowable Concentration
Aluminum (ionic form)	10.0 mg/l
Antimony	1.0 mg/l
Arsenic	0.1 mg/l
Barium	5.0 mg/l
Beryllium	1.0 mg/l
Boron	1.0 mg/l
Cadmium	0.02 mg/l

Chromium (total)	1.0 mg/l
Copper	0.5 mg/l
Cyanide (total)	0.1 mg/l
Fluorides	1.5 mg/l
Iron	3.0 mg/l
Lead	0.05 mg/l
Manganese	3.0 mg/l
Mercury	0.002 mg/l
Nickel	0.5 mg/l
Selenium	0.1 mg/l
Silver	0.1 mg/l
Sulfate	360 mg/l
Tin	5.0 mg/l
Zinc	0.3 mg/l
Chromium (Hexavalent)	0.05 mg/l
MBAs (Detergent)	1.0 mg/l
Color (Platinum Cobalt Units)	75
Chlorides	250 mg/l
Methylene Chloride	0.2 mg/l

Toxic Organic Compounds / Pollutants	Maximum Allowable Concentration
Acrolein	0.2 mg/l
Acrylonitrile	0.2 mg/l
2,4-Dinitrophenol	0.5 mg/l
2-Methyl-4,6-Dinitrophenol	0.5 mg/l
Alcohols (total)	25.0 mg/l
Phenols	0.001 mg/l
Chlorinated Hydrocarbons (total)	2.0 mg/l
Pesticides and Herbicides (total)	0.1 mg/l
Benzidine	50.0 mg/l
Methylene blue	50.0 mg/l
Acetone	50.0 mg/l
Toluene	1.0 mg/l
Ethylbenzene	1.0 mg/l
Naphthalene	1.5 mg/l
Hexachlorobenzene	2.0 mg/l

Chloroform	0.1 mg/l
Total Toxic Organics (TTO)	2.0 mg/l

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Rules and Regulations. The Township shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

14. Any water or waste containing total solids of such character and quantity that special or unusual attention or expense shall be required to handle such water or waste at the wastewater treatment facility.
15. Any wastewater containing an excess of 10 mg/l of total phosphorus (TP) unless approved by the Township under separate agreement. However, no total phosphorus (TP) discharges shall exceed 45 mg/l under any circumstances. See surcharge formula (Section 308).
16. Any wastewater containing an excess of 25 mg/l of ammonia nitrogen (NH<sub>3</sub>-N), unless approved by the Township under separate agreement. However, Total Kjeldahl nitrogen shall not exceed 40 mg/l under any circumstances. The total nitrogen shall not exceed a limit of 50 mg/l. See surcharge formula (Section 308).
17. Any wastewater containing radioactive wastes.
18. Any wastewater containing a biochemical oxygen demand (BOD) in excess of 250 mg/l, unless approved by the Township under separate agreement.  

See surcharge formula (Section 308).
19. Any wastewater containing a chemical oxygen demand (COD) in excess of 450 mg/l.
20. Any wastewater containing an excess of 250 mg/l by weight of suspended solid material, unless approved by the Township under separate agreement.  

See surcharge formula (Section 308).
21. Any wastewater volume (quantity) which will have a detrimental effect on the collection system, pumps, or treatment units.

22. Any wastewater containing dyes or other materials with objectionable color that may affect the effluent quality and visual appearance.
23. Any substance prohibited by any permit issued by the Commonwealth of Pennsylvania.
24. Any storm water, either from street or gutter inlets or sump pumps or from roof or other rainwater connections, surface or subsurface water, exhaust water, steam or other unpolluted drainage.

- C. Where necessary all Users shall install suitable pretreatment facilities, including grease recovery units, in order to comply with above regulations.

Plans, specifications, and other pertinent information relating to proposed facilities for pretreatment and handling of wastes shall be submitted for approval of this Township; and no construction of any such facility shall be commenced until approval has been obtained from the governmental body having jurisdiction.

Whenever facilities for pretreatment and handling of wastes shall have been provided by any Owner, such facilities shall be continuously maintained, at the expense of such Owner, in satisfactory operating condition and this Township shall have access to such facilities at reasonable times for purposes of inspection and testing.

- D. Gas stations and garages are required to provide oil interceptors of the types Series GA, GX, GNC, GRC of Josam Manufacturing Company, Michigan City, Indiana, or equivalent, in the proper location, where the dangerous liquids are to be intercepted.

Restaurants or other commercial establishments as directed are required to provide a complete grease recovery unit, properly sized to handle anticipated flow rates as manufactured by Lowe Engineering Co., Thermaco, Inc. or equivalent.

- E. No User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant - specific limitation developed by the Township or Commonwealth. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions as set forth in this Section and approved, e.g. the pH prohibition. Such practices must receive written approval from the Township.)
- F. Whenever a person, partnership, corporation or other legal entity is authorized by the Township and the appropriate governmental agencies to discharge any polluted water, domestic Sanitary Sewage, or Industrial Wastes containing any of the substances or

possessing any of the characteristics referred to in Sections 302-306 of these Rules and Regulations, such discharge shall be subject to the continuing approval, inspection, and review of the Township. If, in the opinion of the Township, such discharges are causing or will cause damage to the Sewer System, or cause the Township to be in violation of the treatment or pretreatment agreement, the Township shall order the person, partnership, corporation or other legal entity causing such discharge to cease doing so forthwith, or to take other appropriate action to eliminate the harmful discharge.

- G. Sampling and Testing: Sanitary wastewater and/or Industrial Wastes being discharged into the Sewer System shall be subject to periodic sampling, inspection, and testing. Sampling, inspection, and testing shall be made by the Township as frequently as may be deemed necessary.

Basic testing normally associated with periodic monitoring shall be performed by the User in accordance with the treatment or pretreatment agreement. The User shall be financially responsible for all additional testing costs when any one parameter exceeds the allowable limit as established herein. A discharger shall be financially responsible for all testing costs when it has been deemed necessary to provide continued sampling and testing because of a discharger's non-compliance with these Rules and Regulations as contained herein.

- H. Nothing contained in this Section shall be construed as prohibiting any special wastewaters of unusual strength or character from being admitted into the Sewer System by the Township either before or after pretreatment. The Township's approval and an agreement will be required.

**§8-304. Regulations Governing Admission Of Industrial Wastes Into The Sewage System.**

- A. No person shall discharge or cause to discharge into the Sewer System any Industrial Wastes except upon application to this Township and upon receipt of a written permit therefore by this Township.
- B. Required Survey Data. Any Person desiring to make or use a connection to the Sewer System through which Industrial Wastes shall be discharged into the Sewer System shall file with this Township an "Industrial Wastes Questionnaire", to be provided by this Township, which shall provide to this Township pertinent data, including estimated quantity of flow, characteristics and constituents, with respect to Industrial Wastes proposed to be discharged to the Sewer System.
- C. Control Manhole. Any Person who shall discharge Industrial Wastes into the Sewer System, when required by this Township, shall construct and thereafter properly

maintain, at its own expense, a suitable control manhole and other devices as required by this Township to facilitate observation, measurement, and sampling by this Township of Industrial Wastes discharged to the Sewer System.

Any such control manhole, when required by this Township, shall be constructed at an accessible, safe, suitable, and satisfactory location in accordance with plans approved by this Township prior to commencement of construction.

- D. Changes in Type of Wastes: Any Owner of an Improved Property who is discharging or allows to be discharged wastewaters into the Sewer System and who contemplates a change in the operations, processes, or other activities conducted on such Improved Property that will alter the type of wastewater to be discharged into the Sewer System shall notify the Township, in writing, at least thirty (30) days prior to the consummation of such change.
- E. This Township reserves the right to require an Improved Property having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the Sewer System.
- F. Where required by the Township, the User shall provide at its expense such pretreatment or handling as may be necessary to modify the objectionable characteristics or control the quantities and rates of discharge of such water or wastes as necessary to reduce BOD to 250 mg/l, suspended solids to 250 mg/l, and total solids to 600 mg/l, or modify the objectionable characteristics or constituents to come within the maximum limits provided for in these Rules and Regulations.

Plans, specifications, and any other pertinent information relating to proposed pretreatment or handling facilities shall be submitted for approval of the Township and no construction of such facilities shall be commenced until written approval is obtained.

Where pretreatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation at the User's expense. The Township and/or its authorized representatives shall have continuous access to any pretreatment facilities for inspection. Operations of and discharge from said facilities shall be subject to the requirements of all applicable Federal, State, and Local codes, ordinances, laws, and regulations. Operation and testing data from the pretreatment facilities shall be submitted to the Township each week, or as determined by the Township.

Industrial Wastes being discharged into the Sewer System shall be subject to periodic sampling, testing, and inspection. The analysis of samples so obtained shall be the basis for computing additional charges in accordance with these Rules and Regulations.

All sample analysis shall be performed by a laboratory certified by the U. S.

Environmental Protection Agency and in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

A normal sampling schedule including the analyses to be performed on the samples shall be included in the treatment or pretreatment agreement. The cost of this sampling and testing shall be borne by the User and shall be shown as separate charges on the User's sewer bill.

The Township reserves the right to perform more frequent sampling and analysis at its own expense.

A User subject to periodic sampling may request that samples be taken in addition to the normal periodic samples taken by the Township. The cost of this sampling and analysis.

- G. Industrial waste dischargers shall provide protection from accidental, unauthorized, and slug discharges of prohibited wastes or other substances regulated by the Rules and Regulations of Tyrone Township. The discharger shall provide a plan and facilities to prevent accidental or slug discharges of prohibited materials. Industrial waste dischargers shall report accidental spills immediately by notifying the Tyrone Township Office and the Tyrone Township wastewater treatment facility. Dischargers shall be financially responsible for operational expenses incurred by the Township resulting from accidental, unauthorized, and slug discharges.
- H. The Township reserves the right to refuse service or permission to connect to the Sewer System in order to prevent damage to the Sewer System, overload to the Township's wastewater treatment facilities, detrimental effect to the biological treatment process, and / or environmental consequences to the stream receiving effluent from the Tyrone Township wastewater treatment facility.
- I. Whenever a permitted User shall fail to comply with these Rules and Regulations regarding Industrial Wastes, the Township may revoke the User's permit and take whatever action is necessary to protect the Township's Sewer System and wastewater treatment facility including without limitation, capping the User's line and preventing the discharge into the Township's Sewer System.
- J. This Township reserves the right to impose surcharges in connection with any Industrial Waste discharged into the Sewer System by agreement with the Owner of the Improved Property.
- K. Enforcement: Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania



Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Each discharge of a substance in excess of the maximum allowable concentration shall also be deemed and shall be taken as a separate violation. In addition to the penalties provided herein, the Township may sue at law or in equity to enjoin violations herein and in addition to damages may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law or in equity against the person, partnership, corporation or other legal entity found to have violated these Rules and Regulations, or the orders, rules, regulations, and permits issued hereunder.

**§8-305. Access.**

This Township or its representative (Plumbing Inspector) shall have the right of access at reasonable times to any part of any Improved Property served by the Sewer System as shall be required for purposes of inspection, measurement, sampling, and testing and for performance of other functions relating to service rendered by this Township through the Sewer System.

**§8-306. Installation Of Building Sewer.**

The Building Sewer shall be subject at all times to the inspection and approval of the Township or its duly authorized representative.

A. Size - Building Sewers shall in no case be less than four inches in diameter. Where double or multiple homes are permitted to be served by a common line under a special connection permit issued by the Township, the double or multiple homes may be served by a four-inch line, unless a larger line for the multiple homes connection is required by the Plumbing Inspector. An approved adapter connecting the Building Sewer to the Lateral must be used.

B. Material - Pipe used for Building Sewers shall conform to the following:

Poly Vinyl Chloride (PVC) Pipe at least four inches in diameter and conforming to A.S.T.M. D-3034 (SDR-35) shall be utilized. Pipe joints shall conform with A.S.T.M. D-3213. All joints must be rubber O-ring. Pipes must be installed with a minimum slope of 2%. Special backfill is required to assure a compacted minimum density of 90% Proctor. (See Exhibit II)

New Underground Piping Passing Through or Under Buildings - New underground

pipings passing through or under buildings shall be Schedule 40 PVC. All PVC solvent welds shall be properly primed. The pipe shall have an inside diameter not less than four inches and shall extend a minimum of five feet on either side of the building foundation. Minimum pipe diameter passing through the wall shall be four inches. All pipe under concrete slabs shall be subject to the Township's inspection prior to backfilling and pouring of concrete.

Underground Piping Outside Buildings - The Building Sewer shall be SDR 35 PVC pipe with rubber gasket joints. All PVC joints shall be properly cleaned and lubricated. The pipe shall have a minimum inside diameter of four inches.

Owners wanting to connect the new building sewer to an existing Building Sewer, shall demonstrate to the Township the satisfactory condition of the existing Building Sewer through visual inspection and air testing. Approval to connect to the existing Building Sewer shall be noted on the connection permit. If the existing Building Sewer does not meet the Township's requirements for inspection and air testing, connection of the new Building Sewer shall be made as close to the existing building as possible. Connection of the new Building Sewer Pipe to the existing Building Sewer shall be made with approved transition fittings resulting in infiltration free constructions.

Pipe shall be installed to prevent the admission of groundwater, shall be laid at a minimum grade of 2% with the best possible alignment, and shall have the maximum cover possible to protect the pipe from frost or crushing from surface activity.

No transition from one pipe size to another or from one pipe material to another shall be made without the use of manufactured adapters designed specifically for that purpose. All changes in direction shall be made with pipe fittings no greater than 45 degrees. Under certain conditions acceptable to the Township, sweep 90-degree bends may be used and shall be so noted on the connection permit.

- C. Pressure Lateral - The pressure lateral shall include a redundant check valve approved by the Township. This valve shall be located three feet from the curb stop. The pressure lateral shall be 1¼ inch SDR 21 PVC (200 psi) pipe with rubber gasket joints, buried a minimum of four feet. Thrust blocks shall be provided for all fittings and at all locations where horizontal and/or vertical deflections are made. Testing for pressure sewers shall be in accordance with manufacturer's guidelines.

Earth dams shall be provided in the pressure lateral trench for the purpose of stopping the natural flow of water. Earth dams shall be constructed at no greater than 50 feet intervals.

All laterals shall have at least one earth dam per lateral. Earth dams shall be constructed from layers of compacted soil. The soil shall be placed by hand and compacted with tools designed for this purpose. As a minimum, the soil shall be placed and compacted in the

following three layers:

1. at pipe bottom;
2. at pipe top;
3. 12 inches above top of pipe.

- D. Grinder Pump Unit - The grinder pump installed shall be a model E-1 grinder pump as manufactured by Environmental One Corporation of Schenectady, N.Y. or equivalent.

The Grinder Pump unit location shall be approved by this Township prior to installation of same. The unit shall be installed in accordance with the Grinder Pump Detail as included in Section VII of these Rules and Regulations.

- E. Bedding Material Requirements for Sewer Pipe- All types of pipe shall be bedded with six inches of 1B stone or #8 stone and backfilled with 1B stone or #8 stone that is thoroughly compacted to a depth of at least 12 inches above the top of pipe.

From 12 inches over the pipe to the elevation of the subgrade, backfill material shall be placed in eight inch (8") uniform, even layers and each layer shall be carefully and thoroughly compacted by hand operated mechanical tampers. Backfill material within these layers may be placed by machine providing sufficient personnel are utilized to properly spread the material, to prevent the inclusion of objectional material and attain complete compaction.

Backfill material from 12 inches over the pipe to subgrade shall be material removed from the trench with the exception that no organic material or rock larger than eight (8) inches shall be included in the backfill.

- F. Building Sewers shall be laid on a grade of not less than 2%, unless otherwise approved by the Township.
- G. Building Sewers must be as direct as possible. Changes in direction must be made with wyes and eighth bends or half wyes, or one eighth bends. Any 90 degree change in direction shall include a clean-out. Changes in size where the Lateral is connected to the Building Sewer shall be made only with fittings.
- H. Ditches shall be promptly backfilled after inspection and approval by the Plumbing Inspector. Care shall be taken to prevent damage to the pipe in backfilling and securing a well compacted and firm trench.
- I. On existing Improved Properties as distinguished from future properties to be improved,

the Building Sewer shall be vented, trapped, and a clean-out and inspection tee placed on the line beyond the building. See detail in Exhibits.

1. Vents - Except those properties that are properly vented, a vent shall be placed along the house sewer line at a location acceptable to the Plumbing Inspector.

Vent risers shall extend a minimum of twelve (12) inches above the ground surface and shall be capped with a mushroom vent or double bend. Vents shall be at least four (4) inches in diameter.

2. Traps - Each building shall be provided with a main building trap. The trap may be located wherever possible within the cellar of the building or immediately outside the building wall. Note: The vent should be placed upstream of the main building trap.
3. Clean-outs - A clean-out shall be placed immediately following the building trap and at every 50-foot interval along the Building Sewer. Clean-outs shall also be at every change in direction which exceeds 45 degrees. The clean-out shall consist of a wye fitting in the run of the pipe with a 45-degree bend and riser to the ground surface. The riser pipe shall be provided with a screw-type ferrule and removable plug.
4. Inspection Tee - Each Building Sewer shall be provided with an inspection tee at the property line or curb line in accordance with the Typical House Connection Detail as included in the Exhibits with these Rules and Regulations. The riser shall be provided with a screw-type ferrule and removable plug.

J. Unauthorized basement floor drains and sump pumps may not connect to the Building Sewer. For any unauthorized connections, the sewer customer shall be responsible for the costs and expenses of having the basement floor drain and /or sump pump disconnected if ground water or other extraneous water enters the Building Sewer and Sewer System. If not disconnected upon written notice of the Township, the sewer customer will be subject to the enforcement actions in Section 308.

K. Authorized Floor Drains as defined in Section 301 are permitted to connect to the Sewer System.

L. The Township reserves the right to require air testing for gravity building sewer lines.

The procedure for air testing is as follows:

Low Pressure Air Tests - The sewer customer shall test each service line using low pressure air at the discretion of the Township. Fill shall be placed over the pipe prior to

testing, although joints may be left exposed to facilitate evaluation of the air test. The pipe shall be considered acceptable if the air loss rate does not exceed 0.0030 cubic feet per minute per square foot of internal pipe surface when tested at a pressure of 3.0 psi greater than the average backpressure exerted by the ground water of the backfilled pipeline. The time for the air pressure to decrease 1.0 psig from 3.5 to 2.5 psig greater than the average ground water back pressure shall not be less than the time indicated in the following list. If these rates of leakage are exceeded, the contractor shall at its expense determine the source of leakage and make all necessary corrections and retest.

1. 4-inch pipe diameter - 2 minutes, 0 seconds
2. 6-inch pipe diameter - 2 minutes, 55 seconds
3. 8-inch pipe diameter - 3 minutes, 57 seconds
4. 10-inch pipe diameter - 4 minutes, 43 seconds
5. 12-inch pipe diameter - 5 minutes, 40 seconds

A minimum period of two (2) minutes shall be provided to allow equilibrium of the air within the pipe wall before test reading shall commence. In areas of high groundwater conditions, the contractor shall determine the height of the groundwater above the pipe for piezometric tube or other approved methods.

The contractor shall submit to the Township for approval of the test procedure and list of test equipment it proposes to use prior to testing.

- M. Upon completion of each service installation, the Plumbing Inspector shall be notified and an appointment made for inspection. All pipes and pipe joints must be visible and accessible to the Plumbing Inspector. If the work is satisfactory, the permit, which must be on hand at the time of the inspection, will be endorsed and returned to the Owner.

**§8-307. Wastewater Capacity Assessments.**

The EDU's for residential and non-residential units shall be assessed and billed as per the category as listed in this Section. The EDU's for non-residential units (e.g. commercial, industrial, institutional or other uses) shall be assessed and billed on a metered basis only when specifically approved by the Township. The Township in its sole discretion may add or revise user classifications and the user's sewage requirements.

The Township shall have the right to reassess non-residential customers on a periodic basis and charge additional capital charges. Usage and additional charges will be based on the highest month.

USER CLASSIFICATION	MINIMUM CAPITAL CHARGES
1. Single Family Dwelling Unit	1 EDU
2. Retail Store (each 10,000 hrs. worked by the Owner and employees)	1 EDU
3. Commercial - Multiple Uses	
a. Convenience Store with Two Restrooms	
i. Without seating & without food preparation	3 EDUs
ii. Each additional public restroom (For food dispensing, etc. see Restaurant / Tavern for additional fees)	1 EDU
b. Restaurant / Tavern	
i. Food and Beverage Preparation & Dispensing (Up to 20 seats)	3 EDUs
ii. Each additional 10 seats	1 EDU
c. Gasoline / Diesel Dispensing Operation	
i. Standard Size (2-Dual Pump Units)	1 EDU
ii. Oversized (To be evaluated)	2 or more EDUs
iii. Each additional public restroom	1 EDU
4. Firehouse, Municipal Building, or similar use (each restroom)	1 EDU
5. Drive-In Theater - each 30 car spaces or fraction thereof	1 EDU
6. In-Door Theater – each 60 seats or fraction thereof	1 EDU
7. Church	
a. without kitchen facilities	1 EDU
b. with kitchen facilities	2 EDUs
8. Small business not otherwise listed e.g., small business attached to single family residence with separate entrance	1 EDU
9. Retail Garage / Vehicle Repair Garage	

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a. 2 bays or fraction thereof	1 EDU
b. each bay over 2	0.5 EDUs
10. Car Wash	
a. hand wash, each bay	2 EDUs
b. automatic, each unit	3 EDUs
11. Laundromat	
a. each 2 washers (single load)	1 EDU
b. each 2 washers (double load or greater)	1.5 EDUs
12. Professional Office	
a. 5 employees or less	1 EDU
b. each employee over 5	0.20 EDUs
13. Apartment (each rental unit)	1 EDU
14. Motel or Hotel (in addition to restaurant facilities)	
a. without kitchen facilities each rental room	0.5 EDUs
b. with kitchen facilities each rental room	1 EDU
15. Schools / Approved Daycare	
a. without showers (each 20 students and employees or fraction thereof)	1 EDU
b. with showers (each 15 students and employees or fraction thereof)	1 EDU
c. with cafeteria (each 15 students and employees or fraction thereof)	1 EDU
d. with shower and cafeteria (each 15 students and employees or fraction thereof)	1 EDU
16. Bowling Alley w/o Tavern or Restaurant	
a. each 5 lanes or fraction thereof	1 EDU
b. each lane over 5	0.2 EDUs
17. Industry (Employee sanitary wastewater only) (each 10,000 hours worked by owner or employees)	1 EDU
18. Medical Office to include Medical Doctors, Dentist, Chiropractors, Optometrist, etc. (each doctor)	1 EDU

19. Hospital or Nursing Home (each bed)	1 EDU
20. Boarding School (each 3 students or fraction thereof)	1 EDU
21. Barber or Beauty Shop (each 2 chairs or fraction thereof)	1 EDU
22. Campground	
a. each 3 sewerer sites	1 EDU
b. each 6 unsewerer sites	1 EDU

Example:     If a professional office has fifty (50) employees, this would constitute ten (10) EDU's. Therefore, the fee would be ten (10) times the amount to be paid by a typical single family residential unit.

**§8-308.       Charges For Sanitary Wastes Having Certain Characteristics.**

Wastewater discharges to the Sewer System shall meet the requirements as outlined in Sections 302, 303, 304, 305, and 306, except the Township may permit under separate agreement a commercial or industrial User to discharge wastewater having characteristics exceeding the following parameters:

Biochemical Oxygen Demand (BOD)	250 mg/l
Suspended Solids (SS)	250 mg/l
Ammonia Nitrogen (NH <sub>3</sub> -N)	25 mg/l
Total Phosphorus (TP)	10 mg/l

Surcharges may be applied as per the following for wastewater discharges having concentrations above the limits listed above.

*SURCHARGE FORMULA*

$$\text{Monthly Surcharge} = 0.00834 \text{ QI} [(BOD-250) A + (SS - 250) B + (NH_3N - 25) C + (TP - 10) D]$$

Whereas:     QI = Monthly flow in MGD as discharged by the User.  
               BOD = Biochemical Oxygen Demand (5 day) in mg/l.  
               SS = Suspended Solids in mg/l.  
               NH<sub>3</sub>N = Ammonia Nitrogen in mg/l.  
               TP = Total Phosphorus in mg/l



- A = Represents the operation, maintenance, capital and treatment costs incurred per thousand pounds of BOD treated at the wastewater treatment facility.
- B = Represents the operation, maintenance, capital and treatment costs incurred per thousand pounds of Suspended Solids treated at the wastewater treatment facility.
- C = Represents the operation, maintenance, capital and treatment costs incurred per thousand pounds of Ammonia Nitrate treated at the wastewater treatment facility.
- D = Represents the operation, maintenance, capital and treatment costs incurred per thousand pounds of Total Phosphorus treated at the wastewater treatment facility.

**§8-309. Enforcement.**

Any person, partnership, corporation or other legal entity who shall violate these Rules and Regulations shall be subject, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), together with costs of prosecution in each case, and in default of payment of such fine shall be subject to imprisonment up to ninety (90) days. Each day that a violation continues shall be deemed as a separate offense and shall be punishable as such. Each discharge of a substance in excess of the maximum allowable concentration shall also be deemed and shall be taken as a separate violation. In addition to the penalties provided herein, the Township may sue at law or in equity to enjoin violations herein and in addition to damages may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law or in equity against the person, partnership, corporation or other legal entity found to have violated these Rules and Regulations, or the orders, rules, regulations, and permits issued hereunder.

**§8-310. Additional Provisions Of These Rules And Regulations.**

- A. This Township reserves the right to adopt such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the Sewer System, which rules and regulations shall be, shall become, and shall be construed as part of these Rules and Regulations.
- B. This Township shall in accordance with applicable Federal guidelines, provide for annual review and revision of all user charges and revise them periodically, if necessary, to meet actual operation and maintenance expenses and records shall be maintained as are necessary to document compliance with future regulations on the Township's user charges.

*Part History:* (Ordinance 52 (#2014-01), enacted 8/13/2014)

## **PART 4**

### **INDIVIDUAL OR COMMUNITY SEWAGE SYSTEM PERMITS**

**§8-401. Purpose And Intent.**

The purpose of this Part is to require, to clarify and to specify those instances when it is necessary for a person and/or property owner in Tyrone Township to apply for and obtain a permit for the installation of an individual sewage system or a community sewage system.

**§8-402. Definitions.**

The terms used in this Part shall have the same meaning and definition as set forth in the Pennsylvania Sewage Facilities Act, 1966, January 24, P.L. (1965), No. 547, as amended, and the rules and regulations adopted thereunder by the Pennsylvania Department of Environmental Protection or its successor agency.

**§8-403. Sewage System Permit Required.**

No person shall install, construct, request a bid proposal or award a contract for construction or alter, repair or connect to an individual sewage system or community sewage install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed on property located within Tyrone Township, Adams County, Pennsylvania, without first obtaining a permit indicating that the site and the plan and specifications of such system are in compliance with this Part and with the provision of the Pennsylvania Sewage Facilities Act, as amended, as well as the rules and regulations adopted thereunder by the Pennsylvania Department of Environmental Protection or its successor agency.

Such a sewage permit shall be required in all instances in which a person desire to install, construct, alter or change an individual or community sewage system on any tracts of land of any size at any location in Tyrone Township, Adams county, Pennsylvania, regardless of the use of the land and without regard to the amount of acreage involved. Specially, this Part requires the obtaining of a sewage permit for sewage systems tracts of land of ten (10) acres or more regardless of whether or not said system is intended to be an on-lot sewage system for a residential structure occupied or intended to be occupied by the property owner or a member of his or her immediate family.

**§8-404. Issuance of Permits And Conditions Thereto.**

All permits for the construction, installation, alteration or change of an individual sewage system or community sewage system shall be obtained from the Tyrone Township Sewage Enforcement Officer and the permittee shall be subject to all the conditions that may be required by any rules and regulations adopted by the Township of Tyrone, County of Adams, and by the Commonwealth of Pennsylvania concerning the issuance of sewage permits.

**§8-405. Undue Hardships; Variances.**

If any provision of this Part is shown by the land owner to be unreasonable of application or such as to cause undue hardship not of his or her own making in the special conditions of such a situation, the Township may grant a variance from the literal requirements of such provision, provided, however; that such variance will not be contrary to the public interest; that justice will be that the purpose and intent of this Part is observed; and that there is no violation of the Pennsylvania Sewage Facilities Act and the rules and regulations adopted thereunder.

- A. Any request for such a variance shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based and the exact variance which is requested.
- B. All proposals for variance from the provisions of this Part shall be reviewed by the Tyrone Township Planning Commission and a recommendation in regard to said variance shall be made in writing to the Tyrone Township Board of Supervisors.
- C. All proposals for a variance from the provisions of this Part shall be reviewed by the Tyrone Township Board of supervisors at said board's regular meeting or at a special meeting called for that purpose. Said variance shall be effected only when approved by the board of Supervisors at such public meeting.
- D. A record of all such variances shall be kept by the Township secretary, shall appear on the official minutes of the Planning Commission and the Board of Supervisors. Written notification of the granting .of such a variance shall be sent by the Township secretary to the applicant and a copy of the same will be forwarded to the Township sewage enforcement officer.

**§8-406. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense

**§8-407. Violations Constitute Nuisance.**

In addition to any other remedies provided in this Part, any violations of this Part shall constitute a nuisance and may be abated by the Township of Tyrone by either seeking appropriate equitable or legal relief from a court of competent jurisdiction or by enforcement of the Township's nuisance ordinances, if applicable.

*Part History: (Ordinance 27, enacted 9/27/1995)*

## **PART 5**

### **ON-LOT SEWAGE MANAGEMENT**

**§8-501. Legislative Authority; Purpose.**

- A. As mandated by the municipal codes, the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. § 750.1 et seq.), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Tyrone Township has evaluated the need to implement an on-lot management program to effectively prevent potential water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- B. The purpose of this Part is as follows:
1. To bring and keep the municipality within the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394) and the Pennsylvania Sewage Facilities Act (Act of 1966, P.L. 1535, No. 537, as amended, known as "Act 537").
  2. To provide for the inspection, pumping, maintenance and rehabilitation of private and public on-lot sewage systems.
  3. To establish penalties and appeal procedures necessary for the proper administration of such a management program.

**§8-502. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**ACT 537** - The Act of January 24, 1966, P.L. 1535, No. 537, as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

**AUTHORIZED AGENT** - A certified sewage enforcement officer, registered pumper/hauler, code enforcement officer, professional engineer or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Part within specified limits.

**BOARD** - The Board of Supervisors of Tyrone Township, Adams County, Pennsylvania.

**CESSPOOL** - A below-ground cavity built of loose rock or blocks that provides for the temporary storage of sanitary sewage until the sewage drains into the surrounding area.

**CODE ENFORCEMENT OFFICER (CEO)** - An agent of the Township authorized to administer and enforce this Part and other ordinances in the Township.

**COMMUNITY SEWAGE SYSTEM** - Any system, whether publicly or privately owned, for the collection of sewage from two or more lots and the treatment and/or disposal of the sewage on one or more lots or at any other site.

**DEP or DEPARTMENT** - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

**FISCAL YEAR** - July 1 through June 30.

**INDIVIDUAL SEWAGE SYSTEM** - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**MALFUNCTION** - The condition occurring when an on-lot sewage system causes pollution to groundwater or surface water, contamination of private or public drinking water supplies or nuisance problems or is a hazard to public health. Any treatment or holding tank observed to be leaking, or any instance where sewage is backing up into a building connected to the system, is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

**MUNICIPALITY** - Tyrone Township, Adams County, Pennsylvania.

**OFFICIAL ACT 537 SEWAGE FACILITIES PLAN** - A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act, hereinafter called the "Plan". It shall also mean the Tyrone Township Act 537 Plan, as amended.

**ON-LOT MANAGEMENT PROGRAM** - A comprehensive set of legal and administrative requirements, including this Part, the Act, the Clean Streams Law and all regulations and requirements adopted by the Board to enforce and administer this Part.

**ON-LOT SEPTIC SYSTEM REPORT** - A form which shall be used by all registered pumpers/haulers to report each pumping of on-lot sewage disposal systems in the Township.

**ON-LOT SEWAGE SYSTEM** - Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual sewage systems and community sewage systems.

**OWNER** - Any person having an equitable or legal interest in real estate in Tyrone Township.

**PERSON** - Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate or other legally recognized entity.

**REGISTERED PUMPER/Hauler (PUMPER)** - Person or organization licensed by the Adams County Solid Waste Authority and the Pennsylvania Department of Environmental Protection (PADEP) and registered with Tyrone Township annually.

**REHABILITATION** - Work done to modify, alter, repair, enlarge or replace an existing on-lot disposal system.

**SEPTAGE** - Any human excrement, other domestic or restaurant waste or other material or substance removed from a portable toilet, septic tank, seepage pit, treatment tank, cesspool or other enclosure used for the storage or decomposition of sewage, but does not include liquid industrial waste.

**SEPTIC SYSTEM REPORT** - The Township form to be completed by the pumper/hauler for each individual tank and forwarded to the Township after each inspection and/or pumping.

**SEPTIC TANK** - A watertight tank that provides for the treatment of sanitary sewage prior to its discharge to an absorption area.

**SEWAGE** - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance which is harmful or inimical to public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), [1] known as the "Clean Streams Law," as amended.

**SEWAGE ENFORCEMENT OFFICER (SEO)** - An agent of the Township DEP certified to issue and review permit applications and conduct such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

**SEWAGE FACILITIES** - Any method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage.



**SEWAGE MANAGEMENT DISTRICT** - Any area or areas within the entire Township. For the purpose of this Part, Tyrone Township will be divided into three pumping districts.

**TOWNSHIP** - Tyrone Township, Adams County, Pennsylvania.

**§8-503. Applicability To On-Lot Sewage Systems.**

From the effective date of this Part, its provisions shall apply to every owner of a lot served by an on-lot sewage system in Tyrone Township and all persons or businesses servicing on-lot sewage systems (constructing, pumping, inspecting or repairing on-lot sewage systems) within the Township.

**§8-504. Pumping Requirements; Report Required; Additional Maintenance.**

- A. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a registered pumper/hauler after the effective date of this Part on the following reoccurring three-year cycle within the Sewage Management District set forth in the Sewage Management District Map, attached as Appendix 1 and incorporated herein.
1. Properties located in Sewage Management District No. 1 within the fiscal year following the effective date of this Part (initial pumping will be in the fiscal year 2016-2017). Thereafter, the three-year cycle will be based on the fiscal year, July 1 through June 30.
  2. Properties located in Sewage Management District No. 2 will be pumped within the second fiscal year following the effective date of this Part. (Initial pumping will be in the fiscal year 2017-2018.) Thereafter, the three-year cycle will be based on the fiscal year, July 1 through June 30.
  3. Properties located in Sewage Management District No. 3 will be pumped within the third fiscal year following the effective date of this Part (initial pumping will be in the fiscal year 2018-2019.) Thereafter, the three-year cycle will be based on the fiscal year, July I through June 30.
- B. The Township shall publicize within each of the sewage management districts served by on-lot sewage systems that on-lot sewage systems must be pumped and inspected in accordance with the schedule set forth in Section 8-504.A. Any person owning a building served by an on-lot sewage system within one of the sewage management districts, which contains a treatment tank, shall have the tank pumped and inspected by a registered pumper/hauler. The property owner must have his system pumped and inspected within

the time period specified in Section 8-504.A unless he can provide the Township with a receipt or other written evidence showing that his tank has been pumped and inspected within the past one year period. Property owners providing such written documentation, satisfactory to the Township, can request that the Board of Supervisors grant a postponement of the initial required pumping and inspection until the end of a three-year period following enactment of this Part. The decision to grant or deny the request will be final.

- C. The registered pumper/hauler shall provide a fully completed and legible septic system report to the Township within thirty (30) days of the date of pumping. The pumper shall mail or hand deliver the septic system report to the Township at 5280 Old Harrisburg Road, York Springs, PA 17372.
- D. Commencing from the date of pumping as prescribed in subsection (A) above, removal of septage or other solids from treatment tanks shall be performed every three years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of 1/3 the liquid depth of the tank or filled with scum in excess of 1/3 the liquid depth of the tank.
- E. The required pumping frequency may increase at the discretion of the SEO for the following reasons:
  - A. If the tank is undersized;
  - B. If solids buildup in the tank is above average;
  - C. If the hydraulic load on the system increases significantly above average;
  - D. If a garbage grinder is used in the building; or
  - E. If the system malfunctions or for other good cause not shown (as determined by the SEO and approved by the Board of Supervisors).
- F. Treatment tanks to be pumped more frequently than the required three years must have a septic system report prepared and provided to the Township within thirty (30) days of each pumping occurrence.
- G. Tanks shall be deemed to be pumped when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch.
- H. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, backup and other malfunctions characteristic of an overloaded system.
- I. The owner of a property upon which an on-lot sewage system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance and pumping and divert surface water and downspouts away from the absorption area and other on-lot sewage system components.

- J. Tanks shall only be pumped from/through the manhole/access port, i.e., the largest tank opening. Tanks shall not be pumped from/through the observations port.
- K. Any person owning a building served by an alternate system or on-lot sewage system that contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this Part. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.
- L. The Township may require additional maintenance activity as needed, including but not necessarily limited to:
  - 1. Cleaning and unclogging of piping;
  - 2. Servicing and repair of mechanical equipment;
  - 3. Leveling of distribution boxes, tanks and lines;
  - 4. Removal of obstructing roots or trees;
  - 5. The diversion of surface water away from the disposal area; or
  - 6. Other means acceptable to the SEO and PADEP.

**§8-505. Inspection Of Systems; Pumper/Hauler Responsibilities; Reports; Malfunctioning Systems.**

- A. An initial inspection and subsequent periodic inspections shall be conducted when an on-lot system is pumped. Inspections shall be conducted by a registered pumper/hauler for the purpose of determining a system's functional status. The individual property owner is responsible to contact and make arrangements directly with the pumper/hauler.
- B. An on-lot septic system report of the inspection shall be prepared by the registered pumper/hauler and furnished to the owner of each property inspected. The pumper/hauler shall also provide a copy of said report to the Township within thirty (30) days of the inspection.
  - 1. When the pumper/hauler finds possible indications of malfunction, he/she will notify Tyrone Township within 24 hours of the inspection.
- C. Written reports shall be recorded on the Tyrone Township on-lot septic system report form. The pumper shall legibly and fully complete the form to address all requested information.

- D. The Tyrone Township SEO shall inspect systems known to be, or alleged to be, malfunctioning. Should the said inspection reveal that the system is indeed malfunctioning, the Township's SEO shall take action to require the correction of the malfunction.
1. The Township SEO may inspect any on-lot sewage disposal system at any time after reasonable notice is given to the property owner or the occupier of the property.
  2. The Township SEO shall have the right to enter upon land for the purpose of inspections as described above.
  3. The SEO inspection may be due to information derived from the On-Lot Septic System Report or a formal written complaint.
  4. The inspection may include a physical tour of the property; the taking of samples from surface water, wells or other groundwater sources; the sampling of the contents of the sewage system itself; and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The owner will bear the cost of the inspection and the analysis of any samples.

**§8-506. Waste Discharges.**

- A. Only normal domestic wastes shall be discharged into any on-lot sewage system. The following shall not be discharged into the system:
1. Industrial wastes;
  2. Automobile oil and other nondomestic oil;
  3. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, thinners, herbicides, gasoline and other solvents;
  4. Clean surface water or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.
- B. If any of the above materials listed in subsection (A)(1), (2) or (3) are found during the inspection, additional pumping, additional treatment and/or possible environmental action

will be taken.

**§8-507. Ground Markers Required; Tank Accessibility.**

- A. To facilitate the inspection and maintenance of on-lot sewage disposal systems, all persons owning a lot served by an on-lot sewage system shall mark the location of the septic tank and provide access (by excavating if necessary) to the large inner lid(s) of the tank. In the event a property owner does not know where the tank is located the property owner must advise pumper accordingly.
- B. Any person who shall install new or rehabilitated on-lot sewage systems shall provide a marker or markers at ground level locating all major subsurface components of the system. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four-inch vertical, nonperforated PVC pipe connected directly to the drain tile at a minimum of four locations in the drainage field, and such installation shall be subject to Township SEO approval.

**§8-508. System Rehabilitation.**

- A. The Township's Sewage Enforcement Officer shall have the authority to require the repair of any malfunction of an on-lot septic system in accordance with regulations and policies established by the Pennsylvania Department of Environmental Protection in the Sewage Facilities Act.
- B. In lieu of, or in combination with, the remedies described above, the SEO may require the installation of water-conservation equipment and the institution of water-conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances. Wastewater regeneration in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

**§8-509. Correction Of Imminent Health Hazard; Lien Of Property.**

The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage system as provided under the terms of this Part, shall have the authority to perform or contract to have performed the work required by the SEO. The owner shall be charged for the work performed, and, if necessary, a lien shall be entered therefore in accordance with law.

**§8-510. Disposal Of Septage.**

- A. All septage originating within the Township shall be disposed of at sites or facilities approved by the DEP.
- B. Septage pumpers/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003).

**§8-511. Administration; Ownership And Availability Of Records; Fees.**

- A. The Township shall employ qualified individuals to carry out the provisions of this Part. The Township may also contract with private, qualified persons or firms, as necessary, to carry out the provisions of this Part.
- B. All permits, records, reports, files and other written material relating to the installation, operation, maintenance and malfunction of on-lot sewage systems in the Township shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the Township office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the municipality's on-lot management program shall be made available, upon request, subject to the provisions of the Right-to-Know Law (65 P.S. §§67.101-67.3104).
- C. The Township Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Part.
- D. The Supervisors may establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program.

**§8-512. Appeals.**

Any person aggrieved with the actions of the Sewage Enforcement Officer or any other authorized agent of the Township may file an appeal in accordance with Act 537. (See 35 P.S. § 750.16.)

**§8-513. Violations And Penalties; Municipal Liability; Use Of Records.**

- A. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of

Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days, all pursuant to the purposes and mandate of Act No. 172 of 1996, as amended. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

- B. The discharge by the Township of its obligations as set forth in this Part shall create no liability upon the Township, its officials, employees or agents.
- C. All reports, inspections, appraisals, certifications or records required or produced by the Township, its officials, employees or agents, as required by this Part, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

*Part History:* Ordinance 58 (#2016-01), enacted 4/20/2016); amended by Ordinance 71 (#2020-05)

## **PART 6**

### **HOLDING TANKS**

**§8-601. Purposes.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

**§8-602. Definitions.**

**AUTHORITY** - the Supervisors of Tyrone Township, Adams County, Pennsylvania.

**HOLDING TANK** - a watertight receptacle, whether permanent or temporary which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**IMPROVED PROPERTY** - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**MUNICIPALITY** - Tyrone Township, Adams County, Pennsylvania.

**OWNER** - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**PERSON** - any individual, partnership, company, association, corporation or other group or entity.

**SEWAGE** - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

**§8-603. Right And Privileges Granted.**



That the Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

**§8-604. Rules And Regulations.**

That the Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

**§8-605. Rules And Regulations To Be In Conformity With Applicable Law.**

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administration agencies of the Commonwealth of Pennsylvania.

**§8-606. Rates and Charges.**

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges by resolution in the area within its jurisdiction at reasonable and uniform rates as authorized by the applicable law.

**§8-607. Exclusiveness Of Rights And Privileges.**

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by an entity in possession of a permit from the Department of Environmental Protection of the Commonwealth of Pennsylvania for the transportation of sewage, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Authority will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Authority will complete and retain annual inspection reports for each permitted tank.

**§8-608. Duties Of Improved Property Owner.**

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this Part or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit the Authority or its agent to inspect holding tanks on an annual basis.
- C. Permit only an entity in possession of a permit from the Department of Environmental Protection of the Commonwealth of Pennsylvania for the transportation of sewage to collect and transport the contents therein.
- D. Forward copies of all pumping receipts to the Authority within fifteen (15) days of their receipt.

**§8-609. Violations.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

**§8-610. Abatement Of Nuisances.**

In addition to any other remedies provided in this Part, any violation of Section 508 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

*Part History:* (Ordinance 20, enacted 8/8/1990)

**CHAPTER 9**  
**STORMWATER MANAGEMENT**

**PART 1**

**STORMWATER MANAGEMENT**

- §9-101. Statement Of Findings.
- §9-102. Purpose.
- §9-103. Statutory Authority.
- §9-104. Applicability.
- §9-105. Compatibility With Other Requirements.
- §9-106. Interpretation.
- §9-107. Erroneous Permit.
- §9-108. Duty Of Persons Engaged In The Development Of Land.
- §9-109. Municipal Liability Disclaimer.
- §9-110. Definitions.
- §9-111. Stormwater Management Standards.
- §9-112. Stormwater Management (SWM Site Plan Requirements).
- §9-113. Operation And Maintenance.
- §9-114. Fees And Expenses.
- §9-115. Enforcement And Penalties.

## **CHAPTER 9**

### **STORMWATER MANAGEMENT**

#### **PART 1**

#### **STORMWATER MANAGEMENT**

**§9-101. Statement Of Findings.**

The governing body of Tyrone Township finds that:

- A. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- B. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.
- C. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of Tyrone Township, their resources, and the environment.

**§9-102. Purpose.**

The purpose of this Chapter is to promote health, safety, and welfare within Tyrone Township and its watersheds by minimizing the harm and maximizing the benefits described in Section 101 of this Chapter, through provisions designed to:

- A. Meet water quality requirements under state law, including regulations at 25 Pa. Code 93, to protect, maintain, reclaim, and restore the existing and designated uses of the waters of the Commonwealth.

- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and stream beds.
- G. Provide proper operation and maintenance of all stormwater management Best Management Practices that are implemented within the municipality.
- H. Provide standards to meet NPDES permit requirements.

**§9-103. Statutory Authority.**

The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the Second Class Township Code, Section 2704, 53 P.S. Section 67704, and the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Stormwater Management Act."

**§9-104. Applicability.**

- A. All Regulated Activities, as defined in Section 201, and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Chapter.
- B. Any submission that does not require a stormwater management plan at the time of subdivision or land development will still be required to address stormwater management at the time the individual lots are developed or construction commences, unless said subdivision proposes infrastructure features, such as a cul-de-sac street, for which stormwater management controls are ordinarily required. All subdivisions proposing five (5) or more new lots shall provide stormwater management for the proposed lots at the time of the subdivision, unless otherwise approved by the Township.
- C. Development of the individual lots is subject to stormwater management as defined within the Chapter.

**§9-105. Compatibility With Other Requirements.**

Approvals issued and actions taken under this Chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or Chapter. In the event of a conflict, between this Chapter and any other ordinance, the more restrictive of this Chapter or such ordinance shall apply.

**§9-106. Interpretation.**

Unless otherwise expressly stated, the succeeding shall, for the purposes of this Chapter, be interpreted in the following manner:

- A. Words used in the present tense also imply the future tense.
- B. Words used in the singular include the plural, and vice versa.
- C. Words of masculine gender include feminine gender, and vice versa.
- D. The words and abbreviation "includes," "including," "shall include," "such as," and "e.g." are not limited to the specific example(s) given but are intended to extend the words or words' meaning(s) to all other instances of like kind and character.
- E. The words "shall," "required," or "must" are mandatory; the words "may" and "should" are permissive.

**§9-107. Erroneous Permit.**

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of Tyrone Township purporting to validate such a violation.

**§9-108. Duty Of Persons Engaged In The Development Of Land.**

Notwithstanding any provision(s) of this Chapter, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures shall include actions as are required to manage

the rate, volume, direction, and quality of resulting stormwater runoff in a manner which adequately protects health, property and water quality.

**§9-109. Municipal Liability Disclaimer.**

- A. Neither the granting of any approval under this Chapter, nor the compliance with the provisions of this Chapter, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility or damage to persons or property resulting there from, or as otherwise imposed by law nor impose any liability upon the Municipality for damages to persons or property.
  
- B. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee, or warranty of any kind by the Municipality, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

**§9-110. Definitions.**

**ADAMS COUNTY CONSERVATION DISTRICT** - As defined in Section 3(c) of the Conservation District Law (3 P.S. § 851 (c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

**AGRICULTURAL ACTIVITY** - Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

**APPLICANT** - A landowner, developer, or other person who has filed an application to the municipality for approval to engage in any Regulated Activity at a project site in the Municipality.

**BEST MANAGEMENT PRACTICE (BMP)** - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Chapter.

**BEST MANAGEMENT PRACTICE, NONSTRUCTURAL** - Operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff.

**BEST MANAGEMENT PRACTICE, STRUCTURAL** - Measures consisting of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**BMP MANUAL** - Pennsylvania Stormwater Best Management Practices Manual, Pennsylvania Department of Environmental Protection, December 2006 (Document #363-0300-002), as amended and updated.

**CULVERT** - A structure which carries surface water through an obstruction.

**DAM** - An impoundment structure regulated by the Pennsylvania DEP Chapter 105 regulations.

**DEP** - The Pennsylvania Department of Environmental Protection.

**DESIGN STORM** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a 5-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems.

**DETENTION BASIN** - A structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.

**DETENTION VOLUME** - The volume of runoff that is captured and released into the waters of the Commonwealth at a controlled rate.

**DISCONNECTED IMPERVIOUS AREA (DIA)** - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and/ or increased time of concentration.

**DISTURBED AREA** - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

**DRAINAGE PLAN (ALSO STORMWATER MANAGEMENT SITE PLAN)** - The documentation of the stormwater management system, if any, to be used for a given project site.

**EARTH DISTURBANCE ACTIVITY** - A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use



areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**EROSION** - The natural process by which the surface of the land is worn away by water, wind, or chemical action.

**E&S MANUAL** - The Pennsylvania DEP Erosion and Sedimentation Control Manual, as amended and updated.

**EROSION AND SEDIMENTATION CONTROL PLAN (E&S PLAN)** – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

**EVAPOTRANSPIRATION** - The combined process of water surface evaporation, soil moisture evaporation, and plant transpiration.

**EXISTING CONDITION** - The dominant land cover during the 5-year period immediately preceding a proposed Regulated Activity.

**FEMA** - Federal Emergency Management Agency.

**FLOODPLAIN** - Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area.

**FOREST MANAGEMENT / TIMBER OPERATIONS** - Planning and activities necessary for the management of forest land. These include conducting a timber inventory, preparation of a forest management plan, silvicultural treatment, developing or establishing a cutting budget, logging road design and construction, timber harvesting, site preparation, and reforestation.

**HYDROLOGIC SOIL GROUP (HSG)** - A group of soils having similar runoff potential under similar storm and cover conditions. HSGs range from A to D, with A soils being the most pervious and D soils being the least pervious.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** - A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas include but are not limited to roofs, additional indoor living spaces, patios and decks, garages, storage sheds and similar structures, streets, driveways, access drives, parking areas, and sidewalks. Any areas designed to be covered by loose surfacing materials such as gravel, stone and/or crushed stone, and intended for storage of and/or travel by vehicles, or pedestrians shall be considered impervious. Surfaces or areas designed, constructed and maintained to permit infiltration may be considered pervious.

**INFILTRATION** - Water flowing downward through the ground surface.

**IN-KIND REPAIR / REPLACEMENT** - Repair or replacement which uses the same or similar materials in the same location.

**INVASIVE / EXOTIC PLANTS** - Plant species on the "Invasive Exotic Plants in Pennsylvania List" published by the PA Department of Conservation and Natural Resources, as amended.

**KARST** - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

**LAND DEVELOPMENT** - Shall include any of the following activities:

- A. the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.

**LIMIT OF DISTURBANCE** - A line provided on the E&S Plan or SWM Plan that indicates the total area to be disturbed over the life of the project.

**LOADING RATIO** - The ratio of impervious area draining to a stormwater management facility to the area of the stormwater management facility itself.

**MUNICIPALITY** - Tyrone Township, Adams County, Pennsylvania.

**NOXIOUS PLANT** - Those species as listed in the PA Noxious Weed Control Law (3 P.S. § § 255.1-255.11), as amended and/or recodified.

**NPDES** - National Pollution Discharge Elimination System, as authorized by the Clean Water Act (33 U.S.C. §1251 et seq. [1972], as amended).

**NPDES PERMIT** - A permit required for stormwater discharges associated with construction

activities, as required by the Clean Water Act (33 U.S.C. §1251 et seq. [1972], as amended).

**NRCS** - USDA Natural Resources Conservation Service (previously NRCS).

**O&M** - Operation and Maintenance.

**O& M PLAN** - Operation and Maintenance Plan.

**PCSM** - Post-Construction Stormwater Management.

**PCSM PLAN** - Post Construction Stormwater Management Plan.

**PEAK DISCHARGE** - The maximum rate of stormwater runoff from a specific storm event.

**PERVIOUS AREA** - Any area not defined as impervious.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** - Act of 1968, P.L.805, No. 247, as reenacted and amended.

**POINT SOURCE** - Any discernible, confined, or discrete conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged.

**PROJECT SITE (SITE)** - The specific area of land where any Regulated Activity in the municipality is planned for, conducted on, constructed, or maintained.

**QUALIFIED PERSON** - Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Chapter.

**REDUCTION FACTOR** - A form of safety factor that, when multiplied by the site tested infiltration rate, is used to help determine the design infiltration rate for a stormwater management facility.

**REGULATED ACTIVITIES** - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

**REMOVED RUNOFF** - The volume of runoff that is captured and not released directly into the surface waters of the Commonwealth during or after a storm event.

**RETENTION BASIN** - An impoundment in which stormwater is stored and not released to surface waters of the Commonwealth.

**RETURN PERIOD** - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or, stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

**RIPARIAN FOREST BUFFER** - A type of riparian buffer that consists of permanent vegetation that is predominantly native trees and shrubs along surface waters that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and separate land use activities from surface waters.

**ROAD MAINTENANCE ACTIVITIES** - See definition as found in Title 25, Chapter 102.1.

**RUNOFF** - Any part of precipitation that flows over the land.

**SAFETY FACTOR** - An adjustment applied to a site-tested infiltration rate to ensure that the designed infiltration rate for a stormwater management facility is less than that shown under tested conditions.

**SEDIMENT** - Soils or other materials transported by surface water as a product of erosion.

**SIMPLIFIED APPROACH (SA)** - A process that property owners proposing certain types of projects may utilize to prepare a stormwater management plan without having to conduct the detailed technical analysis and design required for larger projects.

**SPECIAL MANAGEMENT AREAS** - Those areas outlined in Chapter 7 of the BMP Manual. Special Management Areas include: brownfields, highways and roads, karst areas, mined lands, water supply well areas, surface water supplies and special protection waters.

**STATE WATER QUALITY REQUIREMENTS** - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

**STORM SEWER** - A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

**STORMWATER** - Drainage runoff from the surface of the land resulting from precipitation, snow melt or ice melt.

**STORMWATER MANAGEMENT FACILITY** - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins; open channels; storm sewers; pipes; and infiltration facilities.

**STORMWATER MANAGEMENT PLAN (THE PLAN)** - The Adams County Stormwater Management Plan of November, 2011, which incorporates the requirements of the Act of October 4, 1978, P.L. 864 (Act 167), as amended, and known as the "Storm Water Management Act."

**STORMWATER MANAGEMENT SITE PLAN (SWM SITE PLAN)** - A plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter.

**SUBDIVISION** - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes of an area of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall not be considered a subdivision.

**SWALE** - A low-lying stretch of land which gathers and/or carries surface water runoff.

**SWM** - Stormwater Management.

**TOWNSHIP** - Tyrone Township

**USDA** – United States Department of Agriculture.

**WATERS OF THE COMMONWEALTH** - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

**WATERSHED** - Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

**WETLAND** - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**§9-111. Stormwater Management Standards.**

A. General SWM Site Plan Requirements

1. For all regulated activities, unless preparation of a SWM Site Plan is specifically exempted in subsection 2:
  - a. Preparation and implementation of an approved SWM Site Plan is required.
  - b. No regulated activities shall commence until the Municipality issues written approval of a SWM Site Plan which demonstrates compliance with the requirements of this Chapter.
2. All SWM Site Plans for Regulated Activities shall include such measures as necessary to:
  - a. Protect health, safety, and property.
  - b. Meet the water quality goals of this Chapter, as stated in Section 103, by including measures that:
    - (1) Minimize disturbance to floodplains, wetlands, wooded areas, and existing vegetation.
    - (2) Maintain or extend riparian buffers.
    - (3) Avoid erosive flow conditions in natural flow pathways.
    - (4) Minimize thermal impacts to waters of the Commonwealth.
    - (5) Disconnect impervious surfaces by directing runoff to pervious areas.
    - (6) Minimize soil disturbance and compaction.
  - c. Incorporate the techniques for Low Impact Development Practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual) which is hereby incorporated by reference.
3. Stormwater flows onto adjacent property shall not be created, increased, significantly decreased, relocated, or otherwise altered without the written notification of the adjacent property owner(s) by the developer. Copies of all such notifications shall be included in the SWM Site Plan submission.
4. For all Regulated Activities where erosion and sediment control is required in

accordance with Title 25 of the Pennsylvania Code and the Clean Streams Law, the SWM Site Plan shall include the required erosion and sedimentation control measures. Necessary E&S BMPs shall be designed in accordance with the Erosion and Sediment Pollution Control Program Manual (E&S Manual) 2, No. 363-2134-008 (April 15, 2000), as amended and updated which is hereby incorporated by reference. Approval of the SWM Site Plan by Tyrone Township shall be conditioned on the applicant obtaining erosion and sedimentation control approval from the appropriate agency(ies), when applicable.

5. For all Regulated Activities where NPDES permitting is required in accordance with the Clean Water Act (33 U.S.C. §1251 et seq. [1972], as amended), the SWM Site Plan shall include the information required in the applicant's NPDES Permit application. Approval of the SWM Site Plan by Tyrone Township shall be conditioned on the applicant obtaining NPDES Permit approval from the appropriate agency(ies), when applicable.
6. For all regulated activities, implementation of the volume controls in subsection 4 is required, unless the project is determined to be exempt within subsection 2.
7. Special Management Areas - SWM Site Plans involving Regulated Activities within Special Management Areas shall be prepared in a manner consistent with the guidance provided in Chapter 7 of the BMP Manual. The SWM Site Plan submission shall include design details for SWM BMPs within said Special Management Area.
8. A SWM Site Plan may propose that stormwater related to the proposed Regulated Activities be accommodated by existing stormwater management facilities on adjoining or nearby properties provided that the SWM Site Plan documents the following:
  - a. The use of the stormwater management facilities located on said adjoining or nearby property is approved in writing by the owner of the property.
  - b. The stormwater management facilities located on said adjoining or nearby property are designed in a manner that can accommodate the stormwater management needs of the Regulated Activity in a manner consistent with all requirements of this Chapter. The SWM Site Plan shall include all documentation necessary for Tyrone Township to confirm such compliance.
9. The design storm volumes to be used in the analysis of peak rates of discharge shall be obtained from the Precipitation-Frequency Atlas of the United States,

Atlas 14, Volume 2, Version 3.0, as amended and updated, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydro meteorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

10. SWM Site Plans, once approved by Tyrone Township, shall remain on site throughout the duration of the Regulated Activity and be available for review as may be necessary by representatives of Tyrone Township.
11. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
12. Tyrone Township may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Chapter, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law. The municipality shall maintain a record of consultations with DEP pursuant to this paragraph.

**B. Exemptions**

1. A property owner or developer of any Regulated Activity that meets the following exemption criteria is, upon approval from Tyrone Township, exempt from the formal SWM site plan submission requirements of this Chapter as specified herein. However, the property owner or developer shall be subject to all other requirements of this Chapter other than the formal SWM site plan submission requirements for which an exemption or exemptions have been authorized.

The criteria for exemption in this subsection apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this Chapter shall be the starting point from which future development and the respective exemption criteria shall be cumulatively considered and regulated.

- a. Regulated Activities that involve equal to or less than one thousand (1,000) square feet of impervious surface may be exempted from the peak rate control, volume control and the SWM Site Plan preparation and submission requirements of this Chapter. The applicant shall complete and submit Worksheet A and a Sketch Plan as described in the Stormwater Management Design Assistance Manual.
- b. Regulated Activities that involve greater than one thousand (1,000) square feet and equal to or less than ten thousand (10,000) square feet of



impervious area, and where the all the proposed impervious area can be entirely disconnected, may be exempted from the peak rate control, volume control, and the SWM Site Plan preparation and submission requirements of this Chapter. The applicant in this instance shall complete and submit the Stormwater Management Worksheets (A&B) from the Stormwater Management Design Assistance Manual, a Minor Stormwater Site Plan, and an executed Owner's Acknowledgement.

- c. Regulated Activities that involve greater than one thousand (1,000) square feet and equal to it less than five thousand (5,000) square feet of impervious area may be exempted from the peak rate control and volume control preparation and submission requirements of this Chapter. The applicant shall complete and submit the Stormwater Management Worksheets (A&B) from the Stormwater Management Design Assistance Manual, a Minor Stormwater Site Plan showing BMP facilities, an executed Owner's Acknowledgement or Operation and Maintenance Agreement (as required).
- d. Agricultural Activities shall be exempt from the rate control, volume control and SWM Site Plan preparation and submission requirements of this Chapter provided the agricultural activities are performed in accordance with the requirements of 25 Pa. Code 102. Further, such activities shall not be subject to the exemption approval process of subclause 2(B) of this section.
- e. Forest management and timber operations are exempted from the rate control, volume control and SWM Site Plan preparation and submission requirements of this Chapter provided the forest management and timber operations are performed in accordance with the requirements of 25 PA Code 102 which shall include preparation of an erosion control plan for submission to the Adams County Conservation District.
- f. Regulated Activities involving domestic gardening for single-family consumption shall be exempted from volume control, rate control, and SWM Site Plan preparation and submission requirements of this Chapter, and shall not be subject to the exemption approval process of subclause 2(B) of this section.
- g. In Kind Repair, In Kind Replacement, and maintenance of existing surfaces, and structures shall be exempted from volume control, rate control, and SWM Site Plan preparation and submission requirements of this Chapter, and shall not be subject to the exemption approval process of

subclause 2(B) of this section.

2. Authorization of Exemptions: Tyrone Township shall determine, in accordance with the following requirements and process, whether a proposed Regulated Activity may be exempted from any of the requirements of this Chapter.
  - a. The property owner or developer proposing the Regulated Activity shall submit materials as required by the Design Assistance Manual.
  - b. Upon receipt of said materials, the Township or its designee shall either approve or deny the exemption request. If the exemption request is denied, the Township or its designee shall direct the property owner or developer to submit the information required to demonstrate that the proposed Regulated Activity complies with the requirements of this Chapter or meets the exemption criteria.
  - c. Exemption request approval shall be at the discretion of Tyrone Township, and shall be subject to the following:
    - (1) Tyrone Township may deny any exemption request or suspend or revoke any approved exemption request at any time for any project where Tyrone Township believes that the proposed Regulated Activity poses a threat to public health, safety, property, or the environment.
    - (2) Approval of an exemption request does not relieve the property owner or developer from other applicable requirements of this Chapter or of other Tyrone Township ordinance or regulations.
    - (3) Tyrone Township reserves the right to deny an exemption request if a preexisting drainage problem is known or has been identified or if a drainage problem is expected to exist downstream from the proposed Regulated Activity.

C. General Design Standards

1. Impervious Area.
  - a. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in phases.
  - b. For development taking place in phases, the total proposed impervious

area within the SWM Site Plan must be used in determining conformance with this Chapter.

- c. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Chapter; except that the volume controls in Section 304 and the peak rate controls of Section 305 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed Regulated Activity.
2. Normally dry, open-top storage facilities, designed as such, shall completely drain both the volume control and rate control capacities over a period of time not less than twenty-four (24) hours and not more than seventy-two (72) hours from the end of the design storm. However, any designed infiltration volume at such facilities is exempt from the minimum 24-hour standard, i.e., may infiltrate in a shorter period of time, so long as none of the stormwater intended for infiltration is discharged into the surface waters of the Commonwealth.
3. Infiltration BMPs shall be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Chapter.
4. A stormwater management plan shall be submitted for all subdivisions and/or land developments. The plan shall show all drainage within the area affecting the subject property, all existing and proposed drainage facilities and all grading proposed for the subject property, as well as the additional plan information required in this section.
5. All land areas shall be graded to secure proper drainage away from buildings, on-lot sewage disposal facilities and the like and to prevent the collection of stormwater in pools. Drainage provisions shall be of such design as to carry surface waters to the nearest practical natural drainage channel, storm sewer system detention basin or other drainage facilities. The landowner or developer shall construct and/or install such drainage structures and/or pipes as are determined necessary by the Township to prevent soil erosion, damage and siltation and to satisfactorily carry off surface water. In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may any slope exceeding the normal angle of slippage of the material involved.

All slopes must be protected against erosion. In no case may a change be made in the existing topography which would alter the existing drainage or topography in a way so as to adversely affect adjoining properties.

6. Storm sewers, culverts, bridges and related drainage installations shall be provided to:
  - a. Permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Protection.
  - b. Ensure adequate drainage of all low points as may be related to streets.
  - c. Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained to prevent flow of stormwater across intersections and to prevent the flooding of intersections during the design storm.
  - d. Ensure adequate and impeded flow of stormwater under driveways in, near or across natural watercourses or drainage swales. Properly sized pipes or other conduits shall be provided as necessary.
  - e. Prevent excessive flow on or across streets, sidewalks, drives, parking areas and any other paved surface or access way.
  - f. Lead stormwater away from springs.
  - g. Provide adequate drainage away from on-site sewage disposal systems.
7. The stormwater management plan for each subdivision and/or land development shall take into account and provide for upstream areas within the entire watershed in computing discharge quantities, sizing of pipes, inlets and other structures. The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Stormwater management facilities designed to serve more than one property or development in the same watershed are encouraged, in which case consultation with the Township is required prior to design.
8. All natural streams, channels, swales, drainage systems and/or areas of concentration of surface water shall be maintained in their existing condition unless alteration is approved by the Township. In any event, all encroachment activities shall comply with Chapter 105 of the Commonwealth of Pennsylvania Department of Environmental Protection, Dam Safety and Waterway Management Rules and Regulations.
9. Man-made structures shall be kept to a minimum and bridges, culverts, or rip-rap

shall be constructed to maintain the natural characteristics of the stream and shall meet the approval of the Township.

10. Retention/detention basins shall be designed to utilize the natural contours of the land. When such design is impracticable, the construction of the basin shall utilize slopes as shallow as possible to blend the structures into the existing terrain.
11. Any subdivision and/or land development within a flood hazard district shall comply with all of the provisions of the Tyrone Township Zoning Ordinance, and the rules and regulations of the Pennsylvania Department of Environmental Protection.
12. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the Township. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Township and the affected landowner.

D. Volume Controls.

The low impact development practices provided in the BMP Manual shall be utilized for all Regulated Activities. Water volume controls shall be implemented using the Design Storm Method (CG 1) in subsection 4(A) or the Simplified Method (CG 2) in subsection 4(B). For Regulated Activity involving less than one (1) acre of impervious coverage that does not require hydrologic routing to design the stormwater facilities, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and/ or other factors. The Design Storm Method in subsection 4(A) shall be used for all Regulated Activity involving greater than one (1) acre of impervious coverage.

1. The Design Storm Method (CG-1 in the BMP Manual) may be used for any size of Regulated Activity. This method requires detailed modeling to achieve the following standards.
  - a. The post-development total runoff volume shall not increase for all storms equal to or less than the two (2)-year twenty-four (24)-hour duration precipitation.
  - b. For modeling purposes:

- (1) Existing (pre-development), non-forested, pervious areas must be considered meadow.
  - (2) Twenty percent (20%) of existing impervious area, when present, shall be considered meadow in the model for existing conditions. The Township may require a greater percentage be considered as meadow where the Township has identified a preexisting drainage problem for a site in which storm water management was not previously incorporated.
2. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and may be used for projects involving Regulated Activities proposing equal to or less than one (1) acre of impervious coverage and that do not require design of stormwater storage facilities. When the Simplified Method is used to address stormwater management needs of new impervious surfaces, the following design standards shall be achieved:
  - a. Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
  - b. At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow and shall not be released into the surface waters of the Commonwealth. Removal options for the first one (1) inch of runoff include, but are not necessarily limited to, reuse and infiltration.
  - c. Infiltration facilities shall be designed to accommodate infiltration of as much of the permanently removed runoff as site conditions will allow. If the soils within the project area do not allow for infiltration of the entire first one (1) inch of runoff from new impervious surfaces, other forms of runoff volume control shall be used to achieve the required removal volume. Such measures may include, but are not limited to vegetated roofs, bioretention, and capture-and-reuse systems. In addition, the Infiltration Alternative authorized in subclause 4(C) may be employed.
  - d. This method is exempt from the requirements of subsection 5, Rate Controls.
3. Infiltration Alternative: Where infiltration is not possible due to soil characteristics or is not desirable given other characteristics, water quality control may be proposed as an alternative to strict adherence to the volume control standards of subsection 4 of this section. Where water quality control is proposed, the following standards shall be achieved.

- a. At a minimum, the following documentation shall be provided to justify the proposal to reduce the infiltration requirements:
- (1) Description of and justification for field infiltration/permeability testing with respect to the type of test and test locations.
  - (2) An interpretive narrative describing existing soils of the site and their structure as these relate to the interaction between soils and water characteristics of the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal water tables and depth to bedrock and provide a description of all subsurface elements (restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
  - (3) A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with the identification of any restrictions or limitations associated with the use of designed infiltration facilities.
  - (4) The provided documentation must be signed and sealed by a professional engineer or geologist.
- b. Water Quality BMPs shall be implemented on all permanent stormwater discharges from the proposed project site to achieve pollutant removal efficiencies in accordance with the Table 4(C).

Table 4C Required Pollutant Removal Efficiencies for Infiltration Alternatives

Pollutant Load	Units	Required Removal Efficiency (%)
Total Suspended Solids (TSS)	Pounds	85%
Total Phosphorus (TP)	Pounds	85%
Total Nitrate (NO <sub>3</sub> )	Pounds	50%

- c. Design guidance from the most current version of the Pennsylvania Stormwater Best Management Practices Manual, or equivalent resource as pre-coordinated with Tyrone Township, shall be consulted when choosing design criteria for water quality BMPs.

E. Rate Controls

1. Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year 24-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100- year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.
2. For computation of pre-development peak discharge rates, twenty percent (20%) of existing impervious areas, when present, shall be considered meadow.

F. Riparian Buffers/ Riparian Forest Buffers

Where an applicant proposes to utilize riparian buffers as the means to meet the requirements of this Chapter, said riparian buffers shall be established and/or maintained in accordance with the BMA Manual or the publication Riparian Forest Buffer Guidance, published November, 2010 by the Pennsylvania Department of Environmental Protection, and as may be amended or updated.

G. Prohibited Discharges and Connections

1. Any drain or conveyance, whether on the surface or subsurface, that allows any non- stormwater discharge including sewage, process wastewater, and wash water to enter the waters of the Commonwealth is prohibited.
2. No person shall allow, or cause to allow, discharges into surface waters of the Commonwealth which are not composed entirely of stormwater, except (1) as provided in Subsection C below and (2) discharges allowed under a state or federal permit.
3. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of the Commonwealth:
  - Discharges from Firefighting Activities
  - Potable water sources including water line flushing
  - Irrigation drainage
  - Air conditioning condensate
  - Springs
  - Water from crawl space pumps
  - Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used



- Diverted stream flows
- Flows from riparian habitats and wetlands
- Uncontaminated water from foundations or from footing drains
- Uncontaminated water from foundations or from footing drains
- Lawn watering
- De-chlorinated swimming pool discharges
- Uncontaminated groundwater
- Water from individual residential car washing
- Routine external building wash-down (which does not use detergents or other compounds)
- Water discharged in well testing for potable water supplies

4. In the event that the municipality or DEP determines that any of the discharges identified in subclause 7(C) significantly contribute to pollution of the waters of the Commonwealth, the municipality or DEP will notify the responsible person(s) to cease the discharge.

H. Roof Drains, Sump Pumps and Footer Drains

Roof drains, sump pumps, and footer drains should discharge to infiltration or vegetative BMPs and, to the maximum extent practicable, satisfy the criteria for DIAs. Discharges of each should be conveyed in such a manner as to not cause water problems for adjoining property owners.

Roof drains, sump pumps, and footer drains shall not discharge to roadways, curb lines, or storm sewer systems without approval by the Municipality.

I. Alteration of SWM BMPs

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures in any manner, without the written approval of Tyrone Township, with the exception of necessary maintenance activities such as mowing.

J. Stormwater Management Design Standards

1. Standards and criteria.

a. Storm drainage system.

(1) Design flow rate.

- (a) The storm sewer system shall be designed to carry a twenty five-year peak flow rate without surcharging inlets. The

peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The design flow rate shall be determined by the rational formula,  $Q=CIA$ .

Where:

Q = Peak runoff rate, cubic feet per second (CFS).

C = Runoff coefficient equal to the ratio of the peak runoff rate to the average rate of rainfall over a time period equal to the time of concentration.

I = Average rainfall intensity in inches per hour for a time equal to the time of concentration.

A = Drainage area in acres.

(b) Appropriate values for the runoff coefficient and rainfall intensity shall be taken from the following source, unless otherwise approved by the Township:

Commonwealth of Pennsylvania  
Department of Transportation  
Publication 584, Penn DOT Drainage Manual  
2010 Edition (or the latest revision thereto)

(2) Storm sewer system design.

(a) The storm sewer system shall be designed to the more restrictive of the following: to collect stormwater at any point where three to five cubic feet per second is accumulated during the design storm; and/or inlets/manholes shall not be spaced more than three hundred (300) feet apart on pipe sizes up to twenty-four (24) inches in diameter and not more than four hundred (400) feet apart on greater sizes.

(b) Inlets, manholes, grates, covers, frames and the like shall conform to the Pennsylvania Department of Transportation Roadway Construction Standards and Form No. 408 specifications and all amendments, revisions or updates thereto.

1. All inlets and manholes shall be precast concrete, unless approved otherwise by the Township.
  2. Sump areas below inlet piping shall not be permitted unless approved otherwise by the Township.
- (3) Bridge/culvert/channel design.
- (a) Bridges and culverts shall have ample waterway to carry expected flows, based on a minimum storm frequency of 100 years or as required by the Pennsylvania Department of Environmental Protection. Bridge and/or culvert design shall be in accordance with the Pennsylvania Department of Transportation and/or the Pennsylvania Department of Environmental Protection requirements. All culverts shall be provided with concrete end walls.
  - (b) All drainage channels shall be designed to carry a flow rate equal to a one- hundred-year, twenty-four-hour storm.
  - (c) All drainage channels shall be designed to prevent the erosion of the stream bed and stream bank areas. The flow velocity in all vegetated drainage channels shall not exceed the maximum permissible velocity to prevent soil erosion. Suitable bank stabilization shall be provided where required to prevent soil erosion of the drainage channels. Where storm sewers discharge into existing drainage channels at an angle greater than 30° from parallel with the downstream channel flow, the far side bank shall be stabilized by the use of rip-rap and masonry and/or concrete walls. The stabilization shall be designed to prevent soil erosion and front heave under and behind the stabilizing media.
  - (d) Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum slope of four horizontal to one vertical on those areas to be mowed.
  - (e) In all instances where a proposed driveway culvert will cross a drainage channel/swale, a minimum 15-inch diameter driveway culvert must be provided that will be adequate to convey the design flows of the drainage

channel.

- (f) The design of all channels shall, as a minimum, conform to the design procedures outlined with the Pennsylvania Department of Transportation standards, Pennsylvania Stormwater Best Management Practices Manual, and Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual.
- (4) **Overflow system.** An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe system is exceeded. The overflow system shall have sufficient capacity to carry the difference between the one-hundred-year and the twenty five-year peak flow rates.
- (5) **Inlet capacity.**
  - (a) All inlets must be designed to accommodate the twenty five-year peak flow rate. The capacity of Type C, M, or S inlets shall be determined from the following source:

Commonwealth of Pennsylvania  
Department of Transportation Publication 584,  
Penn DOT Drainage Manual  
2010 Edition (or the latest revision thereto)
  - (b) The capacity of each inlet shall be indicated within the SWM Site Plan narrative. All stormwater management plans shall indicate that inlet grates be installed in such a manner that the roadway stormwater will be directed into the inlet and away from the roadway. All inlets shall be designed to create a one-inch sump condition below finished road surface unless approved otherwise by the Township. At curbed street/driveway intersections, inlets shall be placed on the tangent section and not in the curved portion of the curbing.
- (6) **Straight pipe sections.** All storm sewers shall be designed to follow straight courses. No angular deflections of storm sewer pipe sections in excess of five (5) degrees shall be permitted. No vertical curves shall be permitted in the storm sewer system.
- (7) **Horizontal pipe deflections.** A manhole or inlet shall be provided

at all horizontal deflections in the storm pipe system exceeding five (5) degrees.

- (8) Minimum grade and size. All storm drain pipes shall be designed to maintain a minimum grade that will result in a full flow velocity of at least two feet per second. All storm sewer pipes shall have a minimum inside diameter of fifteen (15) inches.
- (9) Pipe capacity. The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity to meet current Pennsylvania Department of Transportation standards and criteria.
- (10) Pipe arches. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipes.
- (11) Pipe material and gauge thickness. All storm sewers shall be either reinforced cement concrete, corrugated aluminum, corrugated polyethylene pipe, smooth lined corrugated polyethylene pipe, or aluminized Type II steel pipe. Storm sewers shall be of the proper class and thickness to support the above fill material.
- (12) Pipe class and gauge or thickness shall be noted on the plans. All pipe shall conform to Pennsylvania Department of Transportation specifications.
- (13) Allowable headwater depth. At all inlets or manholes, the maximum allowable headwater depth shall be one foot below the top of the inlet grate or the manhole.
- (14) Minimum and maximum cover. In lawn areas, a minimum of twelve (12) inches of cover shall be maintained over all storm drain pipes or as specified by the pipe manufacturer. Under streets, the top of storm drain pipes shall be a minimum of six (6) inches below sub grade elevation or as specified by the pipe manufacturer. The maximum cover over storm drain pipes shall be ten (10) feet unless otherwise approved by the Township.
- (15) Storm sewer system outlets. Storm sewer system outlet pipes shall extend to proposed stormwater management facilities, natural watercourses and the like. A concrete end wall shall be required on all storm sewer system inlet and outlet pipes. All storm/sewer outlets twenty-four (24) inches in diameter or greater shall be

equipped with a galvanized child-proof horizontal bar rack, bolted to the end wall.

- (16) Drainage easements.
    - (a) All storm sewer easements through undedicated land shall be a minimum of twenty (20) feet in width.
    - (b) Where a site is traversed by a watercourse, a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance shall be created, as determined by the Township.
  - (17) Diversion of surface water runoff. All storm sewers and/or drainage swales shall be designed to carry such runoff into a detention basin or similar facility utilized to control the rate of runoff, unless approved otherwise by the Township.
- b. Detention/retention basins.
- (1) Detention basins shall be designed in accordance with the Soil Cover Complex Method and the procedures developed by the United States Department of Agriculture, Natural Resources Conservation Service, as outlined in their Technical Release No. 55, Urban Hydrology for Small Watersheds, with specific attention given to antecedent moisture conditions, flood routing and peak discharge and Hydrology National Engineering Handbook Section 4, or other method as approved by the Township Engineer.
  - (2) Basin design criteria (NRCS).
    - (a) Basins shall be designed to safely convey the quantity of water resulting from a one-hundred (100)-year, twenty-four (24)-hour storm under full development conditions. Stormwater management calculations shall ensure that the predevelopment discharge from the site meets conforms with Section 305.
  - (3) Outlet control structures.
    - (a) All outlet control structures shall be constructed of

concrete, properly anchored to prevent flotation and equipped with child-proof, nonclogging removable trash racks overall design openings twelve (12) inches or greater in diameter, except those openings designed to carry perennial stream flows.

- (b) Temporary sedimentation controls shall be provided during construction to prevent the flow of sediment through the basin outlet pipe. Such measures may include temporary riser pipes, rock-filled gabions, plywood stand boxes, silt fences and the like.
  
- (4) Emergency spillways. Whenever possible, the emergency spillway for basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete, concrete mound slabs or vegetated earth. All emergency spillways shall be constructed so that the basin berm is protected emergency spillways shall be constructed so that the basin berm is protected against soil erosion. The minimum capacity of the emergency spillway shall be designed to pass the one-hundred (100)-year post development flow neglecting the capacity of the principal outlet structure. Emergency spillways shall extend along the upstream and downstream berm embankment slopes. The emergency spillway shall not discharge stormwater over earthen fill and/or easily erodible material without adequate protection against soil erosion.
  
- (5) Freeboard. The minimum freeboard shall be one foot. (Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled basin embankment.)
  
- (6) Basin outlet pipes. Basin outlet pipes shall be equipped with watertight joints.
  
- (7) Antiseep collars. Antiseep collars shall be installed around the principal pipe barrel within the normal saturation zone of the basin berms. The antiseep collars and their connections to the pipe barrel shall be watertight. The antiseep collars shall be designed in accordance with USDA NRCS criteria. Design calculations for antiseep collars must be submitted with the basin calculations.
  
- (8) Basin outlets. Energy dissipating devices (concrete aprons and the like) shall be placed at all basin outlets. Concrete end walls shall

be placed at all basin outlets. All basin outlet pipes twenty-four (24) inches in diameter or greater shall be equipped with child-proof devices to deter entry by pedestrians or animals. Design calculations for proposed energy dissipaters must be submitted with basin calculations.

- (9) Slope of detention basin embankment.
  - (a) The maximum slope of earthen basin embankments shall be four to one (4:1), unless otherwise approved by the Township. The top or toe of any slope shall be located a minimum of fifteen (15) feet from adjacent property lines with the exception of the downstream property line where the toe of the embankment shall be placed a sufficient distance to allow for energy dissipating devices but in no case less than forty (40) feet unless approved otherwise by the Township.
  - (b) Whenever possible, the side slopes and basin shape shall blend with the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.
- (10) Width of berm. The minimum top width of detention basin berms shall be six (6) feet.
- (11) Construction specifications. The plans shall indicate the construction specifications and compaction requirements for all detention/retention basins.
- (12) Cut-off trench. A cut-off trench shall be excavated along the center line of dam on earth fill embankments. The minimum depth shall be three feet. The minimum bottom width shall be ten (10) feet or wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. The trench shall be kept free from standing water during the backfilling operations.
- (13) Grading and landscaping of basins; cuts and fills. No excavation or fill shall be made with a cut and fill slope steeper than four feet horizontal to one-foot vertical unless otherwise approved by the Township Engineer. A written statement shall be required from a civil engineer licensed by the Commonwealth of Pennsylvania having experience in soils engineering certifying that he has inspected the site and that any proposed deviation from the slope



specified above should not endanger any property or result in personal injury. Retaining walls will be required if a stable slope cannot be maintained. Any retaining wall design must be designed by an experienced structural engineer licensed by the Commonwealth of Pennsylvania. The toe of any cut or fill slope must be located a minimum of fifteen (15) feet from adjacent property lines.

- (14) Landscaping.
  - (a) A minimum of four (4) inches of topsoil shall be placed on all areas affected by the basin construction (bottom of basin, side slopes, top of berm and the like).
  - (b) All earthen basins shall be seeded with a standard seed mix containing temporary and permanent grasses capable of providing a minimum uniform 70% perennial ground cover, or other approved ground covers, within seven (7) days after final grading. Application rate shall be in accordance with the seed supplier's guidelines and recommendations.
  - (c) Fencing may be required around detention/retention basins where the Township determines that circumstances warrant the fencing.
  - (d) All detention/retention basins shall be landscaped.
- (15) Permanent pond.
  - (a) A five (5)-foot-wide bench sloping at 4% shall be provided for all detention/retention basins designed to contain a permanent pond of water. The toe of the bench shall begin at the permanent water surface elevation. Alternate designs may be submitted for review to the Township and its Engineer.
  - (b) When a permanent pond is proposed, a report prepared by a certified geotechnical specialist must be provided certifying that the water will not become stagnant. The basin side slopes below the water line must not exceed 4:1.
- (16) Positive drainage. Detention basins must be designed to eliminate

standing water or swampy conditions after the basin has drained. This must be accomplished either by the installation of stone-trenched underdrains or by providing a minimum basin bottom slope of 2% to the basin outlet. Other arrangements may be presented for review and approval by the Township provided the facility is entirely dewatered in accordance Section 303(B).

- c. Subsurface Infiltration / Disposal / Retention Basin Systems - The following procedures and materials shall be required for all subsurface stormwater management facilities:
- (1) Prior to starting any excavation for subsurface facilities, the contractor must notify the Township's Engineer forty-eight (48) hours in advance for inspection of said facilities. Inspection is required for all subsurface stormwater management facilities at the time of installation and prior to backfilling.
  - (2) Excavation for all subsurface facilities shall be performed in a manner that will minimize compaction of the subsurface facility floor and surrounding areas as well as minimize smearing of the sidewalls of the subsurface facility.
  - (3) The floor and sidewalls of the subsurface stormwater management facility shall be roughened prior to placement of the geofabric and aggregate.
  - (4) Only clean, open graded aggregate, free of fines, shall be used in subsurface stormwater management facilities.
  - (5) The top, sides, and floor of all subsurface stormwater management facilities shall be covered with a drainage filtration fabric which meets the requirements of the Pennsylvania Department of Transportation, Publication 408 for Class I Geofabrics.
  - (6) All pipes leading into subsurface stormwater management facilities shall be equipped with screening or water quality devices to prevent debris from entering the system.
  - (7) The floor of all subsurface stormwater management facilities shall be located a minimum of twelve (12) inches above the seasonal high water table or bedrock limiting zone as established by a soil test pit and site specific soil profile. Depths of less than twelve (12)

inches above the limiting zone will only be allowed where it is certified by a registered professional engineer, geologist, or hydrogeologist that the proposed facility will not create an environmental hazard.

- (8) For all subsurface stormwater management facilities that propose to use infiltration as a means to manage stormwater runoff, infiltration testing must be performed at the same elevation of the invert of the proposed facility to determine a design infiltration rate and dewatering time for the proposed facility. The proposed facility dewatering time must be in accordance with Section 111(C)(2).
  - (9) Inspection points, cleanouts, and overflow facilities shall be provided for all subsurface stormwater management facilities. All inspection points and cleanouts must be located in a configuration that will allow for cleaning and maintenance of the entire subsurface facility.
  - (10) Detailed maintenance instructions and a proposed maintenance schedule must be provided on the plan drawings and provided to the property owner prior to plan approval.
  - (11) All subsurface stormwater management facilities must be located a minimum of one hundred (100) feet from any potable water wells.
- d. Alternative stormwater management BMPs not mentioned above may be utilized provided that all applicable design criteria within Section 111(J) has been met and that the design is in conformance with the current edition of the Pennsylvania Best Management Practices Manual.

**§9-112. Stormwater Management (SWM Site Plan Requirements).**

**A. SWM Site Plan Submission**

- 1. When a property owner or developer proposes a Regulated Activity, said property owner or developer shall submit a SWM Site Plan to demonstrate compliance with the stormwater management provisions of this Chapter. Said submission shall be required by Tyrone Township unless said Regulated Activity is exempted from SWM Site Plan submission in accordance with the exemption criteria and exemption approval process established in Section 111(B) of this Chapter. Where

Tyrone Township determines that the property owner or developer proposing the Regulated Activity is eligible to employ the process established in the Stormwater Management Design Assistance Manual to address the stormwater management needs of a site, the submission of the required documentation from said Manual shall substitute for the SWM Site Plan requirements of this section.

2. Copies of the SWM Site Plan shall be distributed as follows:
  - a. Two (2) copies to the Municipality.
  - b. One (1) copy to the Tyrone Township Engineer, when applicable.
  - c. One (1) copy to the Adams County Conservation District (if an NPDES permit is required).
  - d. One (1) copy to the Adams County Planning Commission (only if submitted as a component of a subdivision and land development plan in accordance with the Tyrone Township Subdivision and Land Development Ordinance.
3. Additional copies shall be submitted as requested by Tyrone Township.
4. The property owner or developer shall submit a review fee in accordance with Section 112.

Payment of the required fee shall be considered a component of the SWM Site Plan submission. The SWM Site Plan submission shall not be considered to be complete until such time that any required fee is paid.

**B. Plan Requirements**

1. The SWM Site Plan shall include the following information. Where the Regulated Activity for which a SWM Site Plan is being submitted is also subject to subdivision and/or land development plan review in accordance with the Township's Subdivision and Land Development Ordinance, the SWM Site shall be submitted as a component of the subdivision or land development submission for the project and shall include the following information. Where the submission requirements of this section conflict with the submission requirements of the Township's Subdivision and Land Development Ordinance, the more restrictive provisions shall control.
  - a. The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the

SWM Site Plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or responsible for any aspect of the SWM Site Plan.

- b. A graphic and written plan scale of one (1) inch equals no more than fifty (50) feet. For parcels of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.
- c. North point (arrow).
- d. Property boundary information, including building setback limits.
- e. Existing and final contours at intervals of no more than two (2) feet. In areas of slopes in excess of fifteen percent (15%), five (5) foot contour intervals may be used.
- f. Existing and proposed land uses within the project boundary plus twenty-five (25) feet outside the project boundary. This shall include all existing manmade features beyond the subject parcel's boundary lines that may be affected by the proposed Regulated Activities.
- g. The location of existing and proposed utilities, stormwater facilities, sanitary sewers, and water lines within the project boundary and for the entire area within the first twenty-five (25) feet beyond the project boundary.
- h. Significant physical features and associated boundary limits, including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
- i. Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas.
- j. Location of existing and proposed on-lot wastewater facilities and water supply wells.
- k. The location of the proposed Regulated Activity relative to streets, municipal boundaries, and other significant manmade features for the entire area within the first twenty-five (25) feet beyond the project boundary.

- l. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or manmade, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields, and wellhead protection zones.
- m. A hydrogeologic assessment of the effects of stormwater runoff on sinkholes, where present.
- n. Soil type boundaries and the location of any soil test pits or infiltration tests.
- o. Plan and profile drawings of all SWM BMPs, including drainage structures, storm sewers, pipes, open channels, and swales.
- p. The location, construction details, specifications, and materials used for all stormwater management facilities.
- q. Sequence of construction for all earthmoving activities.
- r. The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. The plan shall address long-term ownership and maintenance responsibilities as well as schedules and estimated costs for maintenance activities. The O&M Plan shall be prepared in accordance with the requirements of Section 113 of this Chapter.
- s. Provisions for permanent access or maintenance easements for all physical SWM BMPs, as necessary to implement the O&M Plan and for municipal inspections of any facilities.
- t. A note on the SWM Site Plan indicating the location, and responsibility for maintenance of, SWM facilities and/or easements that would be located on adjoining properties as a result of proposed Regulated Activities, and the location of such facilities and/or easements.
- u. The following signature blocks shall be provided:

This Stormwater Management Site Plan has been reviewed and approved as meeting all design standards and criteria of the Tyrone Township Stormwater Management Ordinance.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Its

I, \_\_\_\_\_, hereby acknowledge that the stormwater management system as depicted within this Plan is a permanent fixture that can be altered or removed only after approval of a revised Plan by the Township.

\_\_\_\_\_  
Landowner

\_\_\_\_\_  
Date

- v. A narrative shall be provided with the SWM Site Plan to demonstrate compliance with the requirements of this Chapter. The narrative shall contain the following information, at a minimum:
  - (1) General description of project.
  - (2) Stormwater runoff design computations and documentation as specified in this Chapter.
  - (3) Pre Development and Post Development drainage area mapping depicting drainage area boundaries and drainage flow pathways.
  - (4) Proposed changes to the land surface and vegetative cover and the type and amount of existing and proposed impervious area.
  - (5) The overall stormwater management concept for the project, including any additional information required for a PCSM Plan as applicable
  - (6) A description of permanent stormwater management techniques.
  - (7) Calculations and computation for all stormwater detention or retention BMPs.
  - (8) Hydraulic capacity design information for all stormwater conveyance systems, including storm sewers, culverts, inlets, and open channels.
  - (9) The effect of the project in terms of runoff volumes, water quality, and peak flows on surrounding properties and aquatic features and

on any existing stormwater conveyance system that may be affected by the project.

- (10) The effect of the proposed Regulated Activity in terms of runoff volumes and peak flows on adjacent properties and/or any existing municipal stormwater collection system that may receive runoff from the project site.
- (11) Estimated project time schedule.
- (12) Brief description of soils and their characteristics.
- (w) An E&S plan, where applicable, as approved by the Adams County Conservation District. In cases where E&S Plan approval by the Adams County Conservation District is not required, all erosion and sedimentation control measures and BMP's must be depicted within the SWM Site Plan.
- (x) An NPDES Permit application, including PCSM Plan, where applicable, as administratively reviewed and approved by the Adams County Conservation District.

C. Plan Review and Approval Procedure

- 1. Pre-Application Meeting: Prior to proceeding with SWM Site Plan preparation and submission, the applicant is encouraged to request a pre-application meeting with Tyrone Township to discuss the plan concept and responsibility for submission of required documents and information. If the project requires an E&S plan or an NPDES permit, the applicant is encouraged to meet with a staff member of the Adams County Conservation District as well.
- 2. SWM Site Plan Review and Approval Procedure:
  - a. If a SWM Site Plan is not submitted as a component of a subdivision and/or land development plan, the review of the SWM Site Plan, recommendations, approval, approval with conditions, or disapproval shall occur within forty-five (45) calendar days of a complete submission to Tyrone Township. Where the applicant submits revisions to a previously submitted SWM Site Plan, either because the applicant has elected to revise the SWM Site Plan or as a result of a determination by Tyrone Township that a revision is necessary to meet the requirements of this Chapter, this forty-five (45)-day period shall be restarted at the time of acceptance of a revised plan submission by Tyrone Township.



Should Tyrone Township fail to render a decision on the SWM Site Plan within this forty-five (45)-day time period, the application shall be deemed approved. The review process shall include the following components:

- (1) All plans will undergo an initial staff review before being considered as a complete submission. During this initial review, plans will not be released to the Township designee for formal review. In the event that the application is deemed incomplete, the Township shall notify the applicant, in writing, within ten (10) business days of the receipt of the application.
  - (2) Should the applicant fail to provide a written withdrawal of an incomplete submission, or fail to provide missing items, within ten (10) days, formal written disapproval of the plan will occur.
  - (3) A complete submission shall consist of the specified number of copies of plans, reports and applications including the following items. The specific number of copies may be modified where authorized by the Township office.
    - (a) Completed Application form (provided by the Township) signed by the owner or owner's agent.
    - (b) Three (3) copies to Tyrone Township of the plan, report calculation and/or other required documentation.
    - (c) A filing/application fee as established in the fee resolution.
- b. If a SWM Site Plan is submitted as a component of a subdivision and/or land development plan, the SWM Site Plan shall be reviewed in accordance with the review process and time frame established in the Tyrone Township Subdivision and Land Development Ordinance and in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.
- c. NPDES Permit Technical Coordination: Where the project for which a SWM Site Plan is submitted is subject to NPDES permitting, Tyrone Township shall notify the Adams County Conservation District when the applicant has achieved technical compliance with the requirements of this Chapter with respect to SWM Site Plan requirements. Tyrone Township may address this requirement through the completion of the Technical Review Checklist for NPDES Sites or comparable process as determined

by Tyrone Township. Upon receipt of this notification, the Adams County Conservation District will acknowledge a General NPDES permit provided that all other NPDES permit criteria are met. In the case of an Individual NPDES permit, the Adams County Conservation District will coordinate municipal reviews with the DEP Regional Office.

- d. NPDES Permits and E&S Plans: Where the project for which a SWM Site Plan is submitted is subject to NPDES permitting or the submission of an E&S Plan, or both, any final approval of the SWM Site Plan by Tyrone Township shall be conditioned on the applicant's receipt of the required NPDES Permit or E&S Plan approval, as appropriate.
- e. Approvals from regulating agencies. All appropriate approvals from regulating agencies including, but not limited to, the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Adams County Conservation District, and/or the U.S. Army Corps of Engineers, with regards to storm drainage and stormwater management, shall be followed, and evidence of approvals by those agencies shall be submitted to the Township.
- f. Decision Notification Procedure: In all cases, the decision of Tyrone Township, or its agent, to approve, approve with conditions, or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than fifteen (15) calendar days following the decision. If the SWM Site Plan is disapproved, the written decision by Tyrone Township shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions.

Should Tyrone Township fail to notify the applicant of the decision within this fifteen (15) calendar day period, the application shall be deemed approved.

3. Waiver Requests:

- a. If a SWM Site Plan is not submitted as a component of a subdivision and/or land development plan, Tyrone Township may accept a request for waiver of one or more of the requirements of this Chapter. Any such waiver requests shall comply with the following requirements.

(1) Tyrone Township may accept a request for waiver of the

requirements of one or more provisions of this Chapter if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that Tyrone Township determines that such waiver will not be contrary to the public interest and that the purpose and intent of this Chapter is observed. In review of the request Tyrone Township may consider the recommendations of the Township Engineer.

(2) All requests for waivers from an applicant shall be in writing and shall accompany and be a part of the application for approval of a SWM Site Plan. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved, and the minimum waiver necessary to afford relief.

- b. Tyrone Township shall act to accept or reject requests for waivers within the context of its SWM Site Plan decision-making process established in Section 112(C)(2)(a) of this Chapter. The decision of Tyrone Township regarding acceptance of each request for waiver shall be incorporated into the written decision of Tyrone Township for the overall SWM Site Plan as required in Section 112(C)(2)(c) of this Chapter. Tyrone Township shall keep a written record of all action on requests for waivers.
- c. If a SWM Site Plan is submitted as a component of a subdivision and land development plan, requests for waiver to obtain relief from one or more of the requirements of this Chapter shall be handled in accordance with the modification process established in the Tyrone Township Subdivision and Land Development Ordinance and Section 512.1 of the Pennsylvania Municipalities Planning Code.
- d. The final decision to approve or disapprove all accepted requests for waivers shall be made in accordance with Section 111(A).

D. Revision of Plans

- 1. SWM Site Plan Not Submitted as a Component of a Subdivision and/or Land Development Plan: Revisions to a previously approved SWM Site Plan to incorporate a change in SWM BMPs or techniques, or the relocation or redesign of SWM BMPs, or different information about soil or other conditions from what was stated in the SWM Site Plan, shall be submitted by the applicant to Tyrone Township. Tyrone Township, at its sole discretion may require a re-submission of the revised SWM Site Plan in accordance with this Chapter, including applicable review fee. For NPDES permitted sites, any revised SWM Site Plan shall be re-

submitted to the Adams County Conservation District for its review. In the case of a SWM Site Plan which contains minor deficiencies (such as a missing label, omission of a required note or minor construction detail). At its sole discretion, Tyrone Township may accept a re- submission of such SWM Site Plan without the requirement of a full review fee, or a lesser fee, as determined by Tyrone Township.

2. SWM Site Plan Submitted as a Component of a Sub division and/or Land Development Plan: A revision of an SWM Site Plan approved as a component of a subdivision and/or land development plan shall be treated as a revision of the subdivision and/or land development plan and shall be subject to the review process established in the Tyrone Township Subdivision and Land Development Chapter.

E. Re-submission of Disapproved SWM Site Plans

1. SWM Site Plan Not Submitted as a Component of a Subdivision and/or Land Development Plan. A previously disapproved SWM Site Plan may be resubmitted with the revisions addressing the defects of the original submission as listed in Tyrone Township Decision Notification procedure provided in accordance with Section 112(C)(2)(f). The re-submitted SWM Site Plan shall be reviewed and acted upon in accordance with Section 112(C)(2)(a) of this Chapter. The applicable review fee must accompany the submission of a revised SWM Site Plan, unless such fee is waived by Tyrone Township.

2. SWM Site Plan Submitted as a Component of a Subdivision and/or Land Development Plan:

The resubmission of the SWM Site Plan originally submitted as a component of a subdivision and/or land development plan shall be treated as resubmission of said subdivision and/or land development plan and shall be subject to the review process established in the Tyrone Township Subdivision and Land Development Ordinance.

F. Authorization to Construct and Term of Validity

1. SWM Site Plans Not Submitted as a Component of a Subdivision and/or Land Development Plan - Tyrone Township approval of a SWM Site Plan, when such Plan is not submitted as a component of a subdivision and/or land development plan, authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. Tyrone Township may specify a term of validity shorter than five (5) years in the Decision Notification for any specific SWM Site Plan, particularly if the nature of

the proposed SWM facilities requires more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date Tyrone Township signs the Decision Notification for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 112(G) within the term of validity, Tyrone Township, and if a request to extend the permit has not been submitted to Tyrone Township by the applicant, the permit terminates and Tyrone Township may revoke any and all permits applicable to the project. SWM Site Plans for projects with expired permits may be resubmitted in accordance with Section 112(E) of this Chapter.

2. SWM Site Plans Submitted as a Component of a Subdivision and/or Land Development Plan - Tyrone Township approval of a SWM Site Plan as a component of a subdivision and/or land development plan is subject to the term of validity as specified in the Tyrone Township Subdivision and Land Development Chapter.

G. Construction Inspection, Completion Certificate, and As-Built Plans

1. Prior to commencing construction of stormwater management facilities, the applicant or its agent shall contact the Township's Engineer a minimum of seven (7) days prior to the start of construction to determine at which stages of construction the facilities shall be inspected. No facilities or portion thereof shall be constructed, buried, or otherwise permanently covered unless and until the inspection of that stage, as determined by the Township Engineer, has been performed and that stage of construction has been approved.
2. During inspections, if it is found that the soil or other conditions are not as stated or shown in the application and plans approved, the Township may refuse to approve further work and revoke any or all permits and/or agreements until approval is obtained for a revised soil erosion and sedimentation control plan conforming to existing conditions.
3. If, at any stage of the work, the Township shall determine by inspection that the nature of the work is such that further work as authorized by an existing permit is likely to endanger property or streets or create hazardous conditions, the Township may require as a condition to allowing the work to be done that such reasonable safety precautions be taken as the Township considers advisable to avoid such likelihood of danger.
4. No person shall interfere with or obstruct the ingress or egress to or from any such site or premises by an authorized representative or agent of the Township of Tyrone engaged in the inspection of work for compliance with the approved plans.

5. The stormwater management facilities constructed in accordance with a SWM Site Plan not submitted as a component of a subdivision and/or land development plan (including any time a structural BMP is proposed) shall be subject to the following process upon the completion of construction of said facilities.
  - a. The property owner or developer shall contact the Tyrone Township Engineer forty-eight (48) hours prior to the beginning SWM site work to schedule necessary inspections. The Final Inspection shall be conducted by a Tyrone Township designee.
  - b. Tyrone Township may inspect the completed improvements to confirm consistency with the approved SWM Site Plan. Following the inspection, Tyrone Township may take one of the following two actions.
    - (1) Issue a Completion Certificate: The Township Engineer may issue a Completion Certificate when it is a pre requisite of receipt of a Use and Occupancy Permit provided the stormwater management facilities have been constructed in conformance with the approved SWM Site Plan.
    - (2) Issue Correspondence Regarding Discrepancies: If it is determined that that the stormwater management facilities have not been constructed in accordance with the approved SWM Site Plan, Tyrone Township shall issue correspondence addressed to the property owner or developer summarizing the discrepancies from the approved SWM Site Plan. Such correspondence does not by itself constitute an extension of any applicable SWM Permit.
  - c. Upon receipt of correspondence summarizing discrepancies in the constructed stormwater facilities, the property owner or developer shall, apply for permit extensions when necessary, and take one of the following two actions.
    - (1) Reconstruct the required stormwater management facilities in a manner that complies with the approved SWM Site Plan. Upon completion of the reconstruction work, the property owner or developer shall contact the municipality for a subsequent Final Inspection in accordance with the process established in Section 112(G)(1)(a).
    - (2) Submit a revised SWM Site Plan in accordance with the process established in Section 112(D)(1). The revised SWM Site Plan shall

be consistent with the improvements as constructed. Upon receipt, Tyrone Township may review the revised SWM Site Plan in accordance with the review and approval process of Section 112(C). If the revised SWM Site Plan is approved Tyrone Township shall issue the Completion Certificate. If the revised SWM Site Plan fails to demonstrate that the constructed stormwater management facilities can comply with the requirements of this Chapter, Tyrone Township may then require the property owner or developer to reconstruct the required stormwater facilities in accordance with the originally approved SWM Site Plan. If the revised SWM Site Plan is approved, Tyrone Township shall then issue the Completion Certificate.

- d. Where required by the Township, within fifteen (15) days of the Completion Certificate, the property owner or developer shall submit an As-Built Plan depicting the stormwater management facilities as constructed specific requirements of the as built plan shall be as outlined in the Township Subdivision and Land Development Ordinance. If requested by the applicant, the Township may grant an extension of the deadline to submit As-Built Plans.
6. The stormwater management facilities constructed in accordance with a SWM Site Plan submitted as a component of a subdivision and/or land development plan shall be subject to the completion of improvements requirements of the Tyrone Township Subdivision and Land Development Ordinance and Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.

**§9-113. Operation And Maintenance.**

- A. Determination of Ownership and Maintenance Responsibility
  1. Tyrone Township shall make the final determination on the continuing operation and maintenance responsibilities prior to final approval of the SWM Site Plan. Tyrone Township may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Tyrone Township shall not be obligated to accept the facilities if offered for dedication. Tyrone Township reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.
  2. If Tyrone Township accepts dedication of any or all stormwater management facilities associated with a project, Tyrone Township shall operate and maintain

said facilities in accordance with the approved O&M Plan.

3. If Tyrone Township does not accept dedication of some or all of the stormwater management facilities associated with a project, the property owner shall execute and record an O&M Agreement in accordance with Section 113(B) of this Chapter. The Township will not approve the SWM Site Plan before the owner signs the O&M Agreement.

**B. Operation and Maintenance Agreements**

1. Prior to the signing of the SWM Site Plan after final approval of the SWM Site Plan, or for any projects which propose or are required to construct structural BMP's, the property owner shall sign, have notarized and record an O&M Agreement binding the property owner to conduct all maintenance activities identified in the approved O&M Plan for all stormwater control facilities which are to be privately owned.
  - a. The property owner, heirs, successors and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
  - b. The property owner shall provide to Tyrone Township easements to ensure access for periodic inspections and maintenance by Tyrone Township, as necessary.
  - c. The property owner shall keep on file with Tyrone Township the name, address, and telephone number of the person or company responsible for maintenance activities. In the event of a change, new information shall be submitted by the property owner to Tyrone Township within ten (10) working days of the change.
  - d. The O&M Plan shall be notarized then recorded with the Adams County Recorder of Deeds. A recording receipt shall be provided to the Township.
2. The owner is responsible for operation and maintenance of the SWM BMPs. If the owner fails to adhere to the O&M Agreement or the O&M Plan, Tyrone Township may perform the services required and charge the owner appropriate fees. Nonpayment of fees, costs and other expenses incurred in the performance of services required may result in a municipal lien against the property, in addition to reasonable attorney fees incurred by the Township in the imposition of the lien.

**C. Performance Guarantee**



For SWM Site Plans submitted as a component of a subdivision and/or land development plan, the property owner or developer shall provide a financial guarantee to Tyrone Township for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Chapter in accordance with the completion of improvements requirements of the Tyrone Township Subdivision and Land Development Ordinance and the provisions of Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.

For Stormwater Management Site Plans that are not submitted as part of a Subdivision and Land Development Plan, the work and installation of BMP's must be completed and inspected by the Township prior to receipt of a Use and Occupancy Permit. In the instance where the work does not involve any improvements which will require a Use and Occupancy Permit, the Township may require financial security in accordance with the procedure outlined above in this section.

**§9-114. Fees And Expenses.**

A. General

1. Fees associated with the administration, enforcement, review of plans and inspection of improvements of this Chapter shall be based upon a schedule established by the Township and adopted by resolution.
2. The applicant shall be responsible for the payment of all fees, costs, and other expenses incurred in the submission, review, decision and inspections on SWM Site Plans and/ or other submissions pursuant to this Chapter.

B. Expenses Covered by Fees. The fee(s) may include, but are not limited to, costs for the following:

1. Administrative, clerical, and legal costs.
2. Engineer and technical review of the SWM Site Plan and reports by Tyrone Township and representatives or counselors of the Township.
3. Attendance at meetings by Tyrone Township and representatives and counselors of the Township, as may be necessary.
  - a. Various Inspections (such as during construction and after construction) by Tyrone Township or its representatives.

- b. Review of As-built plans.
- 4. Any additional work required to enforce any provision(s) regulated by this Chapter, correct violations, and ensure proper completion of stipulated remedial actions.

**§9-115. Enforcement And Penalties.**

A. Municipal Inspection

- 1. Upon presentation of proper credentials, Tyrone Township officials or their designee may enter at reasonable times upon any property within Tyrone Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Chapter.
- 2. Inspections regarding compliance with the SWM Site Plan may be conducted by the Municipality at any time when there may be a question of compliance with the approved SWM Site Plan, the approved O&M Plan, or when any condition exists that may threaten public health, safety, or welfare.
- 3. If, at any time, the Township or its designee discovers any violation or condition not conforming with those designs and plans filed with the Township in regard to the operation of a stormwater management facility, it shall notify the responsible owners of the violation, informing them of the nature of such violation and the manner in which it can be corrected.
- 4. Under no circumstances shall any person be allowed to remove any previously approved stormwater management facility unless an approved alternate facility is approved by the Township.
- 5. Under no circumstances shall any person be allowed to modify, alter or change a previously approved stormwater management facility unless approved by the Township.
- 6. In the event that the landowner, developer or homeowners' association, as the case may be, shall refuse or neglect to comply with the provisions of this section as interpreted by the Township, the Township may direct the work to correct any violation or noncompliance with the terms of this chapter and all other ordinances and codes of the Township of Tyrone and institute action for payment of cost incurred.

B. Owner Inspection

1. SWM BMPs shall be inspected by the landowner, or landowner's designee (which shall include Tyrone Township where such facilities have been dedicated to Tyrone Township), or the owner's designee, according to the following list of minimum frequencies:
  - a. Annually for the first five (5) years.
  - b. Once every three (3) years thereafter.
  - c. During or immediately after the cessation of a ten (10)-year or greater storm, i.e., a storm of an estimated frequency of recurrence of ten (10) years or greater (a rainfall total of 4.5 inches in a 24-hour period) interval of time.
  - d. At any other interval as may be specified in the approved O&M Agreement as may be required by the Township.
  - e. Owners shall maintain reasonable records of inspections including where maintenance is required. Those records should be available for review upon request of the Township.

C. Suspension or Revocation of SWM Site Plan Approval

1. Any SWM Site Plan approval issued by Tyrone Township pursuant to this Chapter may be suspended or revoked for any of the following reasons.
  - a. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Plan.
  - b. A violation of any provision of this Chapter or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
  - c. The creation of any condition or the conduct of any Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers life or property.
2. A suspended SWM Site Plan approval may be reinstated by Tyrone Township when the following conditions are met.
  - a. Tyrone Township officials or their designee(s) have inspected and

approved the corrections to the violations that caused the suspension.

- b. Tyrone Township is satisfied that the violation has been corrected.
3. An SWM Site Plan approval that has been revoked by Tyrone Township shall not be reinstated. The applicant may apply for a new SWM Site Plan approval under the provisions of this Chapter.
4. If a violation causes no immediate danger to life, public health, or property, Tyrone Township may, at its sole discretion, provide a limited time period for the owner to correct the violation. In these cases, Tyrone Township will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation within the allowed time period, the municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Chapter.

D. Enforcement

Tyrone Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter when Tyrone Township determines that a property owner or developer has initiated a Regulated Activity without receiving SWM Site Plan approval, that a property owner or developer has failed to comply with an approved SWM Site Plan or approved O&M Plan, or that a property owner or developer has violated any other provision of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

E. Penalties

1. Any person, firm or corporation who shall violate any provision of this Chapter, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense.
2. In addition, the municipality may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

F. Appeals

1. Any person aggrieved by any action of Tyrone Township or its designee, relevant to the enforcement of the provisions of this Chapter, may appeal said action to the Township within thirty (30) days of that action.
2. Any person aggrieved by any decision of the Township regarding the appeal of any action of Tyrone Township or its designee, may appeal the decision to the Adams County Court of Common Pleas within thirty (30) days of the decision of the Township.

*Part History:* (Ordinance 46 (#2012-01), enacted 7/25/2012)

**CHAPTER 10  
SUBDIVISION AND LAND DEVELOPMENT**

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## **CHAPTER 10**

### **SUBDIVISIONS AND LAND DEVELOPMENT**

#### **PART 1**

#### **GENERAL PROVISIONS**

**§10-100. Short Title.**

This Chapter shall be known and may be cited as "The Subdivision and Land Development Ordinance of Tyrone Township."

**§10-101. Purpose.**

This Chapter is established to regulate and control the subdivision and development of land within Tyrone Township so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety, morals and welfare of the community.

**§10-102. Scope.**

From and after the effective date of this Chapter, any subdivision or land development shall be in conformity with this Chapter and all standards and specifications adopted as a part of such Chapter.

**§10-103. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. When provisions of this Chapter and all standards and specifications adopted under it impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Chapter and its standards and specifications shall be controlling unless specified to the contrary. The illustrations in this Chapter are not a part of the Chapter, but are included herein for purposes of explanation and clarification only.

*Chapter 10*  
*Subdivision and Land Development*

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

## PART 2

### DEFINITIONS

**§10-200. Interpretation.**

1. For the purpose of this Chapter, the words and terms used herein shall be interpreted as follows:
  - A. Words used in the present tense include the future.
  - B. The singular includes the plural.
  - C. The word "person" includes a corporation, partnership, association, or other legal entity, as well as an individual.
  - D. The word "lot" includes the word "plot" or "parcel".
  - E. The term "shall" is mandatory.
  - F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".
  - G. The work "Commission" and the words "Planning Commission" shall mean the Tyrone Township Planning Commission.
  - H. The word "Supervisors" and the words "Board of Supervisors" shall mean the Tyrone Township Board of Supervisors.
2. Any word or term not defined herein shall be used with a meaning of standard usage.
3. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Chapter, the meanings given in the following clauses:

**§10-201. Definitions.**

**ACCESSORY STRUCTURE** - A structure detached from, subordinate to, and on the same lot with the principal structure, and used for the purposes customarily incidental thereto.

**AGRICULTURAL PURPOSE** - Those land uses which are devoted to the production of agricultural, horticultural, orchards, viticultural and dairy products, livestock, ranch-raised fur-bearing animals, poultry, bee raising, forestry, sod crops, and any and all products raised on farms intended for human consumption.

**AGRICULTURAL SOILS** - Soils classified in the Soil Survey of Adams County, Pennsylvania, U. S. Department of Agriculture, Natural Resources Conservation Service, May 1967, as may be amended or updated. The term, unless otherwise specified, refers to land capability units I, II, III; those soils which may be considered prime agricultural soils.

**ALLEY** - A minor way, whether or not legally dedicated, intended and used primarily for vehicular access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

**APPLICANT** - A landowner or developer who has filed an application for development, including his heirs, successors, and assigns.

**AVERAGE DAILY TRAFFIC (ADT)** - The actual or calculated total vehicular trips that occur, or are expected to occur, on a specific street within a typical weekday.

**BERM** - A linear earth mound with a maximum slope of three to one (3:1) with a grass cover or a maximum slope of two to one (2:1) when shrubbery or ground cover is used.

**BLOCK** - An area bounded by three (3) or more streets.

**BOARD OF SUPERVISORS** - The Board of Supervisors of Tyrone Township, Adams County.

**CALIPER** - The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk three (3) feet above the surface of the ground.

**CARTWAY** - The paved portion of a street right-of-way intended for vehicular use.

**CERTIFICATE OF REGISTRATION** - The written approval as issued by the Department of Environmental Protection, authorizing a person to operate and maintain a mobile home park.

**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the streets.

**COMMON RECREATION AREA** - Any area or space designed for joint use of the occupants of a residential community.

**CONDOMINIUM** - As defined within the Uniform Condominium Act #82 of 1980, as amended: Real estate, portions of which are designed for separate ownership and the remainder

of which is designated for common ownership solely by the owners of those portions. Real estate is not condominium unless the included interests in the common elements are vested in the unit owners.

**COUNTY** - The County of Adams, Pennsylvania.

**CROSSWALK** - A publicly or privately owned right-of-way for pedestrian use, which crosses a cartway or cuts across a block so as to furnish access for pedestrians to adjacent streets or properties.

**CUL-DE-SAC** - A street intersecting another street at one (1) end and terminating in a vehicular turnaround at the other end.

**DENSITY** - The number of dwelling units per acre of land.

**DESIGN STANDARDS** - Regulations, as stated in Part V, imposing standards in the layout by which a subdivision or land development is governed.

**DEVELOPER** - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DRIVEWAY** - A private vehicular service road providing access to single lot, building, dwelling or garage.

**DWELLING** - Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels, and other accommodations used for transient occupancy.

**DWELLING, MULTI-FAMILY** - A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

**DWELLING, SINGLE-FAMILY ATTACHED** - A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or town houses or row houses when three or more units are attached together in a structure.

**DWELLING, SINGLE-FAMILY DETACHED** - A building containing one dwelling unit, and having no party wall common with an adjacent property.

**DWELLING, TWO-FAMILY** - A building containing two dwelling units, arranged either in a side-by-side fashion sharing one (1) common party wall or with one unit arranged over the other.

**DWELLING UNIT** - An independent housekeeping unit consisting of living quarters of one or more rooms with cooking, sleeping, and sanitary facilities, arranged for use by one or more individuals.

**EASEMENT** - The right of a person, governmental agency, or public entity to use public or private land owned by another for a specific purpose.

**ENGINEER** - A professional engineer registered by the Commonwealth of Pennsylvania.

**FLOODPLAIN** - That land, including flood fringe and the floodway, subject to inundation by the 100-year flood, as delineated on maps produced by the Federal Emergency Management Agency.

**FLOODPLAIN SOILS** - Soils in areas subject to periodic flooding and listed in the Soil Survey of Adams County, Pennsylvania, U.S. Department of Agriculture, Natural Resources Conservation Service, 4 May 1967, as may be amended or updated, as being on the floodplain or subject to flooding.

"Floodplain soils" include, but are not limited to:

1. Bowmansville
2. Croton
3. Dunning
4. Guthrie
5. Lamington
8. Watching
9. Wehadkee
10. Worsham

**HIGHWAY CLASSIFICATION MAP** - A map contained in the Zoning Ordinance which serves to categorize existing Township streets.

**IMPERVIOUS SURFACES** - Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

**IMPERVIOUS SURFACE RATIO** - A measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net site area.

**IMPROVEMENTS SPECIFICATIONS** - Regulations, as stated in Part V, imposing minimum standards for the construction of required improvements, including, but not limited to, streets, curbs, sidewalks and sewers.

**LAKES and PONDS** - Natural or artificial bodies of water which retain water year-round.

Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the permanent pool elevation. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water body less than two (2) acres in extent.

**LAND DEVELOPMENT** - Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

**LANDOWNER** - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LANDSCAPE ARCHITECT** - A professional landscape architect registered by the Commonwealth of Pennsylvania.

**LEVEL OF SERVICE** - As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), the quality of traffic movement on a particular street or through a particular intersection.

**LOT** - A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**LOT AREA** - The area contained within the property lines of a lot, excluding any street or utility right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

**LOT, CORNER** - A lot located at the intersection of two (2) or more streets.

**LOT, DEPTH** - The mean distance from the street line of the lot to its opposite rear lot line measured in the general direction of the side lot lines of the lot.

**LOT, INTERIOR** - Any lot which is not a corner lot.

**LOT, THROUGH** - An interior lot having frontage on two (2) parallel or approximately parallel streets.

**LOT, WIDTH** - The distance measured between the side lot lines at the required building setback line. In a case where there is only one (1) side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

**MAJOR INTERSECTION** - Any intersection of one (1) or more collector or arterial streets.

**MARKER** - A metal pipe or pin of at least one-half inch (1/2") diameter and at least twenty-four inches (24") in length.

**MAXIMUM EXPECTED DISCHARGE** - The maximum expected quantity of water arriving at a particular location.

**MOBILEHOME** - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILEHOME LOT** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single

**MOBILEHOME PARK** - A parcel or contiguous parcels of land which has been designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOBILEHOME PARK PERMIT** - A written approval as issued by the Township Supervisors, authorizing a person to operate and maintain a mobile home park under the provisions of this Chapter.

**MODIFICATION** - The waiver or alteration of a requirement of this Chapter as may be approved by the Township Supervisors following written request from an applicant.

**MONUMENT** - A stone or concrete monument with a flat top of at least four inches (4") square; scored with an "X" to mark the reference point; at least thirty inches (30") in length; the bottom



sides of which are at least two inches (2") greater than the top to minimize movements caused by frost.

**OPEN SPACE –**

**(1) OPEN SPACE, COMMON** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.

**(2) OPEN SPACE, DEVELOPED (ACTIVE)** - Land which is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).

**(3) OPEN SPACE, UNDEVELOPED (PASSIVE)** - Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Chapter to insure that it remains as open space.

**OPEN SPACE RATIO** - The total amount of open space within a site divided by the net site area.

**PEAK HOUR TRAFFIC** - The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in sixty (60) consecutive minutes.

**PLAN, FINAL** - A complete and exact subdivision plan, including all required supplementary data, prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

**PLAN, PRELIMINARY** - A tentative formal subdivision plan (and including all supplementary data), showing proposed street and lot layout as a basis for consideration prior to preparation of the final plan.

**PLAN, RECORD** - A copy of the final plan which contains the original required endorsements of the Township and which is intended to be recorded with the Adams County Recorder of Deeds.

**PLAN, SKETCH** - An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

**PLANNING MODULE** - An application required by the Pennsylvania Sewage Facilities Act, Section 5 (a) and (d); and Section 71.15 (b) and (c) of the Pennsylvania Department of

Environmental Protection, Title 25: Rules and Regulations, Chapter 71, Administration of the Sewage Facilities Program, as amended.

**PLAT** - The map or plan of a subdivision or land development, whether preliminary or final.

**PUBLIC TRANSPORTATION** - Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis.

**RECREATION AREA** - An area provided for public or common recreational pursuits pursuant to this Chapter and the Township's Zoning Ordinance.

**RESUBDIVISION** - Any replatting or new division of land. Replatting shall be considered as constituting a new subdivision of land. See definition of "subdivision".

**REVIEW** - An examination of a plan to determine compliance with this Chapter, the Zoning Ordinance and other pertinent requirements.

**RIGHT-OF-WAY** - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water lines, sanitary storm sewer and other similar uses to allow the right of one person to pass over-the property of another.

(1) **EXISTING RIGHT-OF-WAY** - The legal right-of-way as established by the Commonwealth, or other appropriate governing authority, and currently in existence.

(2) **ULTIMATE RIGHT-OF-WAY** - The right-of-way as shown on the Highway Classification Map, as appropriate to provide adequate width for future street improvements.

**SECRETARY** - The Secretary of the Tyrone Township Board of Supervisors.

**SETBACK LINE** - A line, generally parallel with and measured from the adjoining road or street right-of-way or property line, defining the limits of a yard in which no building or structure may be located.

**SEWER** - A public or private sanitary sewer system.

(1) **PUBLIC SEWER SYSTEM** – Any system, including capped sewers, approved by the Pennsylvania Department of Environmental Protection and Tyrone Township, which collects sewage and/or industrial wastes of a liquid nature from two (2) or more lots and treats and/or disposes such sewage and/or industrial wastes at an approved sewage disposal system.

**(2) PRIVATE SEWER SYSTEM** - A system of piping, tanks or other facilities serving one (1) or more buildings located on a single lot which collects or disposes of sewage in whole or in part into the soil on the same lot.

**SIGHT DISTANCE** - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point three and five-tenths feet (3.5') above the center line of the cartway surface to a point five-tenths feet (0.5') above the center line of the cartway surface.

**SITE** - A parcel or contiguous parcels of land intended to have one (1) or more buildings or intended to be subdivided into two (2) or more lots.

**SITE AREA -**

**(1) GROSS SITE AREA** - All land area within the site as defined in the deed. Area shall be determined from an actual site survey rather than from a deed description.

**(2) NET SITE AREA** - The remainder of the gross site area after subtracting all lands within the existing roads or their ultimate rights-of-way and all lands without development opportunities due to restrictions such as drainage easements, restrictive covenants and conservation easements.

**SITE CAPACITY CALCULATION** - A computation intended to determine the appropriate intensity of use for a given tract.

**SOIL PERCOLATION TEST** - A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

**SOLICITOR** - The Tyrone Township Solicitor.

**STEEP SLOPES** - Areas where the slope exceeds fifteen percent (15%) which, because of this slope, are subject to high rates of storm water runoff and, therefore, erosion.

**STORMWATER MANAGEMENT PLAN** - A Plan detailing measures to be taken by a property owner or developer to demonstrate compliance with applicable State and Township requirements regarding the accommodation of water runoff from a specific site.

**STREET** - An avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further defined and classified as follows:

(1) **ARTERIAL** - Major regional highways, with full or partial access control, designed for a large volume of through traffic.

(2) **COLLECTOR** - Streets designed to provide access between minor streets and arterial street. Access is controlled by limiting curb cuts and providing marginal access areas.

(3) **MINOR** - Streets which primarily serve to local streets with major collector streets and arterial streets.

(4) **RESIDENTIAL SUBCOLLECTOR** - Streets providing connection between local residential streets and collector street.

(5) **LOCAL RESIDENTIAL** - Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic count of up to five hundred (500) trips is expected.

(6) **RESIDENTIAL CUL-DE-SAC** - A local residential street with only one vehicular traffic outlet. An average daily traffic count of up to two-hundred ADT is expected.

**STREET LINE** - The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where an ultimate right-of-way width for a street has been established, that width shall determine the location of the street line.

**STUDY AREA** - An area extending one-half (1/2) mile along a street adjacent to the site, in both directions from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.

**SUBDIVIDER** - Any individual, copartnership or corporation (or agent authorized thereby) which undertakes the development or subdivision of land, as defined by this Chapter, as the owner (or agent authorized thereby) of the land being developed or subdivided.

**SUBDIVISION** - The division or redivision of a lot or tract of land by any means into two (2) or more lots or tracts or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, mortgage liens or auctions; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

**SUBDIVISION, AGRICULTURAL** - A subdivision by lease containing lots in excess of ten (10) acres, the use of which is for agricultural purposes as specified in the definition of "agricultural purpose." Residential subdivisions shall not be considered under this definition.

**SUBDIVISION, MAJOR** - The division of a lot or tract of land, or part thereof, into two (2) or more lots or tracts for the purpose, whether immediate or future, of transfer of ownership or of building development, which requires the installation of public improvements.

**SUBDIVISION, MINOR** - The division of a lot or tract of land into five (5) or less lots for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed lots thereby created have frontage on an improved street or streets, and provided further that there is not created by the subdivision any new street, any required public improvements, or the need therefor.

**SURVEYOR** - A surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** - A low lying area which is designed to accommodate the proper channeling of storm water.

**TREE, LARGE** - A tree with a mature height exceeding fifty (50) feet and a minimum caliper at the time of planting of between two (2) and two-and-one-half (2½) inches.

**TREE, SMALL** - A tree with a mature height of between fifteen (15) and fifty (50) feet and a minimum caliper at the time of planting of between one (1) and one-and-one-half (1½) inches.

**TIME OF CONCENTRATION** - The interval of time required for water from the most remote portion of the drainage area to reach a given point.

**TOWNSHIP ENGINEER** - A registered professional engineer designated by the Board of Supervisors to perform the duties of engineer as herein specified.

**TRACT** - One (1) large lot or two (2) or more contiguous lots which are held in single and separate ownership.

**TRAFFIC IMPACT STUDY** - An analysis prepared to assess the traffic impact of a proposed land development, including recommendations to mitigate said impact.

**TRIP GENERATION RATES** - The total count of trips expected to and from a particular land use.

**WATER SUPPLY, CENTRAL** - Any municipal water supply system, or any system for the supply and distribution of water to more than one (1) user unit (dwelling, business, institution, or combination thereof).

**WATER SUPPLY FEASIBILITY REPORT** - A study prepared to assess the impact of a proposed development project on public, private, or groundwater supplies in the area affected by

the proposed development and further, to determine what mitigation measures may be necessary to address such impacts.

**WATER SUPPLY, PRIVATE** - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

**WETLANDS** - Marshes, swamps, bogs and areas over one-fourth (1/4) acre where soils are slowly permeable, a high water table exists and there is a slope of less than one percent (1%).

**ZONING OFFICER** - The Tyrone Township Zoning Officer.

**ZONING ORDINANCE** - The Zoning Ordinance of Tyrone Township, as amended.

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

**PART 3**

**MODIFICATIONS**

**§10-300. Modifications.**

- A. The Township Supervisors, upon recommendation by the Planning Commission, may grant a modification of requirements of one (1) or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.
- B. All requests for modifications of 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 provision or provisions of this Chapter involved, and the minimum modification necessary.
- C. In granting any modification, the Township Supervisors shall record its action and the grounds for granting any modification in its minutes. The Township Supervisors shall transmit a copy of its action and any conditions of approval of any modification to the applicant.
- D. Whenever a request for a modification is denied, the Township Supervisors shall record its action and the grounds for such denial in its minutes. The Township Supervisors shall transmit a copy of its action and the grounds for such denial of any modification to the applicant.

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

## **PART 4**

### **PLAN REQUIREMENTS AND PROCEDURES**

**§10-400. General.**

Whenever any subdivision of land or land development is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the developer shall apply in writing for approval of such proposed subdivision or land development in accordance with the requirements of this Part.

**§10-401. Optional Sketch Plans.**

- A. Prior to the filing of an application for review and approval of a subdivision or land development, whether major or minor, the developer is encouraged, in the strongest possible way, to submit an optional Sketch Plan for the purposes of classification and preliminary discussion relating to the requirements of this Chapter, and any other ordinance or regulation of the Township, the County, or the State.
- B. If submitted, the Sketch Plan shall be based on an accurate base map at a scale (preferably not less than two hundred [200] feet to the inch) to enable the entire tract to be shown on one sheet, providing the following information:
  - 1. Location of that portion to be subdivided or developed in relation to the entire tract, and the distance to the nearest street intersection.
  - 2. Existing structures, wooded areas, streams, and other significant physical features within the portion to be subdivided and within two hundred (200) feet thereof. Topographic conditions should be shown with contours indicated at intervals of not more than ten (10) feet.
  - 3. Name of the owner of the subject property and of adjoining properties as disclosed by the most recent municipal tax records.
  - 4. Tax map sheet and parcel numbers of the subject property and of adjoining properties.
  - 5. Utilities available, and streets which are either proposed, mapped, or in existence.



6. Proposed pattern of lots (including lot width and depth), street layout, building layout, recreation areas, systems of drainage, sewerage and water supply.
  7. Existing restrictions on the use of land including easements, covenants, or zoning district boundaries.
- C. Although a formal action of either the Township Planning Commission or the Township Supervisors is not required for an Optional Sketch Plan submission, the Planning Commission may determine whether the Sketch Plan meets the purposes of this Chapter and the Tyrone Township Zoning Ordinance, and may make specific recommendations in writing that may be incorporated by the applicant in the formal submissions required by Section 403.

**§10-402. Plan Classifications.**

The specifications and plan requirements for subdivision and land development plan applications shall be determined by the Plan Classification, as follows:

- A. Major Subdivision Plans and Major Land Development Plans shall be prepared in accordance with Sections 403 and 405, respectively, of this Chapter and shall be reviewed in accordance with Sections 404 and 406, respectively, of this Chapter.
- B. Because Minor Subdivision Plans and Minor Land Development Plans do not typically involve substantial public improvements, and because streets, sewer and water systems, and other types of infrastructure are typically not required for these types of projects, the applicant may bypass the Preliminary Plan submission process. Therefore, Minor Subdivision Plans and Minor Land Development Plans need only be prepared in accordance with Section 407, and need only be reviewed in accordance with Section 408.

**§10-403. Major Preliminary Plans-Submission Requirements.**

- A. Preliminary Plan Requirements: Preliminary Plans for Major Subdivisions and/or Major Land Developments shall be required to include the following information:
  1. Name of the proposed subdivision.
  2. Name, address, and telephone number of the developer.
  3. Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.

4. Date or origin of the plans and the date of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic scale.
7. Written scale.
8. Certification by the professional engineer or surveyor that the topography shown on the Plan resulted from an actual survey of the subject property. The certification shall include the date of such survey.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch to two thousand (2000) feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. The key maps shall include a title, scale, and true or magnetic north point.
10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, and shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(ies) adjoining additional un-platted land of the subdivider (for example, between separately submitted Final Plan section) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.
11. A plot to a legible scale showing the entire existing boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property.

When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.

13. Contour lines at vertical intervals of no more than two (2) feet for land with an average natural slope of four percent (4%) or less, and at intervals of no more than five (5) feet for land with an average natural slope exceeding four percent (4%). Contour intervals of one (1) foot are required for utility and drainage plans.
14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum shall be based on USGS mean.
15. The name, number, cartway width, and right-of-way width of all proposed and existing public streets and the name and location of all roads within the property.
16. A certificate of ownership, acknowledgement of the plan, and offer of dedication (where applicable) shall be signed by the owner(s), and shall be notarized.
17. Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
18. The location (and elevation, if established) of all existing and proposed street monuments.
19. Location of existing and proposed rights-of-way and easements.
20. Lot numbers, and a statement of the total number of lots and parcels.
21. Lot lines and lot areas, with dimensions.
22. The building setback lines for each lot, including the remnant portion of the original parcel.
23. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
24. A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Tyrone Township Zoning Hearing Board or any conditional use approval as may have been provided by the Tyrone Township Board of Supervisors, and the dates of such approval(s). Any within or adjoining the subject property shall be shown on the Plan.

25. The location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
26. The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.
27. The location, size, and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or capped sewer lines), and location of all manholes.
28. Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material indicated, and any proposed connections with existing facilities.
29. Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
30. Soil types taken from the Adams County Soil Survey.
31. Parks, playgrounds, and other areas to be dedicated or reserved for public use, including any conditions governing such use.
32. Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area
33. All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affect by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Tyrone Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.

34. Where applicable, the Plan shall indicate that, prior to applying for Zoning Permit and/or Building Permit for the property, a driveway permit must be obtained from Tyrone Township.
  35. No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a Highway Occupancy Permit.
- B. Supplementary Data Requirements: Preliminary Plans for Major Subdivisions and/or Major Land Developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:
1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PennDEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module, when deemed necessary, shall be submitted to the appropriate Municipal Authority for review. The Preliminary Plan will not be approved until the planning module has been approved by PennDEP.
  2. A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act. The plan shall also indicate if any borrow areas are proposed in which case the plan shall include Erosion and Sedimentation Control provisions for such borrow area. The Preliminary Plan shall not be approved until a copy of the adequacy letter from the Adams County Conservation District has been submitted.
  3. Designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of PennDEP and the Pennsylvania Department of Transportation.  
  
Where facilities will be offered for dedication, the Township shall also review and approve the design.
  4. Typical street cross-section drawings for all proposed streets.
  5. Profiles along the centerline of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the Preliminary Plan. Such

profiles shall show natural and finished grades and utilities which are existing or proposed to be located beneath the roadway surface.

6. A Water Supply Feasibility Report in accordance with the requirements of this Chapter and/or other applicable Township ordinances, concerning the availability and adequacy of water supply facilities in or near the proposed development
7. A Stormwater Management Plan, with applicable calculations, including design of storm sewers, drainage facilities, or other features in accordance with this Chapter and/or any other applicable Township ordinance.
8. Where the Preliminary Plan covers only a part of the entire land holdings of the applicant a sketch of the future street system of the un-subdivided or undeveloped portion of the parcel shall be provided.
9. Where the parcel includes an electric transmission line, a gas pipeline, a petroleum (or petroleum products) pipeline, or line of a similar nature, the plan submission shall include a letter from the owner or lessee of such right-of-way stating any conditions regarding the use of the land within the right-of-way and the minimum building setback from the right-of-way. This requirement may be satisfied by the submission of the recorded right-of-way agreement.
10. A traffic impact study in accordance with applicable requirements of this Chapter and/or any other applicable Township ordinance.
11. The design of sanitary sewer and/or water systems, as applicable, including profiles. Where applicable, design of sanitary sewer and water systems shall be submitted to the appropriate municipal authority for review and approval. Approval of the Preliminary Plan will not be granted until an approval letter from the applicable municipal authority is received.
12. A land grading plan in accordance with the Section 513 and any other applicable requirements of this Chapter.
13. A listing of underground utilities and contact information in accordance with Acts 287, 172, and 38 (the Pennsylvania One Call System), as amended.
14. Location and general layout of any proposed recreational facilities.
15. An offer of dedication shall be shown on the Plan identifying which improvements are intended to be dedicated to the Township or other municipal authority.

16. Whenever a development Plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owner(s) stating their approval of the proposal after their review of the required Storm water Management Plan. If deemed necessary by the Township, a formal easement and agreement may be required from the affected property owner(s).
17. A Landscaping Plan in accordance with Section 511 and any other requirements of this Chapter and/or any other applicable Township ordinances.
18. Where access will be to a Township road, the Plan shall identify the location of any proposed access drive, and include sight distances which are adequate to demonstrate that the site can be served with an access drive(s) which meets applicable requirements of this Chapter and/or any other Township ordinances.
19. Plans for traffic control devices, as may be required. Such submission shall include necessary engineering studies to justify such devices.

**§10-404. Major Preliminary Plans – Procedures.**

- A. The applicant shall, at least twenty (20) days prior to the next regularly scheduled Township Planning Commission meeting at which initial consideration is desired, file with the Township Secretary, the number of copies of the proposed Subdivision and/or Land Development Plan, and any other required data and maps, required by Section 403.
- B. The Township Secretary shall submit copies of the proposed Subdivision and/or Land Development Plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. The applicant shall also submit copies of the proposed Subdivision and/or Land Development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.
- C. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the Preliminary Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given. In the event that the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days

following the day the application was filed, the said ninety (90) day period shall be measured from the thirtieth day following the date the application was filed.

- D. The Planning Commission shall make a recommendation to the Township Supervisors after the receipt of required review reports or the passage of thirty (30) days after the receipt of the proposed Subdivision and/or Land Development Plan by the appropriate reviewing agencies, whichever comes first.
- E. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant not later than five (5) days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.
- F. Where the Planning Commission recommends approval with conditions or disapproval of the proposed Subdivision and/or Land Development Plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- G. Following receipt of the recommendation of the Planning Commission, the Township Supervisors shall render a decision on the proposed Subdivision and/or Land Development. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.
- H. Before acting on any proposed Subdivision and/or Land Development Plan, the Township Supervisors may hold a public hearing pursuant to public notice.
- I. Where the Township Supervisors approves with conditions or disapproves the proposed Subdivision and/or Land Development Plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- J. Failure of the Township Supervisors to render a decision and communicate its decision to the applicant within the said ninety (90) day review period shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of presentation of communication shall have like effect.
- K. Approval of the Preliminary Plan constitutes approval of the proposed Subdivision and/or Land Development Plan with respect to the general design, appropriate dimensions, and other planned features. Preliminary approval binds the applicant to the scheme of the Plan as approved. Where a Final Plan is submitted which contains substantial variation from



an approved or conditionally approved Preliminary Plan, said Final Plan shall be treated as a new Preliminary Plan.

- L. Preliminary approval shall expire five (5) years from the day when Preliminary Plan approval was granted.
- M. When a Preliminary plan application has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the Zoning, Subdivision and Land Development, or other governing ordinances or plans shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

**§10-405. Major Final Plans - Submission Requirements.**

- A. Final Plan Requirements: Final Plans for Major Subdivisions and or Major Land Developments shall be required to include the following information:
  - 1. Name of the proposed subdivision.
  - 2. Name, address, and telephone number of the developer.
  - 3. Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
  - 4. Date or origin of the plans and the date of each subsequent revised submission.
  - 5. True or magnetic north point.
  - 6. Graphic scale.
  - 7. Written scale.
  - 8. Certification by the professional engineer or surveyor that the topography shown on the Plan resulted from an actual survey of the subject property. The certification shall include the date of such survey.
  - 9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch to two thousand (2000) feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000)

feet of any part of the property. The key maps shall include a title, scale, and true or magnetic north point.

10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, and shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(ies) adjoining additional un-platted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.
11. A plot to a legible scale showing the entire existing boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.
13. Contour lines at vertical intervals of no more than two (2) feet for land with an average natural slope of four percent (4%) or less, and at intervals of no more than five (5) feet for land with an average natural slope exceeding four percent (4%). Contour intervals of one (1) foot are required for utility and drainage plans.
14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum shall be based on USGS mean.
15. The name, number, cartway width, and right-of-way width of all proposed and existing public streets and the name and location of all roads within the property.
16. The following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets within the property:
  - a. The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or cord) of all curved lines (including lot lines).

- b. The width (in feet) of the cartway, right-of-way, and, if required, of the ultimate right- of-way, and (in degrees, minutes, and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
  - c. All straight lot lines, defined (in feet and hundredths of a foot) by distances and (in degrees, minutes, and seconds) either by magnetic bearings or by angles of deflection from other lot and streets lines.
17. Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
  18. The location (and elevation, if established) of all existing and proposed street monuments.
  19. Location of existing and proposed rights-of-way and easements.
  20. Lot numbers, and a statement of the total number of lots and parcels.
  21. Lot lines and lot areas, with dimensions.
  22. The building setback lines for each lot, including the remnant portion of the original parcel.
  23. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
  24. A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Tyrone Township Zoning Hearing Board or any conditional use approval as may have been provided by the Tyrone Township Board of Supervisors, and the dates of such approval(s). Any within or adjoining the subject property shall be shown on the Plan.
  25. The location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
  26. The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site

sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.

27. The location, size, and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or capped sewer lines), and location of all manholes.
28. Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material indicated, and any proposed connections with existing facilities.
29. Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
30. Soil types taken from the Adams County Soil Survey.
31. Parks, playgrounds, and other areas to be dedicated or reserved for public use, including any conditions governing such use.
32. Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
33. All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affect by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Tyrone Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.
34. Where applicable, the Plan shall indicate that, prior to applying for Zoning Permit and/or Building Permit for the property, a driveway permit must be obtained from Tyrone Township.
35. No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan

contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway and shall be only as authorized by a Highway Occupancy Permit.

- B. Supplementary Data Requirements: Final Plans for Major Subdivisions and/or Major Land Developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:
1. Typical street cross-section drawings for all proposed streets.
  2. Final profiles along the centerline of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades and utilities which are existing or proposed to be located beneath the roadway surface.
  3. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks. Such agreement shall be noted on the Plan.
  4. Copies of permits and/or approved plans for sewer, water, storm water, transportation, and erosion and sedimentation control facilities, as may be required by the Township or by other controlling governments or agencies. Any improvements required in the context of these permits and/or approvals shall be shown on the Final Plan submission.
  5. Where the Township required the submission of traffic impact studies, water or sewer feasibility reports, or other information, analyses, or plans in the context of the Preliminary Plan submission, the Final Plan shall include any design changes or improvements required by the Township as a result of the Township's review of these studies, reports, information, analyses, or plans.
  6. A final phasing schedule for the proposed sequence of the development. The phasing schedule shall indicate the order in which construction activities will occur. In the case where development is projected over a number of years, each section except for the last section shall contain a minimum of twenty-five percent (25%) of the total number of lots, dwelling units, or buildings as depicted in the Final Plan, unless a lesser percentage is approved by the Township Supervisors.
  7. Any other certificate, affidavit, endorsement, dedication, etc., that may be required by the Planning Commission or Township Supervisors.

8. Where required by the Township, Subdivision and Land Development Agreements shall be executed. A Subdivision and Land Development Agreement is required where there will be dedication of improvements to the Township or under the circumstances where deemed to be necessary for the implementation of plan approval. Details and provisions of such agreement shall be as recommended by the Township Solicitor and Township Engineer.

**§10-406. Major Final Plans - Procedures.**

- A. The applicant shall at least twenty (20) days prior to the next regularly scheduled Township Planning Commission meeting at which initial consideration is desired, file with the Township Secretary, the number of copies of the proposed Subdivision and/or Land Development Plan, and any other required data and maps, required by Section 405.
- B. The Township Secretary shall submit copies of the proposed Subdivision and/or Land Development Plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. The applicant shall also submit copies of the proposed Subdivision and/or Land Development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.
- C. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the Final Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given. In the event that the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days following the day the application was filed, the said ninety (90) day period shall be measured from the thirtieth day following the date the application was filed.
- D. The Planning Commission shall make a recommendation to the Township Supervisors after the receipt of required review reports or the passage of thirty (30) days after the receipt of the proposed Subdivision and/or Land Development Plan by the appropriate reviewing agencies, whichever comes first.
- E. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant not later than five (5) days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.

- F. Where the Planning Commission recommends approval with conditions or disapproval of the proposed Subdivision and/or Land Development Plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- G. Following receipt of the recommendation of the Planning Commission, the Township Supervisors shall render a decision on the proposed Subdivision and/or Land Development. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.
- H. Before acting on any proposed Subdivision and/or Land Development Plan, the Township Supervisors may hold a public hearing pursuant to public notice.
- I. Where the Township Supervisors approves with conditions or disapproves the proposed Subdivision and/or Land Development Plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- J. Failure of the Township Supervisors to render a decision and communicate its decision to the applicant within the said ninety (90) day review period shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of presentation of communication shall have like effect.

**§10-407. Minor Final Plans - Plan Requirements.**

- A. Specifications: Final Plans for Minor Subdivisions and/or Minor Land Developments shall be prepared in accordance with the following specifications:
  - 1. Name of the proposed subdivision.
  - 2. Name, address, and telephone number of the developer.
  - 3. Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
  - 4. Date or origin of the plans and the date of each subsequent revised submission.
  - 5. True or magnetic north point.

6. Graphic scale.
7. Written scale.
8. Reference to the technique and resource used to depict the topography on the Plan.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch to two thousand (2000) feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. The key maps shall include a title, scale, and true or magnetic north point.
10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, and shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(ies) adjoining additional un-platted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.
11. A plot to a legible scale showing the entire existing boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property.  
  
When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.
13. Contour lines at vertical intervals of no more than ten (10) feet.
14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum shall be based on USGS mean.



15. Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
16. The location (and elevation, if established) of all existing street monuments.
17. Location of existing and proposed rights-of-way and easements.
18. Lot numbers, and a statement of the total number of lots and parcels.
19. Lot lines and lot areas, with dimensions.
20. The building setback lines for each lot, including the remnant portion of the original parcel.
21. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
22. A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Tyrone Township Zoning Hearing Board or any conditional use approval as may have been provided by the Tyrone Township Board of Supervisors, and the dates of such approval(s). Any within or adjoining the subject property shall be shown on the Plan.
23. The location and size of existing utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
24. The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.
25. Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
26. Soil types taken from the Adams County Soil Survey.

27. Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
  28. All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affected by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Tyrone Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.
  29. Where applicable, the Plan shall indicate that, prior to applying for Zoning Permit and/or Building Permit for the property, a driveway permit must be obtained from Tyrone Township.
  30. No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a Highway Occupancy Permit.
- B. Supplementary Data Requirements: Final Plans for Minor Subdivisions and/or Minor Land Developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:
1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PennDEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module, when deemed necessary, shall be submitted to the appropriate Municipal Authority for review. The Preliminary Plan will not be approved until the planning module has been approved by PennDEP.
  2. A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act. The plan shall also indicate if any borrow areas are proposed in which case the

plan shall include Erosion and Sedimentation Control provisions for such borrow area. The Preliminary Plan shall not be approved until a copy of the adequacy letter from the Adams County Conservation District has been submitted.

3. A Stormwater Management Plan, with applicable calculations, including design of storm sewers, drainage facilities, or other features in accordance with this Chapter and/or any other applicable Township ordinance.
4. Where the parcel includes an electric transmission line, a gas pipeline, a petroleum (or petroleum products) pipeline, or line of a similar nature, the plan submission shall include a letter from the owner or lessee of such right-of-way stating any conditions regarding the use of the land within the right-of-way and the minimum building setback from the right-of-way. This requirement may be satisfied by the submission of the recorded right-of-way agreement.
5. A land grading plan in accordance with Section 513 and any other applicable requirements of this Chapter.
6. A listing of underground utilities and contact information in accordance with Acts 287, 172, and 38 (the Pennsylvania One Call System), as amended.
7. Whenever a development Plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owner(s) stating their approval of the proposal after their review of the required Stormwater Management Plan. If deemed necessary by the Township, a formal easement and agreement may be required from the affected property owner(s).
8. A Landscaping Plan in accordance with Section 511 and any other requirements of this Chapter and/or any other applicable Township ordinances.
9. Where access will be to a Township road, the Plan shall identify the location of any proposed access drive, and include sight distances which are adequate to demonstrate that the site can be served with an access drive(s) which meets applicable requirements of this Chapter and/or any other Township ordinances.

**§10-408. Minor Final Plans - Procedures.**

- A. The applicant shall, at least twenty (20) days prior to the next regularly scheduled Township Planning Commission meeting at which initial consideration is desired, file

with the Township Secretary, the number of copies of the proposed Subdivision and/or Land Development Plan, and any other required data and maps, required by Section 407.

- B. The Township Secretary shall submit copies of the proposed Subdivision and/or Land Development Plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. The applicant shall also submit copies of the proposed Subdivision and/or Land Development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.
- C. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the Final Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given. In the event that the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days following the day the application was filed, the said ninety (90) day period shall be measured from the thirtieth day following the date the application was filed.
- D. The Planning Commission shall make a recommendation to the Township Supervisors after the receipt of required review reports or the passage of thirty (30) days after the receipt of the proposed Subdivision and/or Land Development Plan by the appropriate reviewing agencies, whichever comes first.
- E. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant not later than five (5) days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.
- F. Where the Planning Commission recommends approval with conditions or disapproval of the proposed Subdivision and/or Land Development Plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- G. Following receipt of the recommendation of the Planning Commission, the Township Supervisors shall render a decision on the proposed Subdivision and/or Land Development. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.
- H. Before acting on any proposed Subdivision and/or Land Development Plan, the Township Supervisors may hold a public hearing pursuant to public notice.

- I. Where the Township Supervisors approves with conditions or disapproves the proposed Subdivision and/or Land Development Plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- J. Failure of the Township Supervisors to-render a decision and communicate its decision to the applicant within the said ninety (90) day review period shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of presentation of communication shall have like effect.

**§10-409. Required Improvements.**

Before the Township Supervisors grant final approval of a Major or Minor Final Subdivision or Major or Minor Final Land Development Plan, the applicant shall demonstrate compliance with the following requirements and procedures, as may be applicable to a specific plan submission:

- A. No plan shall be finally approved unless the streets shown on the plan are improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, required landscaping, water mains, sanitary sewers, storm sewers, and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to Section 409(I) below, the applicant shall provide for the deposit with the municipality financial security in an amount sufficient to cover the costs of such improvements of common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
- B. When requested by the developer, in order to facilitate financing, the Township Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final 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 governing body. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the applicant.

- C. Without limitation as to other types of financial security which the Township Supervisors may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered leading 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 in the Commonwealth.
- E. Such bond, or other security shall be provided 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 one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township 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 ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the applicant to post additional security in order to assure that the financial security equal one hundred ten percent (110%). Any additional security shall be posted by the applicant in accordance with this subsection.
- G. The amount of financial security required shall be based on an estimate of the cost of completion of the required improvements, submitted by the applicant and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the municipality and the applicant. 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 chosen, fees for services of said engineer shall be paid equally by the municipality and the applicant.
- 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 percent (10%) for each one-year

period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

- I. In the case where development is projected over a period of years, the Township may authorize submission of final plans 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 Township 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 Township Supervisors, and the Township Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Township Supervisors fail to act within said forty-five (45) days, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.
- K. Where the Township Supervisors accept dedication of all or some of the required improvements following completion, the Township Supervisors 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 plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) 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 condition for the final approval of a plan as set forth in this section, the Township 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 on the final plan upon actual completion of the improvements depicted upon the final plan. 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 road 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 plan, 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 or statute inconsistent herewith is hereby expressly repealed.
- N. Release from Improvement Bond

When the applicant has completed all of the necessary and appropriate improvements, the following conditions and procedures shall be followed:

1. The applicant shall notify the Township 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 Township 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 Township Supervisors, and shall promptly mail a copy of the same to the applicant 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 Township 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 nonapproval or rejection.
2. The Township Supervisors shall notify the developer within fifteen (15) days of the Township Engineer's report, in writing by certified or registered mail of the action of said Township Supervisors with relation thereto.
3. If the Township Supervisors or the Township Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to



have been approved and the applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

4. In any portion of the said improvements shall not be approved or shall be rejected by the Township Supervisors, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. 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 Township Supervisors or the Township Engineer.
6. Where herein reference is made to the Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.
7. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such 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 Township Engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.
  - a. 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) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township 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.
  - b. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth to review the said expenses and make determination as to the amount thereof which is reasonable and necessary.
  - c. 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 fifty (50) days of

the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

- d. In the event that the Township 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 the judicial district in which Tyrone Township is located (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.
- e. The fee for the appointed 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 one thousand dollars (\$1,000) or more, the Township shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half (½) of the fee of the appointed professional engineer.

O. Remedies to Effect Completion of Improvements:

In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plan, the Township Supervisors are hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township Supervisors may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute other legal or equitable action to recover the moneys 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 applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township use.

**§10-410. Filing Of Approved Subdivision Plat.**

- A. Prior to recording the approved final plan, the applicant shall submit two (2) mylar copies and two (2) paper copies of said plan to the Secretary in order to obtain the seals and signatures of Township officials.

- B. Subdivisions of land developments proposing the use of private sewer systems.
1. Prior to securing said seals and signatures, the Secretary shall affix a note to one (1) of the copies reading "NOT TO BE RECORDED" and shall notify the applicant that said copy is available for transmittal to the Township Sewage Enforcement Officer.
  2. The applicant shall present the aforementioned plan to the Township Sewage Enforcement Officer for the purpose of receiving a written confirmation from said Department that the land development or all lots in the subdivision are suitable for private sewer systems.
  3. The applicant shall submit said confirmation to the Secretary. The Secretary shall check the confirmation and, if deemed complete, shall secure the seals and signatures for the remaining copies of the record plan and shall release the remaining copies of the record plan to the applicant for recording.
- C. Copies of the approved final plan shall, within ninety (90) days of the date of approval, be recorded by the applicant in the office of the Recorder of Deeds of Adams County. The applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void.
- D. Effect of recording.
1. After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the Township.
  2. Streets, parks and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the Township by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the Township.
  3. Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the Township and accepted, by resolution, and recorded in the office of the clerk of the Court of Common Pleas of Adams County, or until it has been condemned for use as a public street, park or improvement.

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E. Recorded plan. All plans recorded shall contain the information specified in this Chapter.

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

## PART 5

### DESIGN REQUIREMENTS

Applications for subdivision and/or land development shall be guided by the standards set forth hereinafter. It is intended that these standards be considered minimum requirements and may be modified as necessary to protect the health, safety, and welfare of the public. All subdivision and/or land development plans submitted for approval under this Chapter shall incorporate these standards.

#### **§10-500. General Provisions.**

The following requirements and guiding principles for subdivisions and land developments shall be observed with respect to the factors affecting the suitability of the site for such development:

- A. Any subdivision and / or land development plan shall be coordinated with existing development patterns in the surrounding area such that the entire area may be developed harmoniously.
- B. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the erosion control regulations of the Pennsylvania Department of Environmental Protection and the Adams County Conservation District.
- C. In a subdivision and / or land development where the average slope exceeds fifteen percent (15%), the Township may require modifications of the requirements of this Part, as may be recommended by the Township Engineer or the Adams County Conservation District, to the requirements contained herein.
- D. In all subdivision and / or land developments, every precaution shall be taken to preserve natural and historic features deemed worthy of preservation by the Township. Examples of such features include, but are not necessarily limited to, large trees, significant wooded areas, watercourses, historic areas and structures, and scenic views. To ensure the preservation and protection of such features, the Township Supervisors may require the following additional information to be submitted.
  - 1. A grading plan showing the existing and proposed ground elevations relative to the features.

2. The accurate location of the features to be protected.
  3. A written explanation of the precautions to be taken by the developer to protect such features.
- E. Any plans for the alteration of a watercourse shall be incorporated into the subdivision and / or land development plan and shall be subject to approval by the Township and / or, where necessary, the United States Army Corps of Engineers and / or the Pennsylvania Department of Environmental Protection, as may be appropriate.
- F. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, odor, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans provide adequate safeguards against said hazards.

**§10-501. Streets.**

All streets proposed to be constructed within the Township shall conform to the following design requirements:

- A. General Standards
1. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Finished elevation of proposed streets shall not be more than one (1) foot below the regulatory flood elevation.
  2. Residential streets shall be so laid out as to discourage through traffic and to encourage the development of an attractive and functional residential environment; however, proposed streets shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extension of the street system.
  3. When a development abuts or contains an existing or proposed Arterial or Collector road, as herein defined, the Township may require a marginal access street, reverses frontage, or other treatment which will provide protection for abutting properties, reduction of the number of intersections, and separation of local from through traffic.
  4. No street shall terminate into a dead end. Any street dead ended for access to adjoining property, or because of authorized staged construction, shall be

provided with a temporary all-weather turnaround in accordance with applicable requirements of this Chapter. The use of such turnaround shall be guaranteed to the public until such time as the street is continued.

5. New private streets are prohibited, unless the Board of Supervisors shall determine that the use of such private streets or rights-of-way is consistent with the intent of this Chapter. In approving private streets or rights-of-way, the Township may attach additional standards and / or conditions relating to design and / or construction. The use of private streets will not be permitted as a means to circumvent the specifications required for public streets.

In general, new private streets for residential subdivisions and land developments are prohibited. Private streets may be considered for non-residential developments solely at the discretion of the Township.

In the event that private streets are permitted, such private streets shall strictly comply with all Township design and construction standards, unless such modifications are permitted by the Township. In addition, the developer shall be required to submit for approval, and record with the approved Final Plan, an agreement outlining the responsibilities for perpetual maintenance of such private streets. The agreement shall release the Township of any liability regarding maintenance and acceptance of dedication. In addition, the Township shall reserve the right to require improvement bonding, surety, and inspection in accordance with applicable procedures of this Chapter.

6. The proposed street system shall extend existing or recorded streets at the same width. However, no street may be extended at less than the required minimum width.
7. The Township shall reserve the right to require alternative design standards relative to cartway, horizontal curves, sight distance, and intersections design where it is deemed to be necessary to eliminate a potential safety hazard or to implement design goals as may be envisioned in this or other Tyrone Township ordinances. Such alternative designs standards shall be approved by the Tyrone Township Engineer and be consistent with PennDOT and AASHTO standards.
8. The Township shall reserve the right to limit access to developments to a single access or multiple accesses, as may be required, in response to safety considerations.

B. Street Service and Design Criteria

The Tyrone Township roadway network is deemed to include two distinct sets of roadway classifications. The "rural" component of the network contains Arterial Roads, Collector Roads, and Minor Roads. The "residential" component of the network contains Residential Subcollector Streets, Local Residential Streets, Residential Cul-de-sacs, and Alleys.

The following service and design criteria apply to the specific roadway and street classifications:

1. Arterial Roads:
  - a. Arterial roads are designed to carry heavy volumes of traffic at high velocities.  
  
Arterial roads are designed to contain a minimum of intersections, thus allowing traffic to flow with considerable continuity.
  - b. Arterial roads provide for transportation between large areas.
2. Collector Roads:
  - a. Collector roads are also designed to carry heavy volumes of traffic at relatively high velocities, although not the volumes or velocities attained on arterial roads.
  - b. Collector roads are designed to move traffic from local areas, including lower density rural areas serviced by minor roads and higher density residential developments, to the higher volume arterial roads. Collector roads provide the link between small scale areas and neighborhoods and the major roadways of the Township roadway network.
3. Minor Roads:
  - a. Minor roads provide direct access to properties within the lower density areas of the Township. Most of the farm and rural residential properties are connected to the Township roadway network by the minor road system.
  - b. Minor roads filter into collector road networks within the Township, which in turn provides connection to the major arterial road network.
  - c. Traffic on minor roads is primarily locally generated, with either an origin or destination at a property directly served by the minor road.



4. Residential Subcollector Streets:
  - a. A residential subcollector provides the connection between the "residential" component of the Township roadway network to higher level Township roads such as Arterial, Collector, and Minor roads.
  - b. A residential subcollector street carries residential neighborhood traffic, but provides no or very limited residential frontage.
  - c. Whenever possible, residential subcollector streets should be designed to have no residential lots directly fronting on them. Only lots having frontages of one hundred (100) feet or greater may front on collector streets and space shall be provided on these lots for turnarounds so that vehicles will not have to back out onto residential subcollector streets.
  - d. Residential subcollector streets shall be laid out to discourage through traffic unless linkage between streets outside the subdivision is determined by the Township to be desirable.
  - e. On-street parking shall be prohibited on residential sub-collector streets.
5. Local Residential Streets:
  - a. A local residential street is a frontage street which provides access to abutting properties and which conducts traffic from residential areas to residential subcollector streets or directly to collector streets.
  - b. Each local residential street shall be designed so that no section of it will convey a traffic volume greater than 250 ADT. Each half of a loop street shall be regarded as a single minor street and the total traffic volume conveyed on a loop street shall not exceed 500 ADT.
  - c. Local residential streets shall be designed to exclude all external through traffic which has neither origin nor destination on the minor street or its tributary alleys.
6. Residential Cul-de-sacs:
  - a. Within the "residential" component of the Township roadway network, residential cul-de-sacs are permitted to provide single street access to a

limited number of abutting subcollector streets or may connect directly to the higher level Township roadway network.

- b. Residential Cul-de-sac Streets shall be designed to convey a maximum of 200 ADT.

7. Alleys

- a. Alleys may be used in higher density residential, village, or commercial developments to provide direct access to the rear of individual properties, specifically for purposes of providing off-street parking. The Township may require the use of alleys to minimize the number of driveway and other intersections with the overall street network.

C. Street Width

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

STREET TYPE	RIGHT OF WAY	CARTWAY
Arterial	As determined by the Township after consultation with PennDot	
Collector	50 feet	22 feet with 8 foot shoulders
Minor	50 feet	20 feet with 60 foot shoulders
Residential Subcollector	50 feet	24 feet
Local Residential	50 feet	22 feet
Residential Cul-de-sacs	50 feet	20 feet
Alley	33 feet	18 feet

- 2. Provision for additional street width (right-of-way, cartway, or both) may be required by the Township when determined to be necessary in specific cases:
  - a. Where Residential Subcollector Streets provide access to residential lots, the Township may require additional street width to accommodate one (1) side of on-street parking.
  - b. Where Local Streets provide access to residential lots with an average width of forty (40) feet or less, the Township may require additional street width to accommodate one (1) or two (2) sides of on-street parking.

- c. Where Local Streets provide access to residential lots with an average width of between forty (40) feet and one hundred (100) feet, the Township may require additional street width to accommodate one (1) side of on-street parking.
3. Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township in specific cases for:
- a. Public safety and convenience.
  - b. Traffic in commercial and industrial areas and in areas of high density development.
  - c. Widening of existing streets where the width or alignment does not meet the requirements of the preceding paragraphs.
  - d. Where topographic conditions require excessive cuts and fills.

D. Street Grade:

1. The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

Street Type	Minimum Grade	Maximum Grade
Arterial Roads	As determined by the Township after consultation with PennDot	
Collector Roads	1.0%	7%
Minor Roads	1.0%	10%
Residential subcollector streets, local streets, cul-de-sacs, and alleys	0.75% with curbs 1.0% without curbs	12%

2. Vertical curves shall be used in changes of grade when the difference exceeds one percent (1%) and shall be designed for maximum visibility.
3. With permission of the Township, maximum grades for minor roads, residential subcollector streets, local streets, cul-de-sacs, and alleys may, under special topographic conditions, exceed the maximum grades established above for distances of less than one hundred (100) feet provided the grade does not in any case exceed fifteen percent (15%).

4. All streets shall be designed to provide for the discharge of surface water from the right-of-way. The slope of the crown on a street shall not be less than one-fourth (1/4) of an inch per foot and not more than one-half (1/2) of an inch per foot. Adequate facilities shall be provided at low points along streets and other points necessary to intercept runoff.

E. Horizontal Curves

1. Where connecting street lines deflect from each other at any point by more than ten (10) degrees, the line shall be connected with a true, circular curve. The minimum radius of the centerline for the curve shall be as follows:

Street Type	Minimum Radius
Arterial Road	500 feet
Collector Road	300 feet
Minor Road	150 feet
Residential subcollector street, local streets, residential cul-de-sacs, and alleys	75 feet

2. Straight portions of the street shall be tangent to the beginning or end of the curve. Except for minor roads, residential subcollector streets, local streets, and alleys, there must be a tangent of at least one hundred (100) feet between reverse curves.

F. Street Sight Distance

1. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distance measured from the centerline three and five-tenths (3.5) feet above the grade shall be as follows:

Street Type	Sight Distance
Arterial Road	400 feet
Collector Road	300 feet
Minor Road Residential Subcollector Street	200 feet
Local Street, cul-de-sac, or alley	150 feet

2. At all intersections involving Arterial, Collector, and Minor Roads, there shall be provided and maintained at all intersections a clear triangle with a line of sight between points one hundred (100) feet from the intersection of the street centerlines. At all other intersections, there shall be provided and maintained a clear triangle with a line of sight between point seventy-five (75) feet from the

intersection of the street centerlines, unless a higher distance is deemed necessary by the Township for public safety. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

- G. Cul-de-sac Streets: In addition to the service and design requirements established in Section 501(B)(6), cul-de-sac streets shall be designed in accordance with the following standards.
1. Residential Cul-de-sac Streets shall be designed in accordance with the following standards:
    - a. Residential Cul-de-sac Streets shall be a minimum of two hundred fifty (250) feet in length and shall not exceed seven hundred (700) feet in length.
    - b. Residential Cul-sac Streets shall be provided with a paved turn-around area having a minimum radius, measured from the center of the turn-around to the outside edge of the paved surface, of forty (40) feet.
    - c. To reduce the amount of paving within the turnaround area, the Township may permit a landscaped island within the turnaround area with a radius, measured from the center of the turn-around to the inside edge of the paved surface, of twenty-four (24) feet.
  2. Cul-de-sac Streets serving non-residential uses shall be designed in accordance with the following standards:
    - a. Cul-de-sac Streets serving non-residential uses shall be designed in accordance with Minor Street width, grade, sight distance, and other applicable requirements.
    - b. Cul-de-sac Streets serving non-residential uses shall be a minimum of two hundred fifty (250) feet in length and shall not exceed one thousand (1000) feet in length.
    - c. Cul-de-sac Streets serving non-residential uses shall be provided with a paved turn-around having a minimum radius, measured from the center of the tum-around to the outside edge of the paved surface, of fifty (50) feet.
    - d. To reduce the amount of paving within the turnaround area, the Township may permit a landscaped island within the turnaround area with a radius, measured from the center of the tum-around to the inside edge of the paved surface, of thirty-four (34) feet.

H. Intersections: All street intersections shall be design in accordance with the following requirements:

1. No intersection shall involve the junction of more than two (2) streets.
2. Within one hundred (100) feet of an intersection, streets shall intersect at right angles. The Township may, under special circumstances where an angle of less than ninety (90) degrees will not create a traffic hazard, permit an intersection of less than ninety (90) degrees, but in no instance, however, shall streets intersect at an angle of less than seventy- five (75) degrees.
3. Intersections shall be approached on all sides by leveling areas. Where the grades exceed seven percent (7%), such leveling areas shall have a minimum length of one hundred (100) feet (measured from the intersection of the centerlines) within which no grade shall exceed a maximum of four percent (4%).
4. All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PennDOT Highway Occupancy Permit or other written form. The final plan shall depict the physical intersection design authorized by said permit.
5. Design of curb or edge of pavements shall take into account such factors as types of turning vehicles, likely speeds of traffic, angle of tum, etc., but in no instance shall the radius of the curb or edge of the pavement be less than the following:

Intersection	Curb Radius
Collector Road with Collector Road	35 feet
Minor Road with Collector Road	25 feet
Minor Road with Minor Road	20 feet
Collector Road with residential subcollection street, local residential streets, or residential cul-de-sac	25 feet
Minor Road with residential subcollection street, local residential street, or residential cul-de-sac	20 feet
Residential subcollector street with residential subcollector street	20 feet
Residential subcollector street with local residential or cul-de-sac	10 feet

Local Residential street with local residential street or cul-de-sac	10 feet
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6. Collector and Minor roads, and Residential Subcollector streets shall not intersect Arterial Roads on the same side at less than eight hundred (800) foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two (2) roads or streets that intersect another from opposite sides cannot be aligned, then a distance of at least one hundred fifty (150) feet shall be provided between the two intersecting street centerlines. Local Residential Streets and Cul-de-sacs shall not intersect Arterial Roads.
- I. Slope of Bank Along Streets: The slope of bank along streets shall be measured perpendicular to the street, and shall be no steeper than the following:
    1. The slope of banks along Collector and Minor Roads, measured at a perpendicular to the street, shall be no steeper than the following:
      - a. One foot of vertical measurement for three feet of horizontal measurement for fills.
      - b. One foot of vertical measurement for two feet of horizontal measurement for cuts.
    2. Where curbs and sidewalks are not required along Residential Subcollector, Local Residential, and Cul-de-sac Streets, the above slope requirements shall be applied.
  - J. Partial and Half-Streets: The dedication of half-streets at the perimeter of new developments is prohibited, except to complete existing half-streets.
  - K. Names of Streets: Names of new roads or streets shall not duplicate or approximate such names by the use of suffixes such as "lane," "court," or "avenue." In approving the names, consideration shall be given to existing or platted road or street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing street.
  - L. Reserve Strips: Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in Township control as approved by the Township. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.
  - M. Alleys: Alleys are permitted within the Village (V) District of the Tyrone Township Zoning Ordinance, and within residential developments, where they are intended to provide off-street parking and access to the rear of lots. Alleys are encouraged in the V

District, and as part of alternative residential development layouts as may be enabled by the Tyrone Township Zoning Ordinance.

- N. **Street Construction Requirements:** Streets shall be surfaced to the grades and dimensions shown on plans, street profiles, and street cross sections as submitted by the developer and approved by the Township. Unless otherwise required by the Township, all streets shall be constructed in accordance with applicable specifications of the Pennsylvania Department of Transportation. Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate storm water drainage for such streets, as acceptable to the Township and in conformance with the overall storm water management plan for the site as required by this Chapter.

**§10-502. Lots.**

A. **General Standards**

1. The size, shape, and orientation of lots shall be appropriate for the type of development contemplated. Insofar as practical, side lot lines shall intersect straight street lines at right angles and radial to curved street lines.
2. Where feasible, lot lines shall follow municipal boundaries.
3. Generally, the depth of residential lots shall not be less than one (1) nor more than two and one-half (2 ½) times their width.
4. Where the lots in a subdivision are of such a size that resubdivision is possible, or where a portion of the tract is not intended to be developed, suitable access to these areas shall be provided.
5. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, and other improvements required by this and other Township ordinances.
6. If, after subdividing, there exists remnants of land, they shall either be incorporated into existing or proposed lots, or legally dedicated to either the Township or to another entity for public, community, or open space use, as deemed appropriate by the Township.
7. No lots shall be created in any manner whatsoever which does not meet the minimum requirements of this or other Township ordinances.



B. Lot Frontage

1. All lots shall front upon a dedicated public street (existing or proposed), or upon a private street designed and constructed in accordance with applicable requirements of this Chapter.
2. Double or reverse frontage lots shall be avoided except where required by the Township to provide separation of residential development from major streets, to control access to major streets, or to overcome specific disadvantages of topography, orientation, or location. The Township reserves the right to require double or reverse frontage lots in the interest of enhancing public safety.
3. All residential reverse frontage lots shall have a planting screen easement which runs parallel to the accepted rear lot line. The planting screen easement shall be twenty (20) feet in width. There shall be no right of access across the planting screen easement. Plantings shall be provided within the planting screen easement in accordance with the landscaping requirements of this or other Township ordinances.

C. Lot Dimensions, Area, and Building Setbacks: Lot dimensions, area, and building setback requirements shall not be less than specified by the Tyrone Township Zoning Ordinance, or as dictated by this Chapter regarding on-site sewage disposal or other standards, whichever shall be more restrictive.

D. Unique Lots

1. Panhandle Lots: Panhandle lots or lots having a narrow strip of property for the sole purpose of providing access to a public street from a lot which would not otherwise front on a public street, are prohibited.
2. Corner Lots: Corner lots shall be designed in manner that conforms with applicable Tyrone Township Zoning Ordinance requirements addressing corner lots. Specifically, any corner lot shall be of sufficient size to meet front setback requirements along both streets, and rear yard requirements along all other property boundaries, while still maintaining a usable building envelope.
3. Wedge-shaped Lots: Wedge-shaped lots along street curves or at the end of cul-de-sac streets are permitted in accordance with the following requirements:
  - a. The width of the are measured at the front right-of-way line shall be no less than seventy percent (70%) of the lot width measured at the minimum front building setback line.

- b. The width of the are measured at the front right-of-way line shall be no greater than one hundred twenty-five percent (125%) of the lot width measured at the minimum front building setback line.

**§10-503. Blocks.**

- A. General Requirements: The length, width, and shape of block shall be subject to the following minimum general requirements:
  - 1. Blocks shall provide adequate sites for the uses proposed by the subdivision and/or land development plan.
  - 2. Blocks shall be related to the topography of the site.
  - 3. Design or blocks shall be subject to any other applicable Tyrone Township code or ordinance.
  - 4. Design of blocks shall take into account generally accepted requirements and standards for safe and convenient vehicular and pedestrian circulation. This standard includes, but is not necessarily limited to, the minimization of street or driveway intersections with major streets.
- B. Block Length
  - 1. Blocks shall have a maximum length of one thousand six hundred (1,600) feet and a minimum length of five hundred (500) feet.
  - 2. The Township Supervisors, at their discretion, may permit or require an increase in maximum block length or a decrease in minimum block length if such adjustments are warranted given unique topographic conditions, unique surface-water-drainage conditions, or within the Village (V) District of the Tyrone Township Zoning ordinance.
  - 3. If block lengths exceed one thousand (1,000) feet, special consideration shall be given to fire and emergency vehicle access.
  - 4. Where practical, blocks along major streets shall not be less than one thousand (1,000) feet in length.
- C. Residential Block Depth: Blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except under the following conditions:

1. Where the Township requires reverse frontage lots along a major street.
  2. Where the design of two (2) tiers of lots is prevented by the size, topographical conditions, or other unique conditions of the property.
- D. Non-residential Blocks: Blocks in non-residential developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, adequate provision shall be made for off-street parking for employees and/or customers, loading areas, and traffic circulation.

**§10-504. Access Driveways.**

- A. Individual Residential Lot: Access to any street from an individual residential lot shall be designed in accordance with the Tyrone Township Driveway ordinance or PennDOT requirements as may be required, and in accordance with the following requirements:
1. Within ten (10) feet of a street right-of-way line, the access drive may not exceed twenty (20) feet in width.
  2. Individual residential lots are limited to one (1) access driveway unless circumstances demonstrate, at the discretion of the Township, that a second access driveway is justified.
  3. Individual residential lot access driveways shall not cross a street right-of-way line within:
    - a. Within five feet of any property line, except where a common access drive for two (2) or more dwellings is permitted by the Township.
    - b. Within fifty (50) feet of the right-of-way line of an intersecting street when the driveway is located on an arterial street.
    - c. Within thirty-five (35) feet of the right-of-way line of an intersecting street when the driveway is located on a collector street.
    - d. Within twenty-five (25) feet of the right-of-way line of an intersecting street when the driveway is located on a minor street or a residential subcollector street.

- e. Within twenty (20) feet of the right-of-way line of an intersecting street when the driveway is located on a local residential street or residential cul-de-sac.
  - f. Within fifteen (15) feet of a fire hydrant.
  - g. Where an individual residential lot has frontage on two streets, the access driveway shall connect to the street with the lower service level.
- B. Multi-family Residential and Non-residential Lots: Access to any public street from a multi-family residential lot or a non-residential lot shall be designed in accordance with the Tyrone Township Driveway Ordinance or PennDOT requirements as may be required, and in accordance with the following requirements:
- 1. All access driveways to any street shall be located at least two hundred (200) feet from the intersection of any two street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress.
  - 2. Where a lot has frontage on two streets, the access driveway shall connect to the street with the lower level of service.
  - 3. No access driveway design shall be approved which is likely to create a traffic hazard with the potential to endanger public safety. The Township may require safety improvements in the interest of public safety. Such improvements may include, but are not necessarily limited to, traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the design and construction of such traffic control devices and shall also, where applicable, obtain PennDOT approval for such measures.
- C. Where a new intersection with or access to a state highway is proposed, the final plan shall identify the PennDOT Highway Occupancy Permit Number. The final plan shall depict the physical intersection design authorized by said permit.

**§10-505. Curbs.**

- A. Curbs shall be provided along streets unless swales are substituted pursuant to Section 519(A)(2). At a minimum, curbs shall be provided in non-residential developments, in multi-family developments, in two-family developments, and in single family detached developments where the average lot area is fifteen thousand (15,000) square feet or less.

- B. Curbs shall be the vertical type and constructed in accordance with Township specifications.
- C. When the sole purpose of the curb is to protect the pavement edge, thickened-edge pavements or cement concrete headers may be utilized, subject to the approval of the Board of Supervisors.
- D. Curb Construction Requirements: Where required, vertical curbs shall be poured in place Class A Cement Concrete, eighteen (18) inches in depth and in accordance with those requirements set forth in the latest edition of the Pennsylvania Department of Transportation Specifications, Form 408, Section 630, as may be amended. The exposed face of the curb shall be eight (8) inches high on all Township roads, and six (6) inches high in all parking areas.

**§10-506. Sidewalks And Pedestrian Paths.**

- A. Sidewalks and pedestrian paths shall minimize pedestrian-vehicular conflict and shall be provided unless waived by the Board of Supervisors pursuant to Section 519(B). At a minimum, sidewalks shall be provided in non-residential developments, in multi-family developments, in two-family developments, and in single family detached developments where the average lot area is fifteen thousand (15,000) square feet or less. In lieu of sidewalks and at the discretion of the Board of Supervisors, a network of pedestrian and bicycle paths may be installed provided that the network provides pedestrian and bicycle access to all uses and activity centers within a development.
- B. The minimum width of all sidewalks and pedestrian paths shall be four (4) feet. There shall be a minimum three (3) foot wide planting strip between the back of the curb and the sidewalk.
- C. Sidewalks and public paths shall be installed for convenience and access to all dwelling units from streets, driveways, parking areas or garages and located within a public right-of-way, a public easement or a common open space area.
- D. At corners and other pedestrian street-crossing points, sidewalks shall be extended to the curb line with ramps for adequate and reasonable access of physically handicapped person, including those in wheelchairs, across curbs.
- E. Sidewalks and pedestrian paths away from streets shall be adequately lighted.
- F. The grades and paving of sidewalks and pedestrian paths shall be continuous across driveways. Where heavy traffic volume is expected, a special paving treatment may be required by the Board of Supervisors. Small jogs in the alignment shall be avoided.

- G. Sidewalks and pedestrian paths shall be laterally pitched at a slope of not less than one fourth (1/4) inch per foot to provide for adequate surface drainage. The concentration of surface waters shall be prevented from passing on or across sidewalks. The design sidewalks shall not cause surface waters to pocket.
- H. Sidewalks and pedestrian paths shall not exceed a grade of seven percent (7%). Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. Where sidewalk grades exceed five percent (5%), a non-slip surface texture shall be used.
- I. Sidewalks and pedestrian paths shall be of a hard surface composition if heavy pedestrian or bicycle traffic will be served and shall be constructed according to Township specifications. An occasionally utilized footpath may use gravel, pine bark chips, or other material approved by the Board of Supervisors.
- J. Sidewalks adjacent to angle parking areas shall be set back a minimum of five (5) feet to prevent car overhang from restricting pedestrian movement along the sidewalk.
- K. Sidewalk Construction Requirements:
  - 1. All sidewalks shall be constructed of Type 1 Class A concrete.
  - 2. Sidewalks shall be a uniform depth of four (4) inches, except where crossed by driveways, where the depth shall be six (6) inches for residential driveways, and eight (8) inches for commercial driveways.
  - 3. Contraction joints shall be spaced no more than five (5) feet apart.
  - 4. A layer of crushed stone with a minimum depth of four (4) inches shall form the sub-base of all sidewalks.
  - 5. The forms used shall be made of metal, and shall be smooth, straight, and free from warp.

**§10-507. Street Trees.**

- A. Within any major land development or major subdivision, street trees shall be planted along all streets where suitable street trees do not exist.

- B. Large street trees shall be planted at intervals of not more than forty-five (45) feet, and small street trees at intervals of not more than thirty (30) feet along both sides of new streets and along one (1) or both sides of an existing street within the proposed subdivision or land development.

An equivalent number may be planted in an informal arrangement, subject to the approval of the Board of Supervisors.

- C. Street trees shall not be planted opposite each other, but shall alternate.
- D. At intersections, trees shall not be located within the clear sight triangle.
- E. Street trees shall be planted in the right-of-way, within two (2) feet of the street line, rather than on lots.
- F. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and in conformity with the standards of the American Association of Nurserymen.
- G. The minimum tree caliper shall be two and one-half (2-1/2) inches.

**§10-508. Crosswalks.**

- A. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over one thousand (1,000) feet in length.
- B. Such crosswalks shall have an easement width of not less than twenty (20) feet and a paved walk of not less than four (4) feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.

**§10-509. Street Signs.**

- A. The developer shall erect, at the developer's expense, at every street intersection a street sign or signs meeting Township approval, having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.

- B. Street signs are to be erected when the first dwelling on the street is occupied. Temporary street signs may be erected on the approval of the Township but shall be made permanent before final offer for the dedication of roads is made.
- C. The developer shall provide regulatory signs and traffic signalization as may be recommended: in a traffic impact study, by the Township Engineer, and/or required by the Board of Supervisors.

**§10-510. Street Lights.**

- A. Where required by the Board of Supervisors, the developer shall install or cause to be installed at the developer's expense metal or fiberglass pole street lights serviced by underground conduit in accordance with a plan to be prepared by the developer's engineer and approved by the Board of Supervisors and by the local electricity provider.
- B. The requirement of metal or fiberglass poles may be waived in such instances as approved by the Board of Supervisors due to the existence of wooden poles already in place. Provision shall be made for energizing said lighting after fifty percent (50%) or more of the dwellings in a given subdivision or land development, or section of a subdivision or land development, have been occupied.
- C. The developer shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or condemned as public streets by the Township.

**§10-511. Landscaping Requirements.**

- A. Where specific landscape plans or treatments are required by the Tyrone Township Zoning Ordinance, the requirements established by said Zoning Ordinance shall apply.
- B. Where the Tyrone Township Zoning Ordinance does not establish specific landscaping requirements, the following requirements shall apply:
  - 1. All portions of a property not proposed for buildings, structures, driveways, parking lots, or other impervious surfaces shall be landscaped and planted with vegetative cover. In no event will a proposal involving the retention of bare, unvegetated ground be permitted
  - 2. Where development is proposed on a property that is dissimilar to established uses on surrounding properties, landscaping shall be planted which provides visual buffering between the uses. At a minimum, evergreen plantings placed at a minimum of twenty-five (25) foot intervals shall be required. Applicants are



encouraged to offer more creatively designed landscaping alternatives to achieve the same level of required visual buffering.

**§10-512. Stormwater Management And Surface Run-Off Control.**

- A. General. The developer shall construct and/or install such drainage structures, on- and off- site, as necessary to:
1. Prevent erosion damage and to satisfactorily carry off or detain and control the rate of release of surface waters.
  2. Encourage run-off control measures that percolate the storm water into the ground to aid in the recharge of ground waters.
  3. Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse or drainage facility.
  4. Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.
  5. Handle the post development peak discharge from the property being subdivided or developed and the existing run-off being contributed from all land at a higher elevation in the same watershed.
  6. Maintain the adequacy of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of run-off discharge to these water courses, so as to avoid increasing the occurrence of stream bank overflow.
  7. Preserve the adequacy of existing culverts. Bridges and similar structures shall be preserved by suppressing the new flood peaks created by new land development.
- B. Retention of existing watercourses and natural drainage features.
1. Whenever a watercourse, stream, or intermittent stream is located within a development site, it shall remain open in its natural state and location and shall not be piped.
  2. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

3. No storm water run-off or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands.

C. Design criteria - general.

1. All plans and designs for storm water management facilities shall determine the maximum expected discharge and run-off by use of the Soil Cover Complex Method as set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release #55 and National Engineering Handbook, Section, Hydrology, as published by the U.S. Department of Agriculture, Natural Resources Conservation Service. The following rainfall intensities for the frequencies shown shall be used for the 24-hour, Type II distribution storm with average antecedent moisture conditions:

- a. 1 year - 2.70 inches
- b. 2 year - 3.30 inches
- c. 5 year - 4.20 inches
- d. 10 year - 5.00 inches
- e. 25 year - 5.80 inches
- f. 50 year - 6.40 inches
- g. 100 year - 7.20 inches

2. All developments shall limit the rate of storm water run-off so that no greater rate of run-off is permitted than that of the site in its natural condition for the same frequency storm. Where farm field or disturbed earth is the existing condition, meadow shall be used as the starting base for such calculations, regardless of the actual condition.
3. The increased run-off which may result from subdivision or land development shall be controlled by permanent run-off measures. All run-off control measures shall be evaluated for their effectiveness to maintain the above standard for all storms with a return period of up to one hundred (100) years. Detention areas shall be designed so that the rate of run-off from the site, when developed, will neither exceed nor decrease the run-off from the site that existed before development, except where deemed necessary by the Township.

D. Design criteria - detention and retention basins.

1. A flow system with capacity for the twenty-five (25) year storm shall be provided to carry run-off to a detention basin. When the capacity of the storm drain pipe is exceeded, an overflow system shall have sufficient capacity to carry the run-off difference between the one hundred (100) year storm peak flow rate and the

capacity of the storm drain pipe system. The storm peaks shall be calculated by the Soil Cover Complex Method.

2. Detention basins shall not be located within floodplains; nor within areas of floodplain soils with the exception that areas of alluvial soils may be utilized if proof is accepted that the area is not subject to flooding.
3. Detention basins shall be designed to facilitate regular maintenance, mowing and periodic desilting and reseedling.
4. Whenever possible, the side slopes and basin shape shall conform to the natural topography. When such design is impracticable, the construction of the basin shall utilize slopes as flat as possible to blend the structure into the terrain.
5. The maximum slope of the earthen detention basin embankments shall be three (3) horizontal to one (1) vertical.
6. The top or tow of any slope shall be located a minimum of five (5) feet from any property line.
7. The minimum top width of the detention basin berm shall be ten (10) feet.
8. Detention basins shall be designed so that they return to normal conditions within twelve (12) hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for storm water release.
9. In order to insure proper drainage on the basin bottom, a minimum grade of two percent (2%) shall be maintained for areas of sheet flow. For channel flow, a minimum grade of one percent (1%) shall be maintained.
10. If permanent ponds are used, the developer shall demonstrate that such ponds are designed to protect the public health and safety.
11. Emergency spillways.
  - a. Emergency overflow facilities shall be provided for detention facilities to handle run- off in excess of design flows.
  - b. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground.

- c. Emergency spillways shall be constructed of reinforced concrete, four (4) inch crushed stone rip-rap or other material approved by the Township Engineer.
  - d. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion.
  - e. The minimum capacity of all emergency spillways shall be the peak flow rate from the twenty-five (25) year post-development storm.
  - f. The construction material for the emergency spillway shall extend along the upstream and downstream berm embankment slopes.
  - g. The upstream edge of the emergency spillway shall be a minimum of three (3) feet below the spillway crest elevation.
  - h. The downstream slope of the spillway shall, as a minimum, extend to the tow of the berm embankment.
  - i. The emergency spillway shall not discharge over earthen fill and/or easily eroded material.
  - j. The minimum freeboard shall be one (1) foot. Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled detention basin embankment.
14. Anti-seep collars.
- a. Anti-seep collars shall be installed around the pipe barrel within the normal saturation zone of the detention basin berms.
  - b. The anti-seep collars and their connections to the pipe barrel shall be watertight.
  - c. The anti-seep collars shall extend a minimum of two (2) feet beyond the outside of the principal pipe barrel.
  - d. The maximum spacing between collars shall be fourteen (14) times the minimum projection of the collar measured perpendicular to the pipe.
  - e. A minimum of two (2) anti-seep collars shall be installed on each outlet pipe.

15. Outlet pipes.
    - a. All outlet pipes through the basin berm shall be reinforced concrete pipe with water tight joints.
    - b. Energy dissipating devices (rip-rap, end sills, etc.) shall be places at all basin outlets.
  
  16. Perforated risers.
    - a. A perforated riser shall be provided at each outlet of all detention basins during construction for sediment control.
    - b. The riser shall extend to a maximum elevation of two (2) feet below the crest elevation of the emergency spillway.
    - c. The perforated riser shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the riser.
    - d. Circular perforations with a maximum diameter of one (1) inch shall be spaced eight (8) inches vertically and twelve (12) inches horizontally.
    - e. The perforations shall be cleanly cut and shall not be susceptible to enlargement.
    - f. If metal risers are used, such metal risers shall be suitably coated to prevent corrosion and wrapped with geotextile fabric to filter sediment.
    - g. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser.
    - h. All risers shall have a concrete base attached with a watertight connection.
    - i. The base shall be of sufficient weight to prevent flotation of the riser.
    - j. An anti-vortex device, consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of the riser.
- E. Design criteria - drainage channels and swales.

1. All drainage channels shall be designed to prevent erosion of the bed and banks.
2. The maximum permissible flow velocity shall not exceed those outlined in Figure 1 (see appendix).
3. Suitable stabilization shall be provided where required to prevent erosion of the drainage channels.
4. Any vegetated drainage channel requiring mowing of the vegetation shall have maximum grade of four (4) horizontal to one (1) vertical on those areas to mowed.
5. Because of the critical nature of vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design procedures outlined by the Adams County Soil Conservation District.

F. Design criteria - storm water collection and pipe system.

1. Storm sewers, culverts and related installations shall be provided:
  - a. To permit the unimpeded flow of natural watercourses in such a manner as to protect the natural character of said watercourses and to provide regulated discharge.
  - b. To insure adequate drainage of all low points along the line of streets.
  - c. To intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained and to prevent substantial flow of water across intersections.
2. The design discharge from drainage areas contributing to the system may be determined by use of the "Rational Equation" ( $Q = CIA$ ) when the total drainage area does not exceed one hundred (100) acres.
  - a. The following run-off factors shall be utilized for the rational equation:

Description of Area	Run-Off Coefficient (C)
Residential	
2 acre single-family detached lots	0.40
1 acre single-family detached lots	0.46
½ acre single-family detached lots	0.50
¼ acre single-family detached lots	0.56

2-family and multi-family	0.70
Commercial	0.75
Industrial	0.80
Parks and Cemeteries	0.38
Unimproved	0.35

Where the above table is not applicable, the following facts may be used:

Roofs and all impervious surfaces	0.90
All other surfaces except forest	0.40
Forest	0.30

- b. The coefficients in the above tabulations are applicable for storms of twenty-five (25) year frequency and less. The coefficients are based on the assumption that the design storm does not occur when the ground is frozen. Less frequent, higher intensity storms will require the use of higher coefficients.
- c. For less frequent storms, the coefficients can be used if they are multiplied by the following factors for the return frequency required.

Storm Frequency (years)	Factors
10 and less	1.0
25	1.1
50	1.2

- d. The rainfall intensity "I" curves presented in Figure 3 (see Appendix) shall be used in determining storm water run-off.
- e. Storm frequency.
  - 1. A twenty-five (25) year storm frequency shall be used for the design of all storm water systems.
  - 2. In all cases where storm drainage is picked up by means of a headwall or inlet structure, and hydraulic inlet or outlet conditions control, the pipe shall be designed as a culvert for a twenty-five (25) year storm.
- f. Storm duration.

1. A five (5) minute storm duration shall be used if this duration does not result in a maximum expected discharge that exceeds the capacity of a thirty (30) inch pipe.
  2. If a five (5) minute storm duration results in a pipe size exceeding thirty (30) inches, the time of concentration approach shall be used in determining storm duration.
  3. If a five (5) minute storm duration results in a pipe size exceeding thirty (30) inches, within any run of pipe, the time of concentration approach may be used for sizing of pipes from that point on by adjusting the time of concentration.
3. Pipes.
- a. Pipes shall be sized by use of Manning's Equation with the pipes flowing full. - The design shall be based on gravity (non-pressure) flow.
  - b. The roughness coefficient (n) shall be in compliance with the Pennsylvania Department of Transportation Design Manual, Part 2, as amended.
  - c. The minimum diameter of all storm drainage pipe shall be eighteen (18) inches or an equivalent thereto. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipe.
  - d. Incremental size changes to storm drainage pipes shall be six (6) inches in diameter.
  - e. Abrupt changes in direction or slope of storm drainage pipe shall be avoided. Where such abrupt changes are required, an inlet or manhole shall be placed at the point of change.
  - f. The minimum grade of piping shall provide a minimum velocity of two and five-tenths (2.5) feet per second and shall have a minimum slope of one-half of one percent (0.5%).
  - g. Storm sewers placed within a street right-of-way, parallel to the cartway, and shall be designed as a combination storm sewer and underdrain. When located outside of a right- of-way, they shall be placed within an easement having a width of not less than twenty (20) feet.



- h. The top of storm drainage pipes beneath cart ways shall be at least six (6) inches below sub-grade elevation except that case iron pipe may be placed within three (3) inches of sub-grade elevation. Outside of cartways, all pipes shall have minimum cover of two (2) feet.
4. Manholes.
- a. Manholes shall not be more than three hundred (300) feet apart on sizes of pipe up to twenty-four (24) inches nor more than four hundred fifty (450) feet apart on greater pipe sizes.
  - b. Inlets may be substituted for manholes, on approval of the Township Engineer, at the same spacing as required for manholes.
  - c. Manhole covers and frames shall conform to Pennsylvania Department of Transportation Specifications.
5. Inlets.
- a. At street intersections, inlets shall be placed in the tangent portion rather than the curved portion of the curbing.
  - b. When there is a change in pipe size in an inlet, the elevation of the top of the pipes shall be the same or the smaller pipe shall be higher. A minimum drop of two (2) inches shall be provided in the inlet between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.
  - c. If the capacity of the shoulder, swale, curb section or depressed median section exceeds the assumed inlet capacities, the inlet capacities shall govern the spacing of inlets.
  - d. If the capacity of the shoulder, swale, curb section or depressed median section is less than the inlet capacities, then the shoulder, swale, curb section or depressed section capacity shall govern the spacing of inlets.
  - e. Type C inlets.
    - 1. Type C inlets shall be installed in unmountable curbs.
    - 2. In order to achieve greater efficiency, Type C inlets shall be spaced so as to permit five percent (5%) of the gutter flow to bypass the inlet.

3. The capacity of a Type C inlet at a low point of a street's vertical curve may be designed to accept four (4.0) cfs from each direction, or a maximum of eight (8.0) cfs.
  4. Inlet capacities shall be based on Figure 4 (see Appendix), "Inlet Capacity & Gutter Flow Curves."
- f. Type M and S inlets.
1. Type S inlets shall be installed in shoulder swale areas with back slopes of six (6) horizontal to one (1) vertical and steeper.
  2. Type M inlets shall be installed in swale areas where the back slope is flatter than six (6) horizontal to one (1) vertical and steeper.
  3. Inlet capacities shall be based on Figure 2 (see appendix), "Type M and S Inlet Capacities (In Swale)".
  4. Where a drainage dike is used the side slope of the dike shall be eight (8) horizontal to one (1) vertical or flatter.
  5. The capacity of an inlet at a low point in a swale (sump condition) shall be sixteen (16) cfs maximum.
- g. Inlets shall conform to Pennsylvania Department of Transportation specifications.
- h. Shoulders in cut areas (without swales).
1. Water flowing in the shoulder shall not encroach more than two-thirds ( $2/3$ ) the shoulder width during a 10-year frequency storm of five (5) minute duration.
  2. The maximum velocity, as determined by Manning's Equation, shall not exceed the allowable velocities in Figure 2 (see Appendix) for the specific type of shoulder material.
  3. Inlets shall be provided to control the shoulder encroachment and water velocity.
- i. Swales adjacent to shoulders.

1. Swales in cut areas shall be designed to prevent the passage of water onto the cartway during a 10-year frequency storm of five (5) minute duration.
2. The maximum velocity, as determined by Manning's Equation, shall not exceed the allowable velocities in Figure 1 (see Appendix) for the specific type of shoulder material.

j. Curbed sections.

1. The maximum encroachment of water on the cartway shall not exceed two (2) inches in depth at the curb during a 10-year frequency storm of five (5) minute duration.
2. Inlets shall be provided to control the encroachment of water on the cartway.

**§10-513. Erosion And Sediment Controls - Grading.**

A. General provisions and compliance.

1. No changes shall be made in the contour of the land and no grading excavation, removal nor destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time that a plan for minimizing erosion and sedimentation has been:
  - a. Processed and reviewed by the Township Engineer and the Adams County Soil Conservation District; and
  - b. Approved by the Board of Supervisors.
2. The Board of Supervisors, in its consideration of all preliminary subdivision and land development plans, shall condition its approval upon the execution of erosion and sediment control measures as contained in the standards and specifications of the Adams County Soil Conservation District, the local design for the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation.
3. Final approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final subdivision or land development plans, and become a part thereof.

4. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required in accordance with Section 409 of this Chapter.
  5. No subdivision or land development plan shall be approved unless:
    - a. There has been an erosion and sedimentation plan approved by the Township Engineer that provides for minimizing erosion and sedimentation and an improvement bond or other acceptable security is deposited with the Township in the form of an escrow guaranty which will ensure installation and completion of the required improvements; or
    - b. There has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary. The Board of Supervisors may waive the above requirement for minor subdivisions.
  6. The Township Engineer shall review plans submitted with building permits and inspect the development site during the construction of site improvements to insure compliance with the approved plan.
  7. The Township Engineer shall review stream channel construction on watersheds with a drainage area in excess of three hundred twenty (320) acres, or in those cases where downstream hazards exist, and shall submit a review of said construction to the Pennsylvania Department of Environmental Protection. Said construction shall be approved by the Department of Environmental Protection prior to final plan approval.
- B. General erosion control standards.
1. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Adams County Soil Conservation District, the local design for the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation.
  2. In cases where the Adams County Soil Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications approved by the Township Engineer may be used.
  3. The following standards to minimize erosion and sedimentation shall be followed:

- a. Stripping vegetation, regrading, or other development shall be undertaken in a manner that will minimize erosion.
  - b. Development plans shall preserve salient natural features, keep fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.
  - c. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
  - d. The disturbed area and the duration of exposure shall be kept to a practical minimum. Disturbed soils shall be stabilized within twenty (20) days.
  - e. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
  - f. The permanent (final) vegetation and mechanical erosion control and drainage facilities shall be installed as soon as practical.
  - g. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development where necessary, the rate of surface water run-off shall be mechanically retarded.
  - h. Sediment in the water run-off shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
  - i. Swales shall be sodded, or jute matting or other similar measures should be utilized to insure proper growth of ground cover.
  - j. Tire cleaning areas shall be provided and properly maintained at each point of egress from the development site.
- C. General grading standards.
- 1. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without pending.

2. All land within a development shall be graded to drain and dispose of surface water without ponding, except where ponding in detention basins is part of the storm water management plan for the site.
3. Concentration of surface water run-off shall be permitted only in swales, watercourses, or detention basins.
4. Edges of slopes shall be a minimum of five (5) feet from property lines or right-of-way lines in order to permit the normal rounding of edge without encroaching on the abutting property.
5. During grading operations, necessary measures for dust control shall be exercised.

D. Excavations and fills.

1. No excavation or fill shall be made with a face or surface slope steeper than three (3) horizontal to one (1) vertical unless a retaining wall, constructed in accordance with approved standards, is provided to support the face or surface slope of said excavation or fill.
2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
3. Cut and fill shall not endanger adjoining property.
4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
5. Fills shall not encroach in floodplain areas or wetlands.
6. Fills placed adjacent to floodways shall have suitable protection against erosion during flooding.

E. Responsibility.

1. Each person which makes any surface changes shall be required to:
  - a. Collect on-site surface run-off and control it to a point of discharge into the natural watercourse of the drainage area.
  - b. Adequately handle existing off-site run-off through his development.

- c. Provide and install all temporary and permanent drainage and erosion control improvements as required by the approved sedimentation and erosion control plan.
2. Whenever sedimentation is caused by stripping of vegetation, regrading or other development, it shall be the responsibility of the person causing such sedimentation to remove it from all affected surfaces, drainage systems and watercourses on- and off-site, and to repair any damage at his expense as quickly as possible following a storm event.
3. Persons doing any work on or across a watercourse, swale, floodplain or right-of-way shall return such areas to their original or equal condition after such activity is completed.
4. No person shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or perform any work which will affect normal or flood flow in any communal watercourse without having obtained prior approval from the Adams County Conservation District and/or Pennsylvania Department of Environmental Protection, whichever is applicable.

**§10-514. Two-Family And Multi-Family Residential Development.**

Unless otherwise required by this Chapter or the Tyrone Township Zoning Ordinance, the following standards shall apply to two-family and multi-family development projects:

- A. Approval of the preliminary plan must be obtained for the entire proposed development.

Final approval may be obtained section by section, but such sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be resubmitted and processed pursuant to Section 404 or 406 of this Chapter, as may be appropriate.

- B. Design standards.

1. The land development shall be designed to be harmonious and efficient in relation to topography, the size and shape of the site, the character of adjoining properties, and the type and size of proposed buildings.
2. Buildings shall be well related to the natural topography, existing desirable vegetation, bodies of water, views within and beyond the site, and exposure to the sun and other existing and proposed buildings.

3. Attached dwelling types should incorporate varied designs, architectural modes and setbacks.

C. Access and circulation.

1. Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
2. Access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
3. Walking distances from the main entrance of a building or a single-family dwelling unit to a parking area shall be less than one hundred (100) feet. Exceptions to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed two hundred fifty (250) feet.
4. Access easements having a minimum width of five (5) feet shall be provided on each attached dwelling lot along both sides of all rear lot lines. In instances where the side lot line does not pass through a common wall, an easement having a minimum width of five (5) feet shall also be provided on both sides of each side lot line. Said easements shall remain unobstructed for the use of residents and emergency personnel.

D. Grading.

1. Grading shall be designed for buildings, lawns, paved areas and other facilities to assure adequate surface drainage, safe and convenient access to and around the buildings, screening of parking and other service areas and conservation of desirable existing vegetation and natural ground forms.
2. Grading around buildings shall be designed to be in harmony with the natural topography.

E. Streets and driveways.

1. Streets and/or driveways shall be provided on the site where necessary for convenient access to dwelling units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Internal streets and driveways shall enter public streets at safe locations.



2. Streets and/or driveways shall be planned for convenient circulation suitable for traffic needs and safety.
  3. All streets and/or driveways shall be laid out to conform with the design, service, and access standards contained herein for public streets based upon projected average daily traffic.
  4. Streets and/or driveways shall be paved and constructed in accordance with Township standards.
- F. Refuse collection stations.
1. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
  2. Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped.
- G. Planting.
1. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and desirable topographic features.
  2. Additional plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

**§10-515. Nonresidential Development.**

Unless otherwise required by this Chapter or the Tyrone Township Zoning Ordinance, the following requirements shall apply to nonresidential development:

- A. The platting of individual lots for non-residential uses shall be avoided in favor of a comprehensive design of the land to be used for such purposes.
- B. Additional width of streets adjacent to areas proposed for non-residential use may be required as deemed necessary by the Board of Supervisors to assure the free flow of through traffic from vehicles entering or leaving parking loading areas.
- C. When two (2) adjacent lots proposed for non-residential uses front on an arterial or major collector street, the applicant may be required to provide common ingress and egress as well as common parking facilities. When three (3) or more adjacent lots are proposed for

non-residential uses, the applicant shall be required to provide a service road for common ingress and egress.

- D. Alleys or service streets shall be required in commercial and industrial land developments, except where adequate provisions are made for off-street loading.
- E. Dead-end alleys shall be avoided; but where this proves impossible, they shall be terminated with a paved turnaround of adequate dimensions as approved by the Board of Supervisors.
- F. Streets shall not be connected to local streets intended for predominantly residential traffic.
- G. Parking areas shall be located and designed in such a manner that they are visibly secluded from eye level in the surrounding area. Grading to depress the parking area, raised berms, landscaping or fencing are satisfactory methods to create such seclusion.
- H. Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.

**§10-516. Easements.**

- A. Easements with a minimum width of twenty (20) feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. No structure requiring a building permit or plantings, except for lawn, shall be set or put within the area of a utility easement.
- D. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than fifty (50) feet in width, or as may be required or directed by the Board of Supervisors and/or the Pennsylvania Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Board of Supervisors.

- E. Where storm water or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby; which easements shall be adequate for discharge or drainage and for the carrying off of such water, and for the maintenance, repair and reconstruction of the same vehicles, machinery and other equipment for such purposes, and which shall be sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the Township upon demand.
- F. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.

**§10-517. Traffic Impact Studies.**

Where deemed necessary by the Township, the developer shall submit a Traffic Impact Study (TIS) for review. Any TIS shall be prepared in accordance with the following criteria:

- A. At a minimum, a TIS will be required for any non-residential project that includes more than twenty thousand (20,000) square feet of floor area under roof, and for any residential project including twenty-five (25) or more dwelling units. In addition, the Township Supervisors may require the preparation of a TIS for other projects that may exist one (1) or more of the following characteristics:
  - 1. The project includes significant trip generation estimates.
  - 2. Significant traffic problems exist in the local area.
  - 3. The project will significantly affect the existing level of services of surrounding roads and intersections.
  - 4. The project may affect adjacent neighborhoods or sensitive natural or historic areas.
  - 5. The roadway adjacent to the project has limited capacity or limited potential for improvement.
  - 6. The proposed access for the project may affect nearby drives or intersections.
  - 7. The project may adversely affect existing roadway system problems or deficiencies.

B. General Content

1. The TIS shall identify the additional level of traffic a proposed development project will have on the local transportation network.
2. The TIS shall identify the roadway improvements needed to mitigate the impact of the additional level of traffic.
3. The TIS shall consider the compatibility of the project with local transportation plans.
4. The TIS shall be prepared in accordance with the standards of the Pennsylvania Department of Transportation and the Institute of Transportation Engineers.
5. The TIS shall provide information regarding the following:
  - Roadway Capacity
  - Roadway Safety
  - Traffic Circulation Patterns
  - Traffic Control Needs
  - Traffic Impacts of the Surrounding Neighborhood
  - Pedestrian and Bicycle Movements
  - Service and Delivery Vehicle Access
6. The TIS shall include any engineering studies needed to justify traffic control devices that may be needed in conjunction with a proposed development project.

C. The TIS shall be prepared by a qualified Traffic Engineer. The person preparing the TIS shall have sufficient documented qualifications, training, and experience in traffic engineering to perform the study. The person preparing the TIS shall be a Professional Engineer registered in the Commonwealth of Pennsylvania.

D. The TIS shall, at a minimum, include the following elements:

1. Project Narrative, indicating, at a minimum, the size and nature of the proposed development.
2. The location of all transportation access points.
3. A description of the study area, the existing land use pattern, and transportation facilities including details of the existing roadway network, physical features, traffic control devices, safety hazards, and restricted sight distances.

4. A description of concerns that may be raised through consultation with appropriate local, county, or state officials. Such consultation is required and shall be used to determine whether regional plans or projects exist which may affect the implementation of the proposed project.
5. An analysis of at least three (3) traffic scenarios including, at a minimum, the following
  - a. Existing Conditions.
  - b. Future Conditions without the proposed project.
  - c. Future Conditions with the proposed project.
6. Data supporting the development of each scenario listed above.

E. Data Collection – Traffic Counts

The person preparing the TIS shall collect traffic data in support of the TIS. The specific data to be collected and analyzed will vary depending on the nature of the project and traffic conditions in the vicinity of the project. The following guidelines shall be used to determine what type of data shall be collected:

1. For all TISs prepared in accordance with this Chapter, peak hour traffic volumes shall be evaluated. Peak hours include the peak traffic periods of the study area roadway network and the proposed project. Normally, weekday morning and afternoon peaks shall be considered.
2. At the discretion of the Township, following recommendation by the Township Engineer, additional analysis may be required including, but not necessarily limited to, consideration of mid-day peaks or weekend peaks, total daily traffic volumes including volumes for other non-peak hours, accident history, vehicle mix, signal phasing, operating speeds, vehicle gaps, and pedestrian activity.
3. All data to be used in the preparation of a TIS shall be recent, either collected specifically for the TIS or provided by a verifiable source. If appropriate, adjustments may be applied to the actual counts for monthly or day-of-week variations. If significant monthly or day-of-week variations are noted, the TIS shall consider both "typical" and "worst case" traffic conditions.

F. The following methodologies shall be used to develop trip generation projections for the TIS:

1. Future Conditions Without the Proposed Project: The person preparing the TIS shall project future conditions based on an acceptable methodology. Unless otherwise specified by the Township, following recommendation by the Township Engineer, a short-term projection factor, based on the recent pattern of travel growth, shall be applied to existing traffic volumes. Separate factors may be applied to different roadways, for example, based on different functional classifications. The TIS shall incorporate knowledge of other proposed development or roadway improvements affecting travel in the study area into the traffic projections.
  2. Future Conditions with the Proposed Project: The person preparing the TIS shall project future traffic as required by Section 517(F)(1) above, and include total site generated traffic and additional background traffic related to the proposed project.
  3. The TIS shall apply site generated traffic volumes, and additional background traffic volumes related to the proposed project, to the local roadway network using accepted procedures for trip distribution and route assignment.
  4. The current edition of the Trip Generation Manual of the Institute of Transportation Engineers shall be used to estimate the potential number of vehicle trips resulting from a proposed project, unless otherwise required by the Township, following recommendation from the Township Engineer. The Township may require the TIS to evaluate both average anticipated conditions and "worst-case" conditions when and if the \_\_\_\_\_.
- G. The TIS shall analyze traffic impacts resulting from each development scenario, and shall provide recommendations for improvements. At a minimum, this section shall include the following:
1. At a minimum, the person preparing the TIS shall consider roadway levels of service for each development scenario. At intersections, the TIS shall consider level of service for each approach to, and movement through, the intersection. The Township may also require, following recommendation from the Township Engineer, assessment of additional factors related to public safety.
  2. Based on impacts associated with the "Future Conditions with the Proposed Project" scenario, the TIS shall provide recommendations for improvements needed to safely and efficiently integrate the project into the regional traffic system. These improvements may include, but not necessarily be limited to, traffic controls such as signals and signs, and roadway improvements such as roadway widening and turning lanes.

3. Unless otherwise specified by the Township Supervisors, following recommendation of the Township Engineer, improvements shall be considered for any roadway segment or intersection where the project will have an adverse impact when compared to the background level-of-service. For new intersections, a minimum level-of-service "C" shall be provided, and the proposed design shall provide, at a minimum for that capacity.

**§10-518. Recreation, Open Space, And Natural Features.**

- A. Where deemed essential by the Board of Supervisors, upon consideration of the particular type of development proposed, the Board of Supervisors may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the need created by such development for parks and recreation areas.
- B. The following standards shall apply to the provisions of parks and recreation areas:
  1. Single-family detached developments. In the case of residential developments designed exclusively with single-family detached dwellings, the applicant shall provide a minimum of five hundred (500) square feet per dwelling unit for parks and recreation areas.
  2. Single-family cluster developments. In single family cluster developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.
  3. Multi-family developments. In multi-family residential developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.
- C. Any residential subdivision or land development plan, whether for single-family, single-family cluster, or multi-family, that contains less than thirty (30) dwelling units may be exempted, at the option of the Board of Supervisors.
- D. Recreation areas, as required by the Zoning Ordinance, shall be laid out in accordance with the best principles of site design. The recreation areas shall form part of an interconnecting open space system which extends throughout the development. The following criteria shall be utilized to determine whether the recreation areas have been properly designed:
  1. Recreation areas shall be readily accessible to all development residents, or in the case of recreation areas dedicated to the Township, shall be easily and safely accessible to the general public. At least one (1) side of the recreation area shall

abut a street for minimum distance of fifty (50) feet for access of emergency and maintenance vehicles.

2. Recreation areas shall have suitable topography, drainage and soils for use and development of recreational activities.
3. Recreational areas shall not be traversed by streets or utility easements unless said utilities area placed underground and no part of them or their supportive equipment protrudes above ground level.
4. The shape of the recreational area shall be suitable to accommodate those recreation and open space activities appropriate to the location and needs of future residents.

**§10-519. Varying Of Design Standards.**

The Board of Supervisors recognizing that a situation may arise where additional flexibility is warranted, is authorized to alter the design standards specified below. The applicant shall present evidence and demonstrate that the variation requested will result in improving the proposed subdivision or land development which may lead to varying the design of specific streets.

- A. Streets. Standards for streets expressed in this Chapter are intended to provide for the safe and intelligent layout of streets which can be easily maintained at minimum cost. There are several aspects
  1. Cartway width. The width of streets has been established to ensure adequate movement of traffic in times of greatest parking loads.
    - a. Where a street is designed so that all units face on local streets and where on-street parking is not anticipated and no safety hazard will be created, the cartway width may be reduced. This reduction is limited to twenty (20) feet on collector streets or twenty (20) feet on residential subcollector streets.
    - b. In the Village (V) or Residential (R) Districts, as defined in the Tyrone Township Zoning Chapter, for private streets serving less than five (5) dwelling units, street width may be reduced to eighteen (18) feet. Street width may also be reduced to eighteen (18) feet if the private street is utilized for access to a single-family cluster and there are no residential lots fronting on such private street.



2. Curbs. Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. In certain cases, however, natural drainage should be encouraged. where topography and soils permit, roadside swales, set back a minimum of ten (10) feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:
    - a. Ensures adequate means for the protection of pavement edges.
    - b. Handles storm water in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.
    - c. Has the approval of the Township Engineer.
  3. Right-of-way widths. Right-of-way widths are intended to provide enough land for streets, sidewalks, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. Where sidewalks are not run along streets, cartway widths are reduced [see subsection A. (1) above], utilities are located outside of the right-of-way, or dwellings will not front on the streets, a reduction in the widths of rights-of-way may be permitted. In no instance shall a right-of- way width be reduced to less than thirty-three (33) feet.
  4. Paving of private streets. If a private street will ultimately service five (5) or less dwelling units and such street is over two hundred fifty (250) feet in length, a gravel or crushed stone surface may be utilized with the approval of the Board of Supervisors. Such private streets shall be subject to all other requirements of Section 501 and shall have a base meeting applicable Township specifications to minimize heaving and potholing.
- B. Sidewalks. Sidewalks are intended to provide as separate means of movement for pedestrians. Modern design practice encourages the location of sidewalks away from streets. In order for the Board of Supervisors to waive the requirement for sidewalks to be within a street right-of-way, all of the following provisions for relocated sidewalks shall be met:
1. The walks shall be all-weather and easily cleared of snow.
  2. They shall be convenient for the most frequent trips, such as children walking to school bus stops.
  3. The walks shall remain as private property, and the responsibility for their maintenance shall be clearly established, such as by a homeowners' association.

- C. Stormwater Management: Tyrone Township recognizes that innovative storm water management practices are available which not only control rate of discharge from property, but volume of discharge from property as well. Tyrone Township encourages the use of such innovative practices where practical in Tyrone Township. Provided the overall level of storm water management is consistent with the levels as set for in Section 512 of this Chapter, as determined by the Board of Supervisors and/or the Tyrone Township Engineer, developers are encouraged to use storm water management practices and methods described in the Pennsylvania Handbook of Best Management Practices for Developing Areas, as may be amended or updated, prepared by the Pennsylvania Association of Conservation Districts, dated Spring, 1998.

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

## **PART 6**

### **MOBILE HOME PARKS**

**§10-600. Purpose.**

The purpose of this Part shall be to provide for the planning and design of mobile home parks in such a manner that will minimize public health and safety hazards; will promote the orderly development and utilization of land; will preserve natural and scenic values, will not create a traffic hazard or otherwise impair the function and amenity of the mobile home park occupants and/or the surrounding neighborhood.

**§10-601. Permits And Certificate Of Registration.**

**A. Permits Required:**

It shall be unlawful for any person to maintain, construct, alter, or otherwise extend any mobile home park within the limits of the Township of Tyrone unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Protection in the name of such person, and also a permit issued by the Township of Tyrone.

**B. Application to the Pennsylvania Department of Environmental Protection:**

All applications for a certificate of registration shall be made by the Owner of the mobile home park or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, Chapter 4, Article 415, Regulations for Mobile Home Parks, Adopted October 30, 1959, amended January 22, 1965, or as hereafter amended.

**C. Application to the Township:**

A copy of said Pennsylvania Department of Environmental Protection applications shall be concurrently filed with the Board of Supervisors, and the applicant shall also submit an application to Board of Supervisors, using a form provided by the Township, for a permit to operate a mobile home park in the Township.

**D. Renewal Permits:**

Renewal permits shall be issued by the Board of Supervisors, upon the provision of sufficient proof by the applicant, that the mobile home park has continued to meet the standards prescribed

by the Department of Environmental Protection and this Chapter. The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times. A representative of the Board of Supervisors may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Chapter.

E. Compliance of Existing Mobile Home Parks:

Mobile home parks in existence at the effective date of this Chapter shall comply with the following requirements:

1. Mobile home parks in existence at the effective date of this Chapter and being duly authorized to operate by the Department of Environmental Protection may continue to operate so long as they otherwise remain in compliance with applicable provisions of this Chapter, other Township Chapters, or other requirements.
2. Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park permit as required under Section 602 of this Chapter.
3. Any subsequent new construction, alteration, or extension of an existing mobile home park shall comply with all applicable provisions of this Chapter.
4. Any existing mobile home park which, in the opinion of the Board of Supervisors, creates a fire or health hazard shall be required to comply with the applicable provisions of this Chapter within a reasonable period of time as determined by the Board of Supervisors.

**§10-602. Fees.**

The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for the mobile home park land development plan review, initial mobile home park permit fee, annual renewal permit fee, and other matters pertaining to this Part. The Board of Supervisors shall adopt schedule of fees by Resolution, and shall post the schedule of fees, charges, and expenses in the Township office, and may be amended only by the Board of Supervisors. Such schedule of fees, charges, and expenses shall be incorporated into the overall fee schedule established by the Board of Supervisors for this Chapter.

**§10-603. Application For Land Development Plan And Mobile Home Park Permit Requirements.**

Whenever any mobile home park proposal is made, and before any permit for the erection of a structure or development of supporting infrastructure in such a mobile home park is issued, the developer shall apply in writing for approval of mobile home park in accordance with the Land Development Plan submission, review, and approval requirements and procedures of Sections 403, 404, 405 and 406 of this Chapter. The Land Development Plan submission shall require the following:

- A. All information required by Sections 404 and 406, as appropriate, regarding Preliminary and Final Land Development Plans.
- B. The location and legal description of the mobile home park.
- C. Plans and specifications of buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
- D. The Land Development Plan shall be clearly and legibly drawn at a scale of not more than one (1) inch to fifty (50) feet nor less than one (1) inch to one hundred (100) feet.
- E. The number, location, and size of each mobile home lot referenced to a schedule giving the size of the mobile home unit proposed for each lot.
- F. The locations and details of lighting and electrical systems.

**§10-604. Site Design Requirements.**

All mobile home parks shall be designed in accordance with the following site design requirements:

- A. General Requirements
  - 1. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.
  - 2. The condition of soil, ground water level, site drainage, and topography shall not create hazards to the property or to the public health, safety, or welfare of the occupants of the mobile home park or to surrounding property owners. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion of the mobile home park site shall be subject to predictable sudden flooding or erosion shall be used for any purpose which could expose persons or property to hazards.

B. Site Drainage Requirements:

1. The ground surface in all parts of any mobile home park shall be graded or otherwise be equipped to manage storm water in a safe and efficient manner.
2. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be controlled in a manner approved by the Pennsylvania Department of Environmental Protection.
3. No waste water from any plumbing fixture or sanitary sewer line shall be deposited upon the ground surface in any part of a mobile home park.

C. Soil and Ground Cover Requirements:

1. Exposed ground surfaces in all parts of any mobile home park shall be protected with a vegetative growth that is capable of preventing soil erosion and the creation of dust during dry weather. This requirement shall apply to all ground surfaces not proposed to be paved or covered by an impervious surface.
2. Mobile home parks shall be kept free of vegetative growth which is poisonous or which may harbor rodents, insects, or other harmful pests.
3. A screening of evergreen plantings shall be established along all street and property boundaries of the mobile home park. At a minimum, the evergreen trees shall be not less than six (6) feet high at the time of planting, and shall be planted at intervals of not less than ten (10) feet nor more than twenty (20) feet.
4. Street trees shall be planted along all streets within the mobile home park. All street trees shall be planted within the planting strip required by Section 507 of this Part. Street trees shall be "staggered" from one side of the street to the other to the maximum degree possible to achieve a "tree canopy" along the street.

D. Dimensional Requirements:

1. The maximum net density of any mobile home park shall be five (5) mobile home units to the acre.
2. The minimum size of each mobile home lot shall be six thousand (6,000) square feet.
3. The minimum width of each mobile home lot shall be sixty (60) feet.

4. All mobile home units shall be located at least fifty (50) feet from any park property boundary line abutting a public road right-of-way. All mobile home units shall be located at least thirty-five feet from all other mobile home park property boundary lines.
5. The minimum distance between any individual mobile home unit, including accessory structures, and the paved surface of any mobile home park street and/or common parking area, or any other common areas including but not necessarily including a recreation area, shall be at least fifteen (15) feet.
6. All mobile home units shall be separated from other mobile home units, service buildings, and other structures by a minimum distance of thirty (30) feet. Where accessory structures have been constructed on a mobile home lot and/or have been proposed for a mobile home lot, the minimum separation distance shall be measured from said accessory structures.

E. Street System:

1. The street system within a mobile home park shall be designed in accordance with Section 501 and other applicable sections of this Chapter. The street system shall be privately owned and maintained by the developer. Parking shall be prohibited on streets within the mobile home park. Off-street, overflow parking may be provided and maintained by the developer.
2. The street system shall be illuminated with street lights in accordance with Section 510 of this Chapter, provided that the illumination system is designed to produce a minimum of 0.1 foot-candle throughout the street system, and that potentially hazardous locations, including but not limited to major street intersections, steps, or stepped ramps shall be illuminated with a minimum of 0.3 foot-candle.

F. Sidewalks:

Sidewalks shall be provided in any mobile home park, and shall meet the following requirements:

1. Common sidewalks shall be provided along both sides of all streets within the mobile home park.
2. Common sidewalks shall have a minimum width of four (4) feet. Common sidewalks shall be located parallel to all mobile home park streets, and shall be designed to provide a four (4) foot planting strip between the common sidewalk and the curb.

3. Individual mobile home park lots shall be connected to the common sidewalk system by an individual sidewalk. Such individual sidewalks shall, at a minimum, connect the mobile home stand to the mobile home lot driveway, or to the common sidewalk system.
4. All individual sidewalks on mobile home lots shall have a minimum width of three (3) feet.

G. Mobile Home Lot Requirements:

1. No mobile home lot shall be located or designed or located in such a manner that the use of the lot may cause or exacerbate either on-site or off-site problems. At a minimum, no mobile home lot, or a portion thereof, may be located in a 100-year floodplain, hydric or alluvial soils as identified by the Soil Survey of Adams County, delineated wetlands, or slopes exceeding fifteen percent (15%).
2. The boundary of each mobile home lot shall be delineated by suitable means. Mobile home lot boundaries at the site shall conform to the mobile home park boundaries shown on the approved Land Development Plan at all times.
3. The mobile home stand shall be designed to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the mobile home. At a minimum, anchors or tie-downs, such as cast- in-place concrete "deadmen," eyelets imbedded in concrete screw augers, or arrow head anchors shall be placed at each corner of the mobile home stand and at intervals of no more than twenty (20) feet shall be provided. Each such device shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds. The design of the mobile home stand shall be provided in the Land Development Plan submission.
4. Each mobile home lot shall be provided with an improved driveway for convenient access to individual mobile homes. Each driveway shall be designed in accordance with the access driveway requirements of Section 504 of this Chapter. Each driveway shall be designed to accommodate two (2) off-street parking spaces design in accordance with the applicable parking space design requirements of the Tyrone Township Zoning Ordinance. Such off- street parking spaces shall not include areas of the mobile home lot dedicated to sidewalks or other walkways.

H. Recreation Facilities.



Recreation land and facilities shall be provided in all mobile home park in accordance with the requirements of Section 518 of this Chapter.

**§10-605. Water Supply And Distribution System.**

A. General Requirements:

An adequate supply of water shall be provided for mobile homes, service buildings, and other necessary facilities as required by this Chapter. Where a public water supply system of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and the public water system supply shall be used exclusively. Where a public water supply system exists that could serve the mobile home park, but where water quantity, quality, or other upgrades would be necessary to accommodate said mobile home park, the developer of the proposed mobile home park shall provide the necessary upgrades to the public water supply system to accommodate the proposed mobile home park. Where connection to a public water supply system is no available, the develop of the proposed mobile home park shall develop a private water supply system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection or any other authority having jurisdiction over the development of such systems.

B. Source and Volume of Water Supply:

The developer of the mobile home park shall demonstrate that the proposed water supply system, whether public or private, complies with the following criteria:

1. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobile home unit.
2. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room, or space extending below ground level nor in any room or space above ground level which is enclosed by walls or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
3. Water supply treatment, if necessary, shall be provided by the developer in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.

4. A Water Supply Feasibility Report shall be provided in accordance with applicable requirements of this Chapter.

C. Water Storage Facilities:

All water storage reservoirs shall be covered, shall be watertight, and shall be constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers to prevent the contaminated material from entering the water supply. Reservoir overflow pipes shall discharge through an acceptable air gap.

D. Water Distribution System:

1. All water distribution systems associated with a public water supply shall be constructed and maintained in accordance with the requirements of the public water supplier.
2. All privately developed water distribution systems shall be developed in accordance with the following minimum requirements:
  - a. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with applicable state and/or local requirements.
  - b. The water piping system shall not be connected to nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.
  - c. The water piping system shall be designed and maintained to provide a pressure of not less than twenty (20) pounds and not more than eight (80) pounds per square inch under normal operating conditions, at service buildings, and other locations requiring potable water supply.
  - d. A fire hydrant system shall be provided and shall permit the operation of a minimum of two one and one-half (1 ½) inch hose streams. Each of two nozzles, held four feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least twenty (20) pounds per square inch at the highest elevation point of the mobile home park. Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.
  - e. Water mains, if installed parallel to sewer lines, shall be separated by at least ten (10) horizontal feet from any sewer line, storm sewer, or sewer manhole.

E. Individual Water-Riser Pipes and Connections:

1. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position to ensure the shortest water connection possible and decrease susceptibility to water pipe freezing.
2. The water-riser pipe shall have a minimum inside diameter of three-quarters ( $\frac{3}{4}$ ) inches and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the mobile home lot.
3. Adequate provisions shall be made to prevent the freezing of water service lines, valves, and riser-pipes, and to protect risers from heaving actions of the ground during freezing weather. Surface drainage shall be diverted from the location of riser-pipes.
4. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop and waste valves are prohibited.

**§10-606. Sewage Collection And Disposal.**

The sewage collection and disposal system shall meet the following requirements:

- A. An adequate sewage collection and disposal system shall be provided for mobile homes, service buildings, and other necessary facilities as required by this Chapter. Where a public sewage collection and disposal system of satisfactory design and capacity is available, connection shall be made thereto and the public sewage collection and disposal system supply shall be used exclusively. Where a public sewage collection and disposal system exists that could serve the mobile home park, but where capacity, design, or other upgrades would be necessary to accommodate said mobile home park, the developer of the proposed mobile home park shall provide the necessary upgrades to the public sewage collection and disposal system to accommodate the proposed mobile home park. Where connection to a public sewage collection and disposal system is not available, the developer of the proposed mobile home park shall develop a private sewage collection and disposal system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection or any other authority having jurisdiction over the development of such systems.

- B. All sewage collection and disposal systems associated with a public water supply shall be constructed and maintained in accordance with the requirements of the public water supplier.
- C. All privately developed sewage collection and disposal systems shall be developed in accordance with the following minimum requirements:
  - 1. Sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements and shall be separated from the water system supply lines by a minimum of ten (10) feet. Sewer lines shall be installed with a grade which will ensure a velocity of at least two (2) feet per second when flowing full. The system shall be designed to accommodate a minimum flow of one hundred fifty (150) gallons per day per mobile home lot. All sewer lines shall be constructed of materials approved by the Township Engineer, shall be adequately vented, and shall use watertight joints.
  - 2. Each mobile home park stand shall be provided with a four (4) inch diameter riser pipe. The sewer riser pipe shall be located in a vertical line with the mobile home drain outlet.
  - 3. The mobile home sewer connection shall have a nominal inside diameter of three (3) inches, and the slope of any portion thereof shall be at least one-fourth ( $\frac{1}{4}$ ) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
  - 4. All materials used in the construction of mobile home sewer connections shall be semi-rigid, corrosive resistant, non-absorbent, and durable. The inner surface shall be smooth.
  - 5. Provisions shall be made for adequately sealing the sewer riser pipe when a mobile home does not occupy the mobile home lot. Surface drainage shall be diverted away from the sewer riser pipe. The rim of the sewer riser pipe shall extend at least four (4) inches above ground elevation.
  - 6. All proposed sewage disposal facilities shall be approved by the Department of Environmental Protection prior to construction. Effluent from sewage treatment facilities shall be discharged only as permitted by the Department of Environmental Protection. The developer of a proposed mobile home park shall submit information required by Section of this Chapter with the required Land Development Plan to demonstrate compliance with this Section.

**§10-607. Solid Waste Disposal System.**

Solid waste disposal systems shall meet the following minimum requirements:

- A. The storage, collection, and disposal of refuse shall be conducted in such a manner to prevent health hazards, rodent harborage, insect breeding area, accidents, fire hazards, and air pollution.
- B. Solid waste collection stands shall be provided for all waste containers. Such stands shall be designed to prevent waste containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning.
- C. Refuse shall be stored in flytight, watertight, rodent-proof containers. Refuse containers shall be provided such that no individual mobile home is located more than one hundred fifty (150) feet from a refuse container. Refuse containers shall be provided in sufficient number and capacity to safely store all refuse.
- D. On-premises burning of paper, boxes, garbage, leaves, or other disposable material or waste is prohibited.
- E. Solid waste or refuse shall be collected at least one (1) time per week, or as may be required by any Tyrone Township agreement or contract for municipal waste disposal. The developer of the mobile home park shall comply with any Township, County, or State requirements or agreements regarding solid waste collection, as may be effective and applicable.

**§10-608. Electrical Distribution System.**

- A. General Requirements:

Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances. Such system shall be installed and maintained in accordance with the local electric power company's specifications and approvals regulating such systems.

- B. Power Distribution Lines:

All electrical power distribution lines shall be located underground in accordance with the local power company's design and construction requirements. All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for that purpose. Such conductors shall not be located less than one (1) foot radial distance from any water, sewer, gas, communication, or other transmission line.

C. Individual Electrical Connections:

1. Each lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
2. Mobile homes shall be connected to the outlet receptacles by an approved power supply assembly and permanent wiring method.
3. All exposed, non-current carrying metal parts of a mobile home, and all other equipment, shall be grounded by means of a grounding conductor run with branch circuit conductors other method of grounded metallic wiring as may be approved by the Township Engineer. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

**§10-609. Gas Distribution System.**

Gas supply systems, where available for a mobile home park, shall comply with the provisions of any State regulations governing the equipment, installation, volume of supply, shut-off valves, connectors, mechanical protection, and location of equipment.

**§10-610. Fuel Oil Distribution Systems.**

Fuel oil distribution systems shall meet the following minimum requirements:

- A. Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Piping installed below ground shall have a minimum earth cover of eighteen (18) inches.
- B. Piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
- C. Fuel oil storage tanks or cylinders shall not be located inside of beneath any mobile home or accessory structure, or less than five (5) feet from any mobile home exit.
- D. Every tank shall be vented by a vent not less than one and one-quarter inches (1-1/4) iron pipe size, so designed and installed to prevent entrance of rain or debris.
- E. A shutoff valve located immediately adjacent to the gravity feed connection of a tank shall be installed in the supply line to the mobile home.

- F. Fuel oil connectors from the tank to the mobile home shall be brass or copper tubing or approve flexible metal hose, not smaller than three-eighths inch (3/8") iron pipe size or tubing, and shall be protected from physical damage. Aluminum tubing shall not be used.
- G. Valves and connectors shall be listed standard fittings maintained liquid-tight to prevent spillage of fuel oil to the ground.

**§10-611. Fuel Supply And Storage.**

- A. Liquefied petroleum gas containers intended to provide heating fuel to a mobile home and installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twenty-five (25) or more than two hundred fifty (250) pounds LP-Gas capacity.
- B. No liquefied petroleum gas vessel intended to provide heating fuel to a mobile home shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
- C. All liquefied petroleum gas containers intended to provide heating fuel to a mobile home shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five (5) feet from any mobile home.

**§10-612. Telephone And Television.**

Telephone and television service, when provided, shall meet the following requirements:

- A. When telephone service to mobile home stands is provided, the distribution systems shall be installed underground.
- B. When central television antenna or cable television systems are to be installed as part of the property to be covered by mortgage insurance, a warranty shall be obtained to assure satisfactory service. The distribution system to mobile home stands shall be installed underground, and in general accord with the placement of the electrical distribution system.

**§10-613. Service Building And Community Facilities.**

The following requirements shall apply to service buildings, recreation buildings, and other community service buildings including, but not limited to, management offices, repair shops, storage areas, sanitary facilities, laundry facilities, and indoor recreation areas:

- A. **Community Sanitary Facilities:** Every mobile home park shall be provided with the following emergency sanitary facilities at the ratio of one (1) flush toilet and one (1) lavatory for every one hundred (100) lots, or fraction thereof. The building containing such emergency sanitary facilities shall be accessible to all mobile home occupants within the mobile home park.
  
- B. **Permanent Buildings:** Any permanent buildings shall meet the following requirements:
  - 1. All permanent buildings shall be properly protected from damage by ordinary uses and from decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
  
  - 2. Rooms containing sanitary or laundry facilities shall meet the following requirements:
    - a. Walls between male and female sanitary facilities shall have sound resistant walls to the ceiling. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture resistant material.
  
    - b. Each room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
  
    - c. At least one (1) window in each room shall be constructed to be easily opened to allow for ventilation. In the alternative, each room shall include a mechanical device which will adequately ventilate the room.
  
    - d. Toilets shall be located in separate compartments equipped with self-closing doors.  
  
Shower stalls shall be of the individual type. Any room with toilet or shower fixtures shall be screened to prevent direct view of the interior when exterior doors are open.
  
    - e. The following illumination levels are required:



General Areas - Five (5) foot-candles.

Laundry Room Work Areas - Forty (40) foot-candles.

Bathrooms, in Front of Mirrors - Forty (40) foot-candles.

- f. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.

**§10-614. Fire Protection.**

All mobile home parks shall meet the following minimum requirements with regard to fire protection:

- A. Mobile home parks and each lot shall be kept free of litter, rubbish, and other flammable materials.
- B. Portable fire extinguishers rated for classes B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. The UL or Factory Mutual rating shall be not less than six (6).
- C. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.
- D. Fire hydrants shall be installed throughout the mobile home park in accordance with the standards established in Section 605(D)(2)(d) of this Chapter.

**§10-615. Insect And Rodent Control.**

All mobile home parks shall meet the following minimum requirements with regard to insect and rodent control:

- A. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Protection.

- B. The mobile home park shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- C. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building material shall be stored at least one (1) foot above the ground during construction periods, after which all such materials shall be removed from open areas of the park.
- D. Where the potential for insect and rodent infestation exists all exterior opening in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- E. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. The park shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

**§10-616. Management And Supervision.**

The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Chapter, and shall provide adequate management and supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition. Further, the person to whom the mobile home park permit is issued shall:

- A. Supervise the placement of each mobile home on the mobile home stand. Such supervision shall include ensuring the stability of the mobile home and the installation of all utility connections.
- B. Provide the Township Supervisors and their representatives free access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspections.
- C. Maintain a register containing the names and addresses of all mobile home park occupants.

Such register shall be available to any authorized person inspecting the mobile home park.

- D. Notify the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the mobile home park.

- E. Notify the park residents of all applicable provisions of this Chapter and inform the residents of their duties and responsibilities relating to the need for sanitary conditions, the proper placement of mobile home units, the control of pets, the prior approval of porches, skirtings, awnings, and accessory structures, the periodic storage of garbage, and the maintenance of fire extinguishers.

**§10-617. Revocation Of Permit.**

- A. Whenever, upon inspection of any mobile home park, the Township Supervisors determine that there are reasonable grounds to believe that conditions or practices exist which are in violation of any provision of this Chapter, or of any regulations adopted pursuant thereto, the Township Supervisors or their representatives shall give notice in writing to the person to whom the permit to operate the mobile home park was issued, advising them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate shall be suspended.
- B. At the end of such period, such mobile home park shall be re-inspected and, if such conditions or practices have not been corrected, the Township Supervisors shall suspend the permit and give notice in writing of such suspension to the person to whom the permit to operate the mobile home park was issued.
- C. Whenever the Township Supervisors find that an emergency exists which requires immediate action to protect the public health, the Supervisors may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as the Supervisors may deem necessary to meet the emergency. Such action may include, but may not necessarily be limited to, the suspension of the permit to operate the mobile home park. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

**PART 7**

**ADMINISTRATION**

**§10-700. Enforcement Remedies.**

- A. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation, until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
- C. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**§10-701. Preventive Remedies.**

- A. In addition to other remedies, the Township 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 Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
  2. 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.
  3. 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.
  4. 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.
- C. 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 Township 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.

**§10-702. Fees.**

The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for the review of subdivision and land development plans, and other matters pertaining to this Chapter. The Board of Supervisors shall adopt schedule of fees by Resolution, and shall post the schedule of fees, charges, and expenses in the Township office, and may be amended only by the Board of Supervisors. Such schedule of fees, charges, and expenses shall be incorporated into the overall fee schedule established by the Board of Supervisors for this Chapter.

*Part History:* (Ordinance 32, enacted 9/13/2000; amended by Ordinance 42 (#2011-01), enacted 5/25/2011)

## **CHAPTER 11**

### **TAXATION**

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- §11-102. Definitions.
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## **PART 6**

### **TAX COLLECTOR FEES**

- §11-601. Tax Collector Fees.



## **CHAPTER 11**

### **TAXATION**

#### **PART 1**

#### **EARNED INCOME TAX**

**§11-101. Intent And Applicable Rules.**

It is the intent and purpose of this Part to include all of the applicable language and provisions of 53 P.S. 6924.501 et. seq., the Act of General Assembly of July 2, 2008 (P.L. 197) and known as Act No. 32, as may be amended and supplemented from time to time. In all enforcement of the administration of this Part, the language and intent of the Act, as amended, shall take precedence.

The tax imposed by this Part shall be collected and administered in accordance with:

- 1) all applicable laws and regulations; and
- 2) regulations, policies and procedures adopted by the TCC or Tax Officer. This includes any regulations, policies and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

**§11-102. Definitions.**

All words and phrases shall have the meanings as set forth in Act 32, as amended. The following words and phrases, when used in this Part shall have the meanings ascribed to them as follows:

**BUSINESS** - An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, association or any other entity.

**BUSINESS ENTITY** - A sole proprietorship, corporation, joint-stock association or company, partnership, limited partnership, limited liability company, association, business trust, syndicate or other commercial or professional activity organized under the laws of this Commonwealth or any other jurisdiction.

**CORPORATION** - A corporation or joint-stock association organized under the laws of the

United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency. This term shall include an entity which is classified as a corporation for Federal income tax purposes.

**CURRENT YEAR** - The calendar year for which the tax is levied.

**DEPARTMENT** - The Pennsylvania Department of Community and Economic Development or successor agency charged with any duties under the Act, as may be amended and supplemented.

**DOMICILE** - The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

**EARNED INCOME** - The compensation as required to be reported to or as determined by the Pennsylvania Department of Revenue under section 303 of the act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and rules and regulations promulgated under that section. For purposes of earned income, employee business expenses are allowable deductions as determined under Article III of the "Tax Reform Code of 1971." The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

**EARNED INCOME AND NET PROFITS TAX** - The tax levied herein by municipality on earned income and net profits. Also referred to as "tax" herein.

**EMPLOYER** - A person, business entity or other entity employing one or more persons for a salary, wage, commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purposes of penalties hereunder, this term includes a corporate officer.

**MUNICIPALITY** - A city of the second class, city of the second class A, city of the third class, borough, town, township of the first class or township of the second class. For purposes of this Part, such term shall mean Tyrone Township, Adams County, Pennsylvania.

**NET PROFITS** - The net income from the operation of a business, except corporations as required to be reported to or as determined by the Department of Revenue under section 303 of the act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and rules and regulations in promulgated under such section. The term does not include income: a) which is not paid for services provided; and b) which is in the nature of earnings from an investment.

Further, the term shall not include:

- A. Any gain on the sale of farm machinery;
- B. Any gain on the sale of livestock held twelve months or more for draft, breeding or dairy purposes; and
- C. Any gain on the sale of other capital assets of the farm.

**NONRESIDENT** - A person, partnership, association or other entity domiciled outside of the municipality.

**PERSON** or **INDIVIDUAL** - A natural person.

**PRECEDING YEAR** - The calendar year before the current year.

**RESIDENT** - A person, partnership, association or other entity domiciled in the municipality.

**SUCCEEDING YEAR** - The calendar year following the current year.

**TAX BUREAU** – A public nonprofit entity established by a TCC for the administration and collection of earned income and net profits tax.

**TAX COLLECTION COMMITTEE** (herein referred to as "TCC") - The committee established to govern each tax collection district for the purpose of income tax collection. This term shall include a joint tax collection committee.

**TAX COLLECTION DISTRICT** (herein referred to as "TCD") - The Adams Tax Collection District as established under Act.

**TAX OFFICER** - A political subdivision, public employee, tax bureau, county, excluding a county of the first class, or private agency which administers and collects earned income and net profits for one or more tax collection district. Unless otherwise specifically provided, for purposes of the obligations of an employer, the term shall mean the Tax Officer or tax collector for the tax collection district within which the employer is located, or if an employer maintains workplaces in more than one tax collection district, the Tax Officer for each such tax collection district with respect to employees principally employed therein.

**TAXPAYER** - A person or business required hereunder to file a return of earned income or net profits or to pay a tax thereon.

**§11-103. Imposition Of Tax.**

- A. A tax of One (1%) percent for general revenue purposes is hereby imposed on earned

income and net profits earned by residents of the municipality.

- B. A tax of One (1%) percent for general revenue purposes is hereby imposed on earned income and net profits earned by nonresidents, exclusive of domestic servants and Maryland residents.
- C. The earned income and net profits tax levied under this Part shall be applicable to earned income received and to net profits earned during the period beginning January 1 of the current year and ending December 31 of the current year or for taxpayer fiscal years beginning in the current year. The earned income and net profits tax shall continue in force on a calendar year or taxpayer fiscal year basis without the need for annual enactment or re-enactment, unless the rate of the tax is subsequently changed. For a taxpayer whose fiscal year is not a calendar year, the Tax Officer shall establish deadlines for filing, reporting and payment of taxes which provide time periods equivalent to those provided for a calendar year taxpayer.

**§11-104. Declaration And Payment Of Tax.**

- A. Application.
  - 1. Income taxes shall be applicable to taxing income earned or received based on the method of accounting used by the taxpayer in the period beginning January 1 of the current year and ending December 31 of the current year; except that taxes imposed for the first time and changes to existing tax rates shall become effective on January 1 or July 1, as specified in this Part, and the tax shall continue in force on a calendar year or taxpayer fiscal year basis, without annual reenactment, unless the rate of the tax is subsequently changed.
  - 2. For a taxpayer whose fiscal year is not a calendar year, the Tax Officer shall establish deadlines for filing, reporting and payment of taxes which provide time periods equivalent to those provided for a calendar year taxpayer.
- B. Partial domicile. The taxable income subject to tax of a taxpayer who is domiciled in a political subdivision for only a portion of the tax year shall be an amount equal to the taxpayer's taxable income multiplied by a fraction, the numerator of which is the number of calendar months during the tax year that the individual is domiciled in the political subdivision, and the denominator of which is 12. A taxpayer shall include in the numerator any calendar month during which the taxpayer is domiciled for more than half the calendar month. A day that a taxpayer's domicile changes shall be included as a day the individual is in the new domicile and not the old domicile. If the number of days in the calendar month in which the individual lived in the old and new domiciles are equal, the calendar month shall be included in calculating the number of months in the new

domicile.

- C. Declaration and payment. - Except as provided in subsection (A)(2), taxpayers shall declare and pay income taxes as follows:
1. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the resident Tax Officer, a final return showing the amount of taxable income received during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due on the taxable income, the amount of tax paid, the amount of tax that has been withheld under Section 106 below and the balance of tax due. All amounts reported shall be rounded to the nearest whole dollar. At the time of filing the final return, the taxpayer shall pay the Tax Officer the balance of the tax due or shall make demand for refund or credit in the case of overpayment.
  2. Net profits.
    - a. Every taxpayer making net profits shall, by April 15 of the current year, make and file with the Tax Officer a declaration of the taxpayer's estimated net profits during the period beginning January 1 and ending December 31 of the current year, and shall pay to the Tax Officer in four equal quarterly installments the tax due on the estimated net profits. The first installment shall be paid at the time of filing the declaration, and the other installments shall be paid on or before June 15 of the current year, September 15 of the current year and January 15 of the succeeding year, respectively.
    - b. Any taxpayer who first anticipates any net profit after April 15 of the current year, shall make and file the declaration required on or before June 15 of the current year, September 15 of the current year or December 31 of the current year, whichever date next follow the date on which the taxpayer first anticipates such net profit, and shall pay to the Tax Officer in equal installments the tax due on or before the quarterly payment dates that remain after the filing of the declaration.
    - c. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Tax Officer a final return showing the amount of net profits earned or received based on the method of accounting used by the taxpayer during the period beginning January 1 of the current year, and ending December 31 of the current year, the total amount of tax due on the net profits and the total amount of tax paid. At the time of filing the final return, the taxpayer shall pay to the Tax Officer the balance of tax due or shall make demand for refund or credit in the case of overpayment. Any

taxpayer may, in lieu of paying the fourth quarterly installment of the estimated tax, elect to make and file with the Tax Officer on or before January 31 of the succeeding year, the final return.

- d. The Department, in consultation with the Department of Revenue, shall provide by regulation for the filing of adjusted declarations of estimated net profits and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration required under this subsection anticipates additional net profits not previously declared or has overestimated anticipated net profits.
  - e. Every taxpayer who discontinues business prior to December 31 of the current year, shall, within thirty (30) days after the discontinuance of business, file a final return as required under this Part and pay the tax due.
3. Every taxpayer who receives any other taxable income not subject to withholding under Section 512(3) of the Act shall make and file with the resident Tax Officer a quarterly return on or before April 15 of the current year, June 15 of the current year, September 15 of the current year, and January 15 of the succeeding year, setting forth the aggregate amount of taxable income not subject to withholding by the taxpayer during the three- month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year, and December 31 of the current year, respectively, and subject to income tax, together with such other information as the Department may require. Every taxpayer filing a return shall, at the time of filing the return, pay to the Tax Officer the amount of income tax due. The Department shall establish criteria under which the Tax Officer may waive the quarterly return and payment of the income tax and permit a taxpayer to file the receipt of taxable income on the taxpayer's annual return and pay the income tax due on or before April 15 of the succeeding year.
  4. The TCC may, by regulation, waive the requirements for a quarterly return and payment of income tax under specified circumstances, including those instances where a taxpayer's annual taxable income is less than a specified amount.

**§11-105. Registration.**

- A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the municipality, having imposed a tax on earned income or net profits within its municipal boundaries who employs one or more persons, other than domestic servants, for a salary, wage commission or other compensation who has not previously registered shall within fifteen (15) days after becoming an employer, register with the Tax Officer or other designated Tax Officer, his/her or its name and address and such

other information as the Department or Tax Officer may require.

- B. Every employer shall require each new employee to complete a certificate of residency form, which form shall be an addendum to the Federal Employee's Withholding Allowance Certificate (Form W-4 or successor form). An employer shall also require any employee who changes their address or domicile to complete a certificate of residency form, which forms are available from the Department or the Tax Officer upon request. The purpose of said form shall be to help identify the political subdivision where an employee lives and works.

**§11-106. Filing And Payment Of Tax By Employer; Withholding.**

- A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the municipality imposing a tax on earned income or net profits within the municipality who employs one or more persons, exclusive of domestic servants and Maryland residents, for a salary, wage, commission or other compensation shall deduct at the time of payment thereof the greater of the employee's resident tax or the employee's nonresident tax imposed by this Part on the earned income due to his employee or employees and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a quarterly return and pay to the Tax Officer the amount of taxes deducted during the preceding quarterly periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return, unless otherwise agreed upon between the Tax Officer and employer, shall show the name and social security number of each such employee, the compensation of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total compensation of all such employees during such preceding quarterly period and the total tax deducted therefrom and paid with the return as well as any other information prescribed by the Department or the Tax Officer.
- B. Any employer who, for two (2) of the preceding four (4) quarterly periods, has failed to deduct the proper tax or any part thereof or who has failed to pay over the proper amount of tax to the Tax Officer may be required by the Tax Officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the Tax Officer on or before the last day of the month succeeding the month for which the tax was withheld.
- C. Notwithstanding the provisions of (A) above, the provisions of this subsection (C) shall apply if any employer has more than one (1) place of employment in more than one (1) tax collection district. Within thirty (30) days following the last day of each month, the

employer may file the return required by paragraph (A) above and pay the total amount of tax due from employees in all work locations during the preceding month to the Tax Officer for either the tax collection district in which the employer's payroll operations are located or as determined by the Department. The return and tax deducted shall be filed and paid electronically. The employer must file a notice of intention to file combined returns and make combined payments with the Tax Officer for each place of employment at least one (1) month prior to filing its first combined return or making its first combined payment. This paragraph shall not be construed to change the location of an employee's place of employment for purposes of nonresident tax liability.

- D. On or before February 28 of the succeeding year, every employer shall file with the Tax Officer or other designated Tax Officer to whom tax, which has been deducted, has been remitted as required herein:
1. An annual return showing the total amount of compensation paid, the total amount of tax deducted, the total amount of tax paid to the Tax Officer for the period beginning January 1 of the current year and ending December 31 of the current year, and any other information prescribed by the Department.
  2. An individual withholding statement which may be integrated with the Federal Wage and Tax Statement (Form W-2 or successor form), for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee's name, address and Social Security number, the amount of compensation paid to the employee during said period, the amount of tax deducted, the numerical code prescribed by the Department representing the tax collection district where payments required herein were remitted and any other information required by the Department or the Tax Officer and the amount of tax paid to the Tax Officer. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.
- E. Every employer who discontinues business prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.
- F. Except as otherwise provided for in Section 511 of the Act, every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which the employer is required to withhold to the extent that such taxes have not been recovered from the employee. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this Chapter relating to the filing of declarations and returns.



- G. No employer shall be required to deduct or withhold taxes, file returns or pay taxes with regard to residents of Maryland.

**§11-107. Powers And Duties Of Tax Officer.**

- A. It shall be the duty of the Tax Officer to collect and receive the taxes, fines and penalties imposed by this Part. It shall also be the Tax Officer's duty to keep a record showing the amount of tax received from each taxpayer paying the tax and the date of such receipt.
- B. Each Tax Officer, before entering upon official duties, shall give and acknowledge a bond to the TCC appointing such Tax Officer. The bond provided shall be subject to the requirements set forth in the Act.
- C. The Tax Officer shall comply with all resolutions, policies and procedures adopted by the tax collection committee and shall comply with all regulations adopted by the Department under the Act.
- D. The Tax Officer shall refund, on petition of and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses to the extent that such expenses are not paid by the taxpayer's employer.
- E. The Tax Officer and agents designated by him/her/it are hereby authorized to examine the books, papers and records of any employer or of any taxpayer or of any person whom the Tax Officer reasonably believes to be an employer or taxpayer in order to verify the accuracy of any declaration or return or, if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person whom the Tax Officer reasonably believes to be an employer or taxpayer is hereby directed and required to give to the Tax Officer or to any agent designated by him any means, facilities and opportunity for such examination and investigations as are hereby authorized.

Such examination or audits shall be conducted by the Tax Officer and any agents designated by the Tax Officer shall be conducted in accordance with 53 Pa. C.S.A., Chapter 84, Subchapter "C" (relating to the local taxpayer's bill of rights).

- F. Any information gained by the Tax Officer, his/her/its agents or by any other official or agent of the taxing district as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Part shall be and remain confidential, except for official purposes and except in accordance with a proper judicial order or as otherwise provided by law.
- G. The Tax Officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year, provided that any

filing, reporting or payment dates shall provide time periods equivalent to those time periods set forth for taxpayers whose fiscal year coincides with a calendar year.

**§11-108. Suit For Collection Of Tax.**

- A. The Tax Officer may sue in the name of the political subdivision within the TCD for the recovery of taxes due and unpaid under this Part.
- B. Any suit brought to recover the tax imposed by this Part shall be begun within three (3) years after: 1) such tax is due or 2) the declaration or return has been filed, or 3) a redetermination of compensation or net profits by the Pennsylvania Department of Revenue whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:
  - 1. Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this Part, there shall be no limitation.
  - 2. Where an examination of the declaration or return filed by any person or of other evidence relating to such declaration or return in the possession of the Tax Officer reveals a fraudulent evasion of taxes, there shall be no limitation.
  - 3. Where any person has deducted taxes under the provisions of this Part and has failed to pay the amounts so deducted to the Tax Officer or where any person has willfully failed or omitted to make the deductions required by this Part, there shall be no limitation.
  - 4. Where an employer has intentionally failed to make deductions required by this Part.
  - 5. In the case of substantial understatement of tax liability of twenty-five (25%) percent or more and no fraud, suit shall be begun within six (6) years.
- C. The Tax Officer may sue for recovery of an erroneous refund, provided that such suit is begun two (2) years after making such refund, except that the suit may be brought within five (5) years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.
- D. This section shall not be construed to limit the municipality from recovering delinquent taxes by any other means provided by the Act. Further, nothing set forth herein shall be construed to limit a Tax Officer, a tax collection district or political subdivision from

recovering delinquent taxes by any other means provided by the Act.

**§11-109. Interest And Penalties.**

- A. Except as may be provided for in (2) below, in the event any tax imposed in this Part is not paid when due, interest shall accrue at the same rate a taxpayer is required to pay to the Commonwealth as provided in Section 806 of the act of April 9, 1929 (P.L. 343, No. 176), known as the Fiscal Code, or such successor legislation, on the amount of said tax and an additional penalty of One (1%) percent of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected but the amount of penalty shall not exceed Fifteen (15%) percent in the aggregate. Where an action is brought for the recovery of tax, the taxpayer liable for the tax shall, in addition, be liable for the costs of collection, interest and penalties, including, but not limited to court costs and attorney's fees.
- B. Pursuant to the Act, the Department may establish conditions under which a Tax Officer, with the concurrence of the TCC, may abate interest or penalties that would otherwise be imposed for the nonreporting or underreporting of income tax liabilities or for nonpayment of taxes previously imposed and due if the taxpayer files delinquent returns and pays the tax in full.
- C. The provisions of (B) above shall not affect or terminate any petitions, investigations, prosecutions or other proceedings pending under this Part, or prevent the commencement of further prosecution of any proceedings by the appropriate authorities for violations of this Part. However, no proceedings shall be commenced on the basis of delinquent returns filed pursuant to Section 109 above if the returns are determined to be substantially true and correct and the tax due is paid within the prescribed time.

**§11-110. Violations And Penalties.**

- A. Any person who fails, neglects or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the Tax Officer or any agent designated by him to examine his books, records, papers and any person who knowingly makes any incomplete, false or fraudulent return or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than two thousand five hundred dollars (\$2,500) for each offense and costs and, in default of payment of said fine and costs, to be imprisoned for a period not exceeding six (6) months.

- B. Any employer who is required under this Part to collect, account for and distribute taxes and who willfully fails to collect or truthfully account for and distribute such tax, commits, a misdemeanor and shall, upon conviction, be sentenced to pay a fine not exceeding twenty-five thousand dollars (\$25,000.00) or to imprisonment not exceeding two (2) years or both.
- C. Any person who divulges any information which is confidential under the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than two thousand five hundred dollars (\$2,500) for each offense and costs or to imprisonment for not more than one (1) year, or both.
- D. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Part.
- E. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him or her from making such declaration or return.
- F. The Tyrone Township hereby approves and adopts the Cost of Collection Schedule, attached hereto and made a part hereof, to be imposed by the designated Tax Officer for the collection of taxes on earned income and net profits, upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid; provided, however, that the TCC may approve amendments to said fee schedule by resolution from time to time. Amendments to the collection schedule shall become effective upon adoption by the TCC. The designated Tax Officer is hereby authorized to retain such costs of collection as set forth in the attached schedule, as may be amended and supplemented from time to time, in recovering delinquent taxes and as permitted to be assessed to delinquent taxpayers pursuant to law.

**§11-111. Applicability.**

This Part shall not apply to any person or property as to whom or which it is beyond the legal power of the municipality to levy, assess and impose the tax or duties as herein provided.

*Part History:* (Ordinance 5, enacted 11/27/1976; amended by Ordinance 45 (2011-5), enacted 11/2/2011)

## **PART 2**

### **LOCAL SERVICES TAX**

#### **§11-201. Intent And Applicable Rules.**

This Part shall be known as the "Tyrone Township Local Services Tax Ordinance."

This Part is enacted under the authority of the Local Tax Enabling Act, as amended by Act No. 7 of 2007, 53 P.S. §6901 et seq.

The purpose of this Part is to provide revenue for police, fire and emergency services; road construction and maintenance; the reduction of property taxes and for such other purposes as many be specified for such tax from time to time by the laws of the Commonwealth of Pennsylvania.

#### **§11-202. Definitions.**

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

**POLITICAL SUBDIVISION** - The area within the corporate limits of the Township of Tyrone, Adams County, Pennsylvania.

**COLLECTOR** - The person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

**COMBINED RATE** - The aggregate annual rate of that levied by a school district and the Township of Tyrone located in whole or in part within the school district.

**DCED** - The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

**EARNED INCOME** - "Compensation" as determined under §303 of the Act of March 4, 1971, P.L. 6, No. 2, known as the "Tax Reform Code of 1971", and regulations in 61 Pa. Code, Pt. I, Subpt. B, Art. 4 (relating to personal income tax) not including, however, wages or compensation paid to individuals on active military service. Employee business expenses are allowable deductions as determined under Article III of the Tax Reform Code of 1971. Any housing allowance provided to a member of the clergy shall not be taxable as earned income.

**EMPLOYER** - An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission, or other compensation basis, including a self-employed person.

**HE, HIS or HIM** - Indicates the singular and plural number, as well as male, female and neuter genders.

**INDIVIDUAL** - Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

**NET PROFITS** - the net income from the operation of a business, profession, or other activity, (except from corporations), determined under §303 of the Act of March 4, 1971 P.L. 6, No. 2, known as the "Tax Reform Code of 1971," and regulations in 61 Pa. Code, Pt. I, Subpt. B, Art. V (relating to personal income tax). The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming the term shall not include:

- (1) Any interest generated from monetary accounts or investment instruments of the farming business.
- (2) Any gain on the sale of farming machinery.
- (3) Any gain on the sale of livestock held twelve (12) months or more for draft, breeding or dairy purposes.
- (4) Any gain on the sale of other capital assets of the farm.

**OCCUPATION** - Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

**TAX** - The local services tax at the rate fixed in Section 203 of this Part.

**TAX YEAR** - A calendar year.

**§11-203. Levy Of Tax.**

- A. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within Tyrone Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of fifty-two dollars (\$52.00), assessed on a pro rata basis, in

accordance with the provisions of this Part.

- B. This tax may be used solely for the following purposes as the same may be allocated by Tyrone Township from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The political subdivision shall use no less than twenty-five percent (25%) of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision. The tax shall be no more than fifty-two dollars (\$52.00) on each person for each calendar year, irrespective of the number of political subdivisions within which a person maybe employed.

**§11-204. Exemption And Refunds.**

- A. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand (\$12,000) dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:
1. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.
  2. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.
- B. Procedure to Claim Exemption.
1. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve

thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer.

The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies, Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.

2. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).
3. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this Part.
4. Except as provided in clause (2), it is the intent of this section that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.



- C. Refunds. Tyrone Township, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1): Tyrone Township or the Collector shall determine eligibility for exemption and provide refunds to exempt persons.

**§11-205. Duty Of Employers To Collect.**

- A. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the political subdivision.
- B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the neared one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subsection (D) of this Section, for purposes of this subsection, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the municipality.
- C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.
- D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the

employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

- E. The tax shall be no more than fifty-two dollars (\$52.00) on each person for each calendar year, irrespective of the number of political subdivisions within which a person maybe employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.
- F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of subsection (B) of Section 204 of this Part and this section and remits the amount so withheld in accordance with this section.
- G. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

**§11-206. Returns.**

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

**§11-207. Dates For Determining Tax Liability And Payment.**

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

**§11-208. Self-Employed Individuals.**

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the political subdivision

shall be required to comply with this Part and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter.

**§11-209. Individuals Engaged In More Than One Occupation Or Employed In More Than One Political Subdivision.**

- A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:
1. First, the political subdivision in which a person maintains his or her principal office or is principally employed;
  2. Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;
  3. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

**§11-210. Nonresidents Subject To Tax.**

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

**§11-211. Administration Of Tax.**

- A. The Collector shall be appointed by resolution of the political subdivision. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.
- B. The Collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998.
- C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

**§11-212. Suits For Collection.**

- A. In the event that any tax under this Part remains due or unpaid thirty (30) days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.
- B. If for any reason the tax is not paid when due, interest at the rate of six (6%) percent on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of five (5%) percent shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

**§11-213. Violations And Penalties.**

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred dollars (\$600) and costs of prosecution, and, in default of payment

of such fine and costs, to imprisonment for not more than thirty (30) days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part.

**§11-214. Interpretation.**

- A. Nothing contained in this Part shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.
- B. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

*Part History:* (Ordinance 54 (#2014-03), enacted 10/22/2014)

## **PART 3**

### **REALTY TRANSFER TAX**

#### **§11-301. Authority.**

This realty transfer tax is levied under authority of Article XI-D entitled "Local Real Estate Transfer Tax," of the Pennsylvania Real Estate Transfer Tax Act, which is a new Article added by Act 77-1985 (Act of July 2, 1986, No. 77, P.L.) to Pennsylvania Real Estate Transfer Tax Act, Act 14-1981 (Act of May 5, 1981, No. 14, P.L. 36) as amended. The Pennsylvania Real Estate Transfer Tax Act is codified at 72 P.S. Section 8101-C et seq., and Article XI-D is codified at 72 P.S. Section 8101-D et seq.

#### **§11-302. Definitions.**

The following words when used in this Part shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The singular shall include the plural and the masculine shall include the feminine and neuter.

**ASSOCIATION** - A partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons.

**COLLECTOR** - The Recorder of Deeds of Adams County, Pennsylvania, is hereby appointed Collector of the tax levied by this Part.

**CORPORATION** - A corporation, joint-stock association, business trust or banking institution, which is organized under the laws of the Commonwealth of Pennsylvania, the United States, or any other state, territory, foreign country, or dependency.

**DOCUMENT** - Any deed, instrument or writing which conveys, transfer, demises, vests, confirms or evidences any transfer or demise of title to real estate within the Township, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty (30) years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under Section 308 of this Part.

**FAMILY FARM CORPORATION** - A corporation of which at least seventy-five percent

(75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include: (1) recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing; (2) the raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities; (3) fur farming; (4) stockyard and slaughterhouse operations; or (5) manufacturing or processing operations of any kind.

**MEMBERS OF THE SAME FAMILY** - Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors or lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

**PERSON** - Every natural person, association, corporation, or entity of any kind. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to associations, shall include the responsible members or general partners thereof and, as applied to corporations, the officers thereof.

**REAL ESTATE –**

(1) Any lands, tenements or hereditaments, including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovable or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

(2) A condominium unit.

(3) A tenant-stockholder's interest in a cooperative housing corporate trust or association under a proprietary lease or occupancy agreement.

**REAL ESTATE COMPANY** - A corporation or association which is primarily' engaged in the business of holding, selling or leasing real estate, ninety percent (90%) or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which: (1) derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate; or (2) holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

**REAL ESTATE TRANSACTION** - The making, executing, delivering, accepting or presenting for recording of a document.

**TITLE TO REAL ESTATE –**

(1) Any interest in real estate which endures for a period of time the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate, or perpetual leasehold; or

(2) Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity. In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

**TOWNSHIP** - Tyrone Township, a legally constituted municipality within Adams County, Pennsylvania.

**VALUE –**

(1) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate. Provided, that where the document shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

(2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, value shall be the actual monetary worth of the real estate within the Township, determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio of assessed values to market values of the taxing district in which the Township is located as established by the State Tax Equalization Board, or a commensurate part of the assessment where the assessment includes other real estate.

(3) In the case of an easement or other interest in real estate the value of which is not determinable under clause (1) or (2), the actual monetary worth of such interest.



(4) The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby, or between the grantor, the agent or principal of the grantor or a related corporation, association or partnership and the grantee existing before or effective with the transfer.

**§11-303. Imposition Of Tax.**

A tax is hereby levied and imposed, for general Township purposes, on every real estate transaction, at the rate of one percent (1%) of the value of the real estate represented by the document involved in the real estate transaction.

- A. The tax shall be payable at the earlier of the time the document is presented for recording, within thirty (30) days of acceptance of the document, or within thirty (30) days of becoming an acquired company.
- B. If the real estate is located partially within and partially outside the Township, the tax shall be calculated on the value of the portion within the Township.
- C. The tax imposed hereunder shall be due and payable to the collector, as a joint and several liability, by every person who makes, executes, delivers, accepts or presents for recording any document, or in whose behalf any document is made, executed, delivered, accepted or presented for recording. In the case of an acquired company, the company shall also be liable for any penalties imposed under this Part.
- D. It is the intent of this Part that the entire burden of the tax imposed on a real estate transaction by the Township and other political subdivisions shall not exceed the limitations prescribed in Section 8 of the Local Tax Enabling Act, 53 P.S. Section 6908, so that if any other political subdivision imposes a tax on real estate transactions taxed under this Part, the provisions of said Section 8 shall apply.

**§11-304. Evidence Of Payment.**

The payment of the tax imposed hereunder shall be evidenced by the collector affixing] on the document an official stamp or writing setting forth the date of payment of the tax and amount of tax paid.

**§11-305. Exempt Parties.**

The United States, the Commonwealth of Pennsylvania, or any of their instrumentalities,

agencies or political subdivisions shall be exempt from payment of the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a real estate transaction from liability for the tax.

**§11-306. Excluded Transactions.**

The tax imposed by this Part shall not be imposed upon:

- A. A transfer to the Commonwealth of Pennsylvania, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one (1) year from the date of condemnation.
- B. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.
- C. A conveyance to a municipality, Township, school district or county pursuant to acquisition by the municipality, Township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.
- D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- E. A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.
- G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee

or heir.

- H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the collector is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
- J. A transfer for no or nominal actual consideration from trustee to successor trustee.
- K. A transfer: (1) for no or nominal actual consideration between principal and agent or straw party; or (2) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Part. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this subsection.
- L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Township reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.
- M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.
- N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee, or a transfer to a nonprofit industrial development agency or authority.
- O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (1) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating), compounding, processing, publishing, research and development, transportation, energy conservation, energy production, pollution control, warehousing or agriculture; and (2) the agency or authority

has the full ownership interest in the real estate transferred.

- P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.
- R. A transfer to a conservancy which possesses tax exempt status pursuant to section 501(c)(3) of the Internal Revenue Code of 1954 and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.
- S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five percent (75%) of each class of the stock thereof.
- T. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
- U. A transaction wherein the tax due is one dollar (\$1.00) or less.
- V. Leases for the production or extraction of coal, oil, natural gas or minerals, and assigns thereof.

In order to exercise any exclusion provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

**§11-307. Documents Relating To Associations Or Corporations And Members, Partners, Stockholders Or Shareholders Thereof.**

Except as otherwise provided in Section 306, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Part, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

**§11-308. Acquired Company.**

- A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change: (1) Does not affect the continuity of the company; and (2) Of itself or together with prior changes has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three (3) years.
- B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets, it fails to meet the minimum requirements of a family farm corporation under this Part.
- C. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition to the collector for recording and for the affixation of the official stamp or writing evidencing payment of the tax. Such declaration shall set forth the value of real estate holdings of the acquired company in the Township.

**§11-309. Credits Against Tax.**

- A. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
- B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
- C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
- D. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

- E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

**§11-310. Statement Of Value.**

Every document lodged with or present, to the collector for recording shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. The provisions of this section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship, provided the relationship is specified in the deed, instrument or writing. Documents which are not to be recorded shall be presented to the collector and shall be accompanied by a certified copy of the document and a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. Evidence of payment shall be affixed to the original document and the certified copy. The certified copy and statement of value shall be filed with the collector.

**§11-311. Unlawful Acts.**

- A. It shall be unlawful for any person to:
1. Make, execute, deliver, accept, or present for recording or cause to be made, executed, delivered, accepted, or presented for recording any document without the full amount of tax thereon being duly paid;
  2. Fail to record a declaration of acquisition, as required by this Part;
  3. Fraudulently affix to any document, any forged evidence of payment; or
  4. Fail, neglect or refuse to comply with or violate other provisions of this Part or any rules and regulations promulgated by the Township under this Part, or any rules and regulations of the Pennsylvania Department of Revenue to the extent applicable to the tax levied hereunder.
- B. Any person violating any of the provisions of this Section shall be guilty of a summary offense.
- C. A person who makes a false statement of value or declaration of acquisition, when he

does not believe the statement or declaration to be true, is guilty of a misdemeanor of the second degree.

**§11-312. Civil Penalties.**

- A. If any tax owing under the terms of this Part shall not be paid when due, ten percent (10%) of the amount of the tax shall be added and collected as an initial penalty for nonpayment or underpayment of the tax.
- B. In addition, if any tax owing under the terms of this Part shall not be paid when due, a penalty shall accrue on the amount of the unpaid tax at the rate of one percent (1%) per month or fractional part of a month, on the amount of the unpaid tax, from the due date until the amount of the tax is paid in full.
- C. In addition, in the case of failure of any acquired company to record a declaration of acquisition, as required by this Part, unless it is shown to the satisfaction of the Township that such failure is due to reasonable cause, a penalty shall accrue on the amount of the unpaid tax at the rate of five percent (5%) per month or fractional part of a month, on the amount of the unpaid tax, from the due date until the amount of the tax is paid in full. This penalty shall be in addition to all other penalties, but shall not in the aggregate exceed fifty percent (50%) of the amount of the unpaid tax.
- D. In addition, if any part of any underpayment of tax is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.
- E. In addition, if the Township files suit in order to collect the amount of any tax not paid when due under this Part, at the discretion of the court, any person liable for payment of the tax shall also be liable for reasonable attorneys' fees incurred by the Township in prosecution of the suit.
- F. No document upon which tax is imposed by this Part shall at any time be made the basis of any action or other legal proceeding, nor shall proof thereof be offered or received in evidence in any court of this Commonwealth, or recorded in the office of any Recorder of Deeds of any county of this Commonwealth, unless the tax imposed hereunder shall have been paid in full and evidence of payment shall have been affixed thereto by the Collector.

**§11-313. Lien.**

The tax imposed by this Part, together with all penalties, shall be a lien against the real estate to

which the document relates and, in the case of an acquired company, the real estate owned by the acquired company. The lien shall date from the time when the tax is due and payable and shall continue until discharged by payment in full of the tax, together with all penalties. In order to enforce the lien, the Township may proceed under the Municipal Claims and Liens Act of 1923, 53 P.S. Section 7101 et sec., or in any other appropriate manner.

**§11-314. Proceeds Of Judicial Sale.**

The tax imposed under this Part shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made, and the sheriff, or other officer, conducting said sale shall pay the tax herein imposed out of the first monies paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

**§11-315. Enforcement.**

- A. In order to determine whether the proper amount of tax has been paid, without limiting any other rights of the Township, the Township shall have the right to review all documents or records relating to any real estate transaction or any related transactions, and to take such other steps as the Township shall deem necessary or appropriate, including a review or audit of any documents or records of any part to a real estate transaction to determine the fair market value of the real estate or any other relevant matter as determined by the Township. Upon request of the Township, and at such place and time as specified by the Township, any party shall make available to the Township any documents or records requested by the Township.
- B. In the event any tax is not paid when due, the Township may enforce payment of the tax, together with all penalties, by suit in assumpsit or any other appropriate means.

**§11-316. Collector.**

- A. As provided in 16 P.S. Section 11011-6, the recorder of deeds shall be the collection agent for this tax, without compensation from the Township.
- B. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Collector shall not accept for recording any document unless it is certified on the document by a competent adult what taxes are due each political subdivision.



- C. On or before the 10th day of each month, the collector shall pay over to the Township all taxes collected under this Part, less two percent (2%) for use of the county, and shall also provide a report containing the information required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania Realty Transfer Tax. The two percent (2%) commission shall be paid to the county.
- D. In accordance with Act 77-1986, any recorder of deeds who shall record any document upon which tax is imposed under this Part without payment of tax as required under this Part, as is indicated in the document or accompanying statement of value shall, upon summary conviction, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution.

**§11-317. Regulations.**

The Township may promulgate and enforce reasonable rules and regulations for the interpretation, collection, and enforcement of the tax.

**§11-318. Interpretation/Effect.**

- A. To the extent this Part imposes a tax on a real estate transaction, which is subject to the Commonwealth of Pennsylvania realty transfer tax imposed by Act 77-1986, and to the extent not inconsistent herewith or with rules or regulations adopted by the Township, this Part shall be interpreted in the same manner as Act 77-1986 and in accordance with regulations promulgated thereunder.
- B. The provisions of this Part, so far as they are the same as those of ordinances in force immediately prior to adoption of this Part, are intended as a continuation of such ordinances, and not as new enactments.
- C. This Part is intended to supplement the realty transfer tax in effect prior to adoption of this Part by imposing a tax on real estate transactions not covered by prior ordinances and now taxable under Act 77-1986. This Part shall impose a tax on all transactions taxable under ordinances levying a realty transfer tax in force immediately prior to adoption of this Part, and also on all transactions which the Township is permitted to tax under Act 77-1986 to the fullest extent permissible.
- D. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense, under the authority of any ordinance in force prior to adoption of this Part.

*Part History:* (Ordinance 5, enacted 11/27/1976; amended by Ordinance 18, enacted 5/13/1987)

**PART 4**

**OCCUPATIONAL PRIVILEGE TAX**

**§11-401. Definitions.**

The following words and phrases when used in this Part shall have the meanings ascribed to them in this section except where the context or language clearly indicates or requires a different meaning:

**EMPLOYER** - an individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission, fee or other compensation basis, including a self-employed person.

**COLLECTOR** - shall mean the person or firm from time to time designated by motion of Township of Tyrone to collect and administer the provisions of this Part and collect the tax levied by this Part.

**HE, HIS, OR HIM** - shall include singular and plural number and male, female and neuter gender.

**INDIVIDUAL** - any person, male or female, eighteen (18) years of age or over engaged in any occupation within the limits of Tyrone Township.

**OCCUPATION** - any trade, profession, business or undertaking of any type, kind or character including services, domestic or other carried on or performed within the limits of Tyrone Township for which an aggregate total compensation of at least one thousand dollars (\$1,000.00) per calendar year is charged or received whether by means of salary, wages, commissions, or fees for services rendered.

**TAX** - the occupation privilege tax levied by this Part.

**§11-402. Levy Of Occupational Privilege Tax.**

Township of Tyrone hereby levies and imposes a tax in the amount of ten dollars for the calendar year of 1984 on every individual for the privilege of engaging in an occupation within the limits of Tyrone Township. This tax is in addition to all other taxes of any kind or nature heretofore levied by Township of Tyrone.

**§11-403. Duty Of Employer.**

Each employer within Tyrone Township and each employer situate outside Tyrone Township, but who engages in business within Tyrone Township, is hereby charged with the duty of collecting the tax from each of the employees engaged by him and performing for him within Tyrone Township, and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct said tax from the salary, wages, commissions or fees paid each employee in his employ.

**§11-404. Returns.**

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the collector. Each employer in filing this return and making payment of the tax withheld from his employee shall be entitled to retain a commission calculated at the rate of two percent of the gross tax due and payable, provided that such tax is collected and paid over by the employer on or before the dates hereinafter set forth. It is further provided that if the employer fails to file said return and pay said tax, whether or not he makes collection thereof from the salary, wages, commissions or fees paid by him to said employee, the employer shall be responsible for the payment of the tax in full without deducting a commission and as though the tax had originally been levied against him.

**§11-405. Dates For Determining Tax Liability And Payment.**

Each employer shall use his employment records from the first day of January to the thirty-first day of March, 1984, for determining the number of employees from whom said tax shall be deducted and paid over to the collector on or before April 30, 1984. Supplemental reports shall be made by each employer on July 31, 1984, October 31, 1984, and January 31, 1985, for new employees as reflected on his employment records from April 1, 1984, to June 30, 1984, July 1, 1984, to September 30, 1984, and October 1, 1984, to December 31, 1984. Payments on these supplemental reports shall be made on July 31, 1984, October 31, 1984, and January 31, 1985, respectively.

**§11-406. Individuals Engaged In More Than One Occupation.**

In the event an individual is engaged in more than one occupation or an occupation which requires working in more than one political subdivision during the calendar year, the priority of claim to collect the tax shall be in the following order: First, the political subdivision in which the individual maintains his principal office or is principally employed; Second, the political subdivision in which the individual resides and works, if a like tax is levied by that political subdivision; Third, the political subdivision in which the individual is employed and which

imposes the tax nearest in miles to the individual's home. The place of employment shall be determined as of the day the individual first becomes subject to a like tax during the calendar year. Any employer to whom an employee shows a receipt for a like tax for the calendar year from some other political subdivision or employer shall not be required to deduct this tax from the employee's wages but shall include such employee on his return by setting forth his name, address and the identification of the other political subdivision to whom the tax was paid or the employer who deducted the tax.

**§11-407. Self-Employed Individuals.**

All self-employed individuals engaged in any occupation within Tyrone Township shall be required to comply with this Part and to pay the tax to the collector on April 30, 1984, or as soon thereafter as he engages in an occupation.

**§11-408. Employees And Self-Employed Individuals Residing Beyond The Limits Of Tyrone Township.**

All employees and self-employed individuals residing or having their place of business outside Tyrone Township but who engage in any occupation within Tyrone Township, do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of Tyrone Township. Further, any individual engaged in an occupation within Tyrone Township and an employee of a non-resident employer may for the purpose of this Part be considered a self-employed person and in the event this tax is not paid the Township shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

**§11-409. Administration Of Tax.**

- A. It shall be the duty of the collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.
- B. The collector is hereby charged with the administration and enforcement of this Part and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of the payroll records of any employer subject to this Part; the examination and correction of any return made in compliance with this Part; and any payment alleged or found to be incorrect or as to which over-payment is claimed or found to have occurred. Any person aggrieved by any decision of the collector

shall have the right to appeal to the Court of Common Pleas of Adams County as in other cases provided.

- C. The collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer; or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

**§11-410. Suit For Collection.**

- A. In the event any tax under this Part remains due or unpaid thirty days after the due date above set forth, the collector may sue for the recovery of such tax due or unpaid together with interest and penalty.
- B. If for any reason the tax is not paid when due, interest at the rate of six (6%) percent on the amount of said tax shall be calculated beginning with the due date of said tax and a penalty of five percent shall be added to the flat rate of said tax for non-payment thereof. Where suit is brought for the recovery of this tax the individual liable therefor shall in addition be responsible and liable for the costs of collection.

**§11-411. Fine And Penalty.**

Whoever makes any false or untrue statement on any return required by this Part, or who refuses inspection of his books, records or accounts in his custody and control in order to determine the number of employees subject to this tax who are in his employment, or who fails or refuses to file any return required by this Part, or fails or refuses to pay the tax herein levied, shall, upon conviction before any magisterial district judge, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) for each offense, and in default of payment of said fine to be imprisoned in Adams County Prison for a period not exceeding thirty days for each offense. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this Part.

*Part History: (Ordinance 12, enacted 1/27/1983)*

**PART 5**

**PROCEDURES; RULES AND REGULATIONS**

**§11-501. Purpose.**

This Chapter is adopted to comply with Act 50 of 1998, The Local Taxpayers Bill of Rights, 53 Pa. C.S.A. §8421, et, seq. (the "Act").

This Part shall be known as the "Tyrone Township Local Taxpayers' Bill of Rights."

**§11-502. Eligible Taxes.**

This Part shall apply to the following eligible taxes levied by Tyrone Township: (a) Earned Income and Net Profits Tax; (b) Per Capita Tax; (c) Realty Transfer Tax; and (d) any other taxes subject to the Act now or hereafter levied by the Township. Eligible taxes shall not include taxes upon real estate.

**§11-503. Disclosure Statement.**

The Township shall adopt by resolution a Disclosure Statement setting forth the rights of a taxpayer and the obligation of the Township during an audit or an administrative review of the taxpayer's books and records, the administrative and judicial procedures by which a taxpayer may appeal or seek review of any adverse decision of the Township, the procedure for filing and processing claims and taxpayer complaints, and the enforcement procedures. The Township shall notify in the manner provided by law any taxpayer contacted regarding the assessment, audit, determination review or collection of an eligible tax of the availability of the Disclosure Statement, and the Township shall make copies of the Disclosure Statement available to taxpayers upon request at no charge to taxpayer.

**§11-504. Requirements For Results.**

A taxpayer shall have thirty (30) days from the mailing date to respond to requests for information by the Township. The Township may grant additional reasonable extensions to its initial request. The Township shall not take action against a taxpayer for the tax year in question until the expiration of the applicable response period, including any extensions.

**§11-505. Request For Prior Year Returns.**

- A. Except as provided in subsection (B), an initial inquiry by the Township regarding a taxpayer's compliance with any eligible tax may include taxes required to be paid or tax returns required to be filed no more than three years prior to the mailing date of the notice.
- B. The Township may make a subsequent request for a tax return or supporting information if after the initial request, the Township determines that the taxpayer failed to file a tax return, under reported income or failed to pay a tax for one or more of the tax periods covered by the initial request. This subsection shall not apply if the Township has sufficient information to indicate that the taxpayer's failure to file a required return or pay an eligible tax which was due more than three years prior to the date of the notice.
- C. The Township has the authority to require a taxpayer to provide copies of the taxpayer's federal individual tax return if the Township can demonstrate that the federal tax information is reasonably necessary for the enforcement or collection of an eligible tax and the information is not available from other available sources.

**§11-506. Administrative Appeals.**

- A. The Board of Supervisors shall from time to time by resolution appoint a Township official or employee as the hearing officer to receive and to make determinations on petitions from taxpayers relating to the assessment, determination or refund of an eligible tax.
- B. The Board of Supervisors shall adopt by resolution regulations governing the practice and procedure of administrative appeals which are incorporated herein by reference.

**§11-507. Installment Agreement.**

- A. The Township may enter into a written agreement with any taxpayer under which the taxpayer is allowed to satisfy liability for any eligible tax in installment payments if the Township determines that the agreement will facilitate collection.
- B. The Township may terminate any agreement entered into under subsection (A) if: (1) information which the taxpayer provided to the Township prior to the date of the agreement was inaccurate or incomplete; or (2) the Township believes that collection of any eligible tax under the agreement is in jeopardy.
- C. The Township may alter, modify or terminate the agreement if the Township finds that



the financial condition of the taxpayer has significantly changed and: (1) notice of the Township's finding is provided to the taxpayer no later than thirty (30) days prior to the date of such action; and (2) the notice contains reasons why the Township believes a significant change has occurred.

- D. The Township may alter, modify or terminate an installment agreement if the taxpayer fails to do any of the following: (1) pay any installment; (2) pay any other tax liability at the time the installment is due; or (3) provide a financial condition update as requested by the Township.
- E. Nothing in this Section shall prohibit a taxpayer from prepaying in whole or in part any eligible tax under any agreement with the Township.

*Part History:* (Ordinance 31 (#1999-30), enacted 6/23/1999)

**PART 6**

**TAX COLLECTOR FEES**

**§11-601. Tax Collector Fees.**

**A. Return Check Fee**

1. Tyrone Township hereby imposes a fee of twenty-five dollars (\$25.00) per check being returned commencing five (5) days after the effective date of this Part.
2. By further determination of this Township, this fee shall be set, from time to time, by resolution, in the event Township determines a need to change from the initially established fee.
3. This fee will be for any check to any Township office or organization for any purpose.
4. Fees concerning checks returned by the Tax Collector shall be deposited to the Tax Collector's General Fund, with other fees being deposited in Tyrone Township's General Fund.

**B. Service Fee Regarding Delinquent Tax Statement**

1. Tyrone Township hereby imposes a service fee of five dollars (\$5.00) to be assessed to each person, firm or corporation requesting a certification as to the payment status of real estate taxes or a delinquent tax statement from the Tyrone Township Tax Collector's Office.
2. By further determination of this Township, this shall be set, from time to time, by resolution, in the event Township determines a need to change from the certification as to the initially established fee.
3. Fees concerning delinquent tax statements shall be deposited to the Tax Collector's General Fund.

**C. Tax Duplicate Fee**

1. Tyrone Township hereby imposes a fee to be assessed to each person, firm, corporation or other entity requesting a tax duplicate from the Tyrone Township Tax Collector.

2. The amount of the tax duplicate fee shall be set by resolution of Tyrone Township from time to time.

*Part History:* (Ordinance 41 (#2010-02), enacted 7/28/2010; amended by Ordinance 60, enacted 1/2/2018)

**CHAPTER 12  
ZONING AND LAND USE**

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## **PART 5**

### **AGRICULTURAL PRESERVATION 2 (AP-2) DISTRICT**

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## **PART 9**

### **HIGHWAY COMMERCIAL (HC) DISTRICT**

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## **PART 10**

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### **LEGAL PROVISIONS**



§12-1600. Interpretation.

## **CHAPTER 12**

### **ZONING AND LAND USE**

#### **PART 1**

#### **GENERAL PROVISIONS**

**§12-100. Short Title.**

This Chapter shall be known and may be cited as the "Tyrone Township Zoning Ordinance."

**§12-101. Purpose.**

The zoning regulations and districts as herein set forth are made for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewage, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

**§12-102. Community Development Goals.**

- A. Goal: Preserve the high intensity agribusiness sector of Tyrone Township's economy by encouraging the development and continuation of high intensity agribusinesses in appropriate locations within the Township.

Objectives:

Enact an effective agricultural zoning district designed specifically for those areas of Tyrone Township where agribusiness operations have been developed.

Provide for agribusinesses in appropriate areas of the Township, with measures designed to protect both the agribusiness uses and nearby residential uses.

Limit the number of non-agricultural uses that can be developed in the agribusiness area of Tyrone Township, while at the same time requiring those non-agricultural uses that will be developed to locate in the least valuable areas for agriculture.

- B. Goal: Preserve the agricultural areas in Tyrone Township devoted to fruit production and fruit processing because fruit-based agriculture contributes substantially to the Township's economic base, and the Township's aesthetic, scenic, and rural qualities.

Objectives:

Enact an effective agricultural zoning district designed specifically for those areas of Tyrone Township where fruit growing operations have been developed.

Provide for fruit growing and fruit processing operations in appropriate areas of the Township, with measures designed to protect both the fruit growing uses and nearby residential uses.

Limit the number of non-agricultural uses that can be developed in the fruit growing areas of Tyrone Township, while at the same time requiring those non-agricultural uses that are developed to locate in the least valuable areas for agriculture.

- C. Goal: Encourage the protection and preservation of non-agricultural, rural areas of Tyrone Township, such as the Chestnut Hill area, and the sensitive and scenic environmental features associated with these rural areas.

Objectives:

Establish a zoning district which provides for rural residential opportunities while, at the same time, conserves rural landscapes in non-agricultural areas.

Establish a maximum development density which provides for a range of residential development opportunities while, at the same time, limits the need for the development or expansion of public sewer or water systems beyond those areas of Tyrone Township designated for growth.

- D. Goal: Provide for the development of commercial and/or industrial uses in appropriate areas within Tyrone Township, such the Route 15/Route 234 Interchange, which, because of their strategic locations, may be most suitable to higher intensity development.

Objectives:

Fulfill Tyrone Township's responsibility to provide for commercial and industrial uses in appropriate areas of the Township.

Encourage automobile-oriented commercial and industrial uses to locate in areas of the Township with the greatest level of access to the region's roadway network.

Encourage the development of high quality, visually pleasing, and functional commercial and industrial development by requiring creative design of commercial and industrial projects, landscaping, and reasonable signage.

- E. Goal: Encourage the preservation of and allow for the reasonable expansion of Heidlersberg and Gardners, two villages within Tyrone Township which have retained much of their aesthetic and historic character.

Objectives:

Establish a zoning district designed to maintain and expand the existing character of Heidlersburg and Gardners Villages.

Provide for a mixture of residential, limited commercial, and institutional uses which contribute to the character and continuing function of Heidlersburg and Gardners Villages.

Encourage the retention of the village street patterns in Heidlersburg and Gardners Villages by providing incentives for new development to extend the village street networks.

- F. Goal: Discourage the "lotting off" of rural Tyrone Township road frontages because such development patterns are inefficient to service, tend to promote the need for community sewer and water systems, and will eventually detract from the rural and scenic character commonly evident throughout much of the Township.

Objectives:

Encourage, where appropriate, cluster residential development in the agricultural and rural, non-agricultural areas of Tyrone Township.

Provide density incentives for those cluster residential projects which provide public road access on new "loop" roads rather than on existing collector or minor Township roads.

- G. Goal: Discourage the development of the "suburban sprawl" form of development because it will eventually require the provision of public services and will ultimately infringe on the Township's important agricultural areas.

Objectives:

Encourage the use of higher density zoning district in those areas of Tyrone Township where some higher density development has already occurred.

Provide for a reasonable amount of development within or near the growth areas that have already developed in Tyrone Township while, at the same time, limit the areas of Tyrone Township where higher density forms of development can occur so that public sewer and water systems, when and if needed, can be economically and efficiently provided.

Encourage the use of agricultural or rural zoning districts in those areas of the Township where it is not anticipated that public sewer and/or water systems will be provided in the moderate to long term future.

- H. Goal: Encourage the preservation of historic resources in Tyrone Township, including, but certainly not limited to, those resources located within the villages, those associated with the fruit industry, as well as other resources, such as the Studebaker Road area.

Objectives:

Establish low density zoning district in the agricultural and rural areas of Tyrone Township which encourage a low density of development, and which encourage the retention of the Township's historic and cultural landscapes.

Provide zoning provisions which encourage the retention and re-use of historic structures within the Township, especially in the Heidlersburg and Gardners Village settings.

- I. Goal: Provide for the production of renewable energy or recycling processes that utilize the Township's abundant natural and agricultural resources, and provide opportunity for economic development.

Objectives:

Permit and encourage the development and location of clean, alternative energy technologies within the Township.

Establish standards for new renewable energy production that protects the rural and agricultural character of the Township while sustaining a high degree of environmental quality.

Locate renewable energy production facilities within the Township.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance

22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

## **PART 2**

### **DEFINITIONS**

**§12-200. Interpretation.**

As used in this Chapter, words expressed in their singular include their plural meanings, and words expressed in their plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and/or a partnership, as well as an individual. The word "may" is permissive; the words "shall" and "must" are mandatory. Words used in the present include the future tense.

**§12-201. Definitions.**

**ACCESSORY SOLAR ENERGY SYSTEM** - See "Solar Energy System, Accessory".

**ACCESSORY STRUCTURE** - A structure detached from, subordinate to, and on the same lot with the principle structure, and used for purposes customarily incidental thereto.

**ACCESSORY USE** - A use subordinate to, and on the same lot with the principal use, and provided for purposes customarily incidental thereto.

**ADD-ON LOT** - Any parcel, lot, tract, or area of land established by a plat or subdivision plan or otherwise permitted by law which through subdivision, a change in lot line or otherwise, is to become an integral part of an adjoining parcel of land and for which no separate development is proposed.

**ADULT ENTERTAINMENT USE** - An establishment having as a substantial or significant portion of its stock or trade, movies, shows, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas.

**AGRIBUSINESS OPERATIONS** - Agricultural uses that qualify as one of the following:

**CONCENTRATED ANIMAL FEEDING OPERATION** - An animal feeding operation which is required to obtain NPDES permits in accordance with the Clean Water Act; or.

**CONCENTRATED ANIMAL OPERATION** - An animal feeding operation which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient

Management and Odor Management Law (PA Act 38 of 2005).

**AGRIBUSINESS OPERATIONS, LIMITED** - A secondary agribusiness operation on an active farm which involves any of the following: slaughtering, processing, rendering, and packaging of animals and animal by-products, limited to operations which:

- (1) Fall under the USDA exemptions of the Poultry Product Inspections Act (PPIA);
- (2) Do not qualify as a Concentrated Animal Feeding Operation; and
- (3) Do not qualify as a Concentrated Animal Operation.

**AGRICULTURE** - The use of a tract of land for the purpose(s) of active cultivation or animal husbandry.

**ALLEY** - A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purposed of through vehicular traffic.

**ANIMAL UNIT** - One thousand (1000) pounds live weight of livestock, regardless of the actual number of animals comprising the unit.

**APPLICANT** - A landowner or developer who has filed an application for development, including his heirs, successors, and assigns.

**BED-AND-BREAKFAST** - A business providing for sleeping arrangements and breakfasts in a residential environment for transient guests in return for compensation to the owner of the establishment.

**BIOFUEL** - Fuels produced by the conversion of biomass, including purified vegetable oils and biodiesel. For purposes of this Chapter, Biofuel shall refer to:

- (1) a soy or other vegetable-based fuel additive, produced by refining and purifying such vegetable oil, which contains no petroleum;
- (2) refined syngas; or
- (3) oil produced from algae.

**BIOMASS** - Organic materials, derived from living, or recently living organisms, such as livestock waste, agricultural crops and residue, wood and wood waste, and organic components of municipal and industrial wastes, that may be used as a source of fuel or energy. The term excludes fossil fuels, which have been transformed by geological processes into substances such as coal or petroleum.

**BOARD OF SUPERVISORS** - The Board of Supervisors of Tyrone Township, Adams County, Pennsylvania.



**BUILDING** - A combination of materials to form a permanent structure having walls and a roof, including, but not limited to all mobile homes and trailers.

**BUILDING, ACCESSORY** - A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**BUILDING HEIGHT** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is situated.

**CLUSTER DEVELOPMENT** - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

**COMMUNITY SEWAGE SYSTEM** - A sewerage system designed to provide for the sewage disposal needs of two (2) or more dwelling units or other uses.

**CONDITIONAL USE** - A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code and Part 15 of this Chapter.

**COUNTY** - Adams County, Pennsylvania.

**DEED RESTRICTION** - A covenant, running with a parcel of land, which places specific conditions or limitations on the use of such parcel of land, and which is applied to the parcel owner, his or her successors, or assigns.

**DENSITY** - The number of dwelling units per acre of land.

**DRIVE -THROUGH** - Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**DWELLING** - Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

**DWELLING, CONVERSION APARTMENT** - An existing dwelling unit that is or was converted to individual dwellings for more than one (1) family, without substantially altering the exterior of the building.

**DWELLING, MULTI-FAMILY** - A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

**DWELLING, SINGLE-FAMILY DETACHED** - A building contained one dwelling unit, and having no party wall in common within adjacent property.

**DWELLING, SINGLE-FAMILY SEMI-DETACHED** - A building containing one dwelling unit, and have a party wall in common within adjacent property.

**DWELLING, TOWNHOUSE** - A series of three (3) or more single family dwelling units attached by one or more common walls.

**DWELLING, TWO-FAMILY** - A building containing two (2) dwelling units, arranged either in a side-by-side fashion sharing one (1) common party wall or with one unit arranged over the other.

**DWELLING UNIT** - An independent housekeeping unit consisting of living quarters of one or more rooms with cooking, sleeping, and sanitary facilities, arranged for use by one or more individuals.

**EASEMENT** - The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**ESTATE LOT** - Designated parcels of land, at least five (5) acres in size, created by subdivision of a tract of land greater than ten (10) acres, which may be developed for single-family detached residential use, in accordance with Part 6 of this Chapter.

**FLOOD, 100 YEAR** - A flood of such an intensity that the frequency of its occurrence is not more than one (1) occurrence every one hundred (100) years.

**FLOOD FRINGE** - That portion of the floodplain, excluding the floodway, where development may be allowed under certain circumstances.

**FLOODPLAIN** - That land, including flood fringe and the floodway, subject to inundation by the 100-year Flood, as delineated on maps produced by the Federal Emergency Management Agency.

**FLOODWAY** - That portion of the floodplain, including the channel, which is required to convey the 100-year Flood waters.

**FRUIT PROCESSING OPERATION** - An industrial facility where fruits, either grown locally or grown elsewhere, are brought to the facility, and are processed, packaged, or otherwise prepared for market.

**GROUP HOME** - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for clients and such supervisory personnel as required by appropriate licensing agencies. Such facilities may provide supervisory and/or rehabilitative services, but medical care or nursing supervision shall not be provided.

**HEARING** - An administrative proceeding conducted by a board pursuant to Section 908 of the Pennsylvania Municipalities Planning Code and pursuant to Part 15 of this Chapter.

**HOME OCCUPATION** - Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

**HOTEL** - A building consisting of lodging rooms designed or occupied primarily as the temporary place of abode for individuals who are lodged for compensation (with or without meals), in which provisions for cooking are generally not made in individual rooms or suites.

**INVERTER (SOLAR)** - A device that converts direct current (DC) electricity produced by a solar energy system into the alternating current (AC) electricity that can be used in a home or building.

**JUNK** - Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, unlicensed motor vehicles, and parts thereof.

**JUNKYARD** - An open area where junk is bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard shall be considered a junkyard.

**LIVING AREA, APARTMENT** - That portion of an apartment dwelling proposed for customary human habitation. The apartment living area shall include all rooms and hallways, but shall not include, stairwells, crawl spaces, or other such areas.

**LIVING AREA, ESTATE LOT** - An area within an Estate Lot, which may include an existing or proposed single-family residence or farmhouse, customary accessory structures, and a surrounding manicured yard area.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**LOT AREA** - The area contained within the property lines of a lot, excluding any street or utility right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

**LOT, CORNER** - A lot located at the intersection of two (2) or more streets.

**LOT COVERAGE** - The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

**LOT COVERAGE, IMPERVIOUS** - The area of a site covered by buildings, paved surfaces, or other materials that prevents the infiltration of water into the ground.

**LOT WIDTH** - The horizontal distance between the side lot lines of a lot measured at the minimum required front building setback line.

**MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MIXED-USE STRUCTURE** - A building occupied by more than one (1) use, including, but not limited to, specialty retail commercial, residential, and professional office uses.

**MOBILE HOME** - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** - A parcel or contiguous parcels of land which has been designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL** - See Hotel.

**MULTI-FAMILY COMMUNITY** - A group of multi-family dwellings developed on a single parcel of land and sharing common parking, recreation, and landscaping areas.

**NONCONFORMING LOT** - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of

the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING SIGN** - See Nonconforming Structure.

**NONCONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NUTRIENT RECOVERY FACILITY** - A facility that recovers and/or recycles the nutrients from any biomass material. The recovery and/or recycling process may produce products on a commercial scale for resale including but limited to electricity, various gasses, fuels, fertilizer, animal feed and bulk minerals.

**OPEN LAND** - That portion of a tract or "Estate Lot" set aside for the protection of sensitive natural features, farmland, recreational activities, scenic views, and/or other unique attributes.

**OPEN SPACE** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for common facilities.

**PARCEL** - See Lot.

**PARENT TRACT** - A parcel of land existing, as of the effective date of the application of the Tyrone Township Zoning Ordinance, which could be subjected to future subdivision or land development proposals or approvals.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** - Act 170 of 1988, as amended.

**PLANNING COMMISSION** - The Planning Commission of the Township of Tyrone.

**PLANNED SHOPPING CENTER** - A group of retail stores and/or personal service establishments planned and designed to function as a unit, and having off-street parking and a landscaping plan as an integral part of the unit.

**PROCESSING** - operations in which the carcasses of slaughtered animals are defeathered, eviscerated, cut-up, skinned, boned, salted, stuffed, rendered or otherwise manufactured.

**PUBLIC NOTICE** - Notice published one each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**RENDERING** - any process that converts animal by-products into stable, value-added materials.

**RENEWABLE ENERGY/RENEWABLE ENERGY SOURCE** - Any method, process or substance whose supply is rejuvenated through natural processes, and subject to those natural processes, remains relatively constant, including, but not limited to: biomass conversion, geothermal energy, solar and wind and hydroelectric energy, and excluding those sources of energy used in the fission and fusion process.

**RESIDENTIAL CLUSTER** - A residential development designed in accordance with Cluster Development design techniques.

**RIGHT-OF-WAY** - A strip of land acquired by reservation, dedication, forced dedication prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses to allow the right of one to pass over the property of another.

**SETBACK LINE** - A line, generally parallel with and measured from the adjoining road or street right-of-way or property line, defining the limits of a yard in which no building or structure may be located.

**SIGN** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, the purpose of, or to communicate information of any kind to the public.

**SOLAR ENERGY SYSTEM** - An active or passive energy system which converts solar energy into thermal, electrical, or mechanical energy, and consists of a solar energy collector, such as photovoltaic cells, an energy storage facility and/or components for the distribution of transformed energy. Elements of the system may be attached to a structure, or erected as a separate structure, and/or attached to the ground.

**SOLAR ENERGY SYSTEM, ACCESSORY** - A solar energy system used primarily to generate electricity for on-site use.

**SOLAR ELECTRIC SYSTEM, LARGE-SCALE** - A solar energy system whose primary use is the production of electricity transmitted directly into the electrical grid. For purposes of this Chapter, large-scale solar energy systems shall refer solely to electricity produced through photovoltaic panels.

**SOLAR PHOTOVOLTAIC (PV) ENERGY PANELS** - Panels used to convert sunlight to electricity, producing no emissions. PV panels contain semiconductors such as silicon that collect and absorb solar energy, producing direct current (DC) electricity.

**STREET** - An avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**TOWNHOUSE COMMUNITY** - A group of townhouses developed on a single parcel of land and sharing common parking, recreation, and landscaping areas.

**TOWNSHIP** - Tyrone Township, Adams County, Pennsylvania.

**TOWNSHIP ENGINEER** - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Tyrone Township.

**VARIANCE** - Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and pursuant to the provisions of Part 15 of this Chapter.

**WIND ENERGY SYSTEM (WES)** - A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any. For purposes of this Chapter, WES shall refer to small-scale wind turbines that produce electricity at a rate of 100 kW or less and are primarily used for onsite power generation.

**WIRELESS COMMUNICATIONS ANTENNAE** - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Commission to operate such device. This definition does not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**WIRELESS COMMUNICATIONS TOWER** - A structure, other than a building, but

including monopole towers, self-supporting towers, or guyed towers, designed to be used to support Communications Antenna.

**YARD** - A space which is open to the sky and unoccupied by any building, structure or merchandise for display or sale, and which is located on the same lot with a building or structure.

**YARD, FRONT** - A yard, extending the full width of the lot, and situated between the road or street right-of-way line and the front building setback line.

**YARD, REAR** - A yard on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the required rear building line.

**YARD, SIDE** - A yard on the same lot with a main building, situated between a side line and the corresponding building line, and located between the front yard and the rear yard.

**ZONING HEARING BOARD** - The Zoning Hearing Board of the Township of Tyrone.

**ZONING OFFICER** - The municipal official duly appointed by the Board of Supervisors of Tyrone Township to administer and enforce the Zoning Ordinance of the Township of Tyrone.

**ZONING PERMIT** - A permit required by the Zoning Ordinance of the Township of Tyrone to ensure compliance with the applicable sections of this Chapter.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)



## **PART 3**

### **ESTABLISHMENT OF DISTRICTS**

**§12-300. Creation Of Districts.**

For the purpose of this Chapter, the land contained within the boundaries of the Township of Tyrone is hereby designated into the following districts:

Agricultural Preservation I (AP-I) District  
Agricultural Preservation II (AP-II) District  
Rural Residential (RR) District  
Village (V) District Residential (R) District  
Commercial (C) District  
Industrial (I) District  
Floodplain (FP) District

**§12-301. Zoning Map.**

The boundaries of said districts shall be shown upon the map attached to and made part of the Zoning Ordinance of the Township of Tyrone, which map is dated, and designated as the "Official Zoning Map of the Township of Tyrone." The said map and all notations, references, and other data shown therein are hereby incorporated by reference into this Part as if all were fully described herein.

**§12-302. District Boundaries.**

When uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of streets, railroad, and lot or property lines as they exist on plans of record at the time of the adoption the Zoning Ordinance of the Township of Tyrone, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
  
- B. Where a district boundary is not fixed by dimensions and where said boundary approximately follows a lot line, and where it does not scale more than ten (10) feet therefore, such lot line shall be construed to be such boundary line unless specifically shown otherwise.

- C. The permitted use of more than one half of the area of a lot of less than one (1) acre shall determine the use for the entire lot.

**§12-303. Interpretation of Boundaries.**

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map and determine the location of district boundaries.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011; amended by Ordinance 63 (#2018-63), enacted 9/19/2018)

## **PART 4**

### **AGRICULTURAL PRESERVATION 1 (AP-1) DISTRICT**

**§12-400. Statement Of Legislative Intent.**

- A. Protect and stabilize agriculture, particularly fruit growing, as an on-going economic activity within the primarily orchard area of Northern Tyrone Township by encouraging those land uses and activities which generally support the growing of fruit.
- B. Recognize and protect the land extensive nature of fruit-based agriculture by minimizing the amount of land that may be converted to non-agricultural uses.
- C. Protect the scenic and economic value of highly productive orchard and other land by discouraging development from occurring on productive farmlands; particularly that land conducive to high fruit or other crop yields.
- D. Protect the scenic value and visual beauty of the orchard and supporting agricultural landscape by requiring the sensitive placement of structures so as to not dominate the numerous striking and panoramic views found in Northern Tyrone Township.
- E. Recognize the importance of the visual beauty associated with the open space character of the Northern Tyrone Township landscape with respect to the viability of the Adams County tourism industry.
- F. Protect nearby residential properties and districts from the odors, noises, and agricultural practices typically associated with the fruit growing operations of Northern Tyrone Township.
- G. Minimize the creation of exurban development in the highly productive fruit areas of Northern Tyrone Township, thereby minimizing the cost of providing public infrastructure and services.
- H. Encourage the continuance of a minimum farm core size, thus limiting the number of parcels that may be too small to form individually and, simultaneously, limiting the potential for valuable farm land to be consumed by the exurban land market.

**§12-401. Permitted Principle Uses.**

A structure may be erected or used, and a lot may be used for the following permitted principle

uses and no other:

- A. Farm Buildings and Agricultural Uses, including the growing of fruits and other crops and the pasturing of animals.
- B. Forestry, including tree farming.
- C. Horticulture, including nurseries and greenhouses.
- D. One Single-family Detached Dwelling.

**§12-402. Permitted Accessory Uses.**

A structure may be erected or used, and a lot may be used for the following permitted accessory uses and no other:

- A. Produce and Fruit Stands, specifically for the sale of "home-grown" fruits and other products provided that the area of the stand does not exceed one thousand (1000) square feet, that a suitable parking area is provided such that customers are not forced to park along the cartway or within the right-of-way of the road, and that said stand is located not more than fifty (50) feet from the cartway but not within the road right-of-way.
- B. Buildings Clearly Accessory to Agricultural Structures, including storage buildings, silos, or other outbuildings.
- C. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
- D. Home Occupation
  - 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
  - 2. The Home Occupation shall be performed completely within the dwelling unit.
  - 3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.

4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
7. A single sign, conforming with the provisions of Section 1203 of this Chapter, is permitted.

E. Accessory Solar Energy System

1. Ground mounted systems:
  - a. A ground mounted system shall be setback a minimum of twenty-five (25) feet from any public right-of-way; and
  - b. Ground mounted systems shall have a minimum setback of fifteen (15) feet from any side or rear property line; except that:
  - c. Ground-mounted systems that comprise two (2) acres or more shall meet all of the requirements of Section 403(H).
2. Roof mounted systems shall not extend beyond the roof line and shall not be more than five (5) feet above the plane of the roof.
3. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.
4. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
5. Solar panels shall be located in a manner that will prevent glare toward adjacent

properties and occupied structures, as well as toward any oncoming traffic.

6. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

**§12-403. Conditional Uses.**

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. Fruit Processing Operations

1. The minimum lot width shall be two hundred fifty (250) feet.
2. To the maximum extent possible, employee parking areas and loading areas shall be designed as separate facilities to eliminate truck / car and truck / pedestrian conflicts. Parking lots and loading areas shall be paved.
3. Areas designed for outdoor storage of pallets, machinery, or other materials used in fruit processing operations shall be provided a vegetative screen consisting of at least three of the following materials: landscape mulch, grass, shrubs, and trees. Outdoor storage areas shall be screened by either a fence of at least eight (8) feet in height, or a landscaped berm of sufficient height to shield the storage area from view from adjoining properties.
4. A maximum of seventy-five percent (75%) of the site may be covered with impervious materials.
5. Wherever possible, the fruit processing operation shall be developed in a location such that the access to the facility is taken from a State Roadway. The fruit processing operation may be developed in a location such that access to the facility is provided from a Township Roadway designed to accommodate tractor-trailer traffic.

B. Churches

1. The minimum lot width shall be two hundred (200) feet.
2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.
3. In addition to the standards of Part 13 of this Chapter, parking areas shall not be located between the church structure and the street right-of-way, but shall instead be located to the rear or side of the church structure.

C. Agricultural Society Meeting Halls

1. The minimum lot width shall be two hundred (200) feet.
2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.
3. In addition to the standards of Part 13 of this Chapter, parking areas shall not be located between the structure and the street right-of-way, but shall instead be located to the rear or side of the structure.

D. Bed and Breakfast Operations

1. Such an establishment shall be located in a private residence.
2. The operation shall contain ten (10) or fewer sleeping rooms used to provide overnight accommodations to the public.
3. All served meals shall be included in the lodging charge. No meals may be served to the general public.
4. Appropriate State and Township licenses shall be obtained.
5. In addition to the standards of Part 13 of this Chapter, vegetative screening, including landscape mulch, grass, and shrubs, shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

E. Wireless Communications Towers provided the following provisions have been met.

1. Evaluation of Siting Opportunities: An applicant for a zoning permit shall demonstrate compliance with the following requirements.
  - a. That the proposed facility is needed at the proposed location. The

applicant shall provide an existing capacity analysis demonstrating a need for additional capacity at or near the proposed tower location. Should the applicant be a tower company with the intent of leasing tower space to licensed wireless communications companies, the applicant shall then demonstrate that it is aware of and is addressing the specific capacity needs of wireless communications companies licensed to operate in the area.

- b. That owners of all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been contacted in regard to permission to install the communications antenna on those structures and that no alternative siting opportunities exist. Such contacts should include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other Communications companies, and other communications towers (fire, police, etc.).
  - c. That potential negative impacts on neighboring residential properties, as identified in a written analysis prepared by the applicant and provided to the Township, will be effectively mitigated as set forth in said analysis.
  - d. That the proposed facility-will be incorporated into the applicant's long-term service plan for the area. Should the applicant be a tower company with the intent of leasing tower space to licensed wireless communications companies, the applicant shall demonstrate that it has evaluated the long-term service plans for the various wireless communication companies licensed to operate in the area.
2. Tower Height: The maximum tower height shall be two hundred (200) feet.
3. Siting Requirements: Where the construction of a new support structure is proposed, the following siting criteria must be met:
- a. The minimum distance between any property line or public road right-of-way and the base of the tower, or any anchoring guy wires, shall be fifty percent (50%) of the tower height.
  - b. The minimum distance between any residential, church, or school property line and the base of the tower, or any anchoring guy wires, shall be two hundred (200) feet or fifty percent (50%) of the tower height, whichever is greater.
  - c. Where feasible, the applicant shall use natural features such as tree stands and the sides of hills to conceal towers.



4. Tower Safety: The applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of support structure failure, falling ice or other debris, or radio frequency interference. All towers shall be fitted with anti-climbing devices, as approved by the manufacturers.
5. Tower Type: Where the construction of new support structure is proposed, the applicant shall use a monopole where the proposed site meets one (1) or more of the following locational criteria:
  - a. Within one (1) mile of an area or property listed in the National Register of Historic Places.
  - b. Within one (1) mile of an area or property deemed eligible by the State Historic Preservation Officer to be eligible for listing in the National Register of Historic Places.
  - c. Within the visual corridor of US Route 15 as defined in the Adams County Comprehensive Plan.
  - d. Within five hundred (500) feet of any border of Villages (V) District boundary, as established by this Chapter, or within five hundred (500) feet of any residential subdivision or land development containing more than twenty-five (25) contiguous dwelling units and a dwelling unit density of greater than one (1) dwelling unit per acre.

Lattice towers may be used in locations which fall outside the established location criteria of this section.

6. Landscaping: Where the construction of a new tower is proposed, an applicant shall demonstrate compliance with the following landscaping requirements:
  - a. The base of the tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.
  - b. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant.
7. Color: Where a specific color pattern is not required by the Federal Aviation

Administration (FAA), tower colors shall meet the following requirements:

- a. The tower shall be painted green or brown from the base of the tower to the average height of surrounding vegetation.
  - b. The tower shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower.
8. **Parking:** One (1) off-street parking space for a maintenance vehicle shall be provided.
  9. **Tower Removal Agreement:** The applicant shall sign an agreement stating that when all reasonable uses of the tower are no longer necessary, it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor.
  10. **On-site Storage:** A list of the contents of the equipment building or box located within, on, or at the facility, which specific attention to any potentially unsafe or toxic substances, including batteries, shall be provided to the Township.
  11. **Power Specifications:** Information regarding the intended power supply and auxiliary power supply for the facility shall be provided to the Township.
  12. **Municipal Approvals:** No zoning permit shall be issued until the applicant has obtained approval of its Land Development Plan along with all other necessary approval/permits from the Township and from any other State or Federal agency having jurisdiction thereof.

F. **Migrant Housing**

1. Quarters for migrant workers may be established on properties within the AP-1 District which are use for fruit growing operations.
2. A maximum often (10) individual residences may be constructed for every one hundred (100) acres of a property planted in orchards.
3. The applicant shall demonstrate compliance with all applicable State and/or Federal standards for migrant worker housing.

G. **Wind Energy Systems (WES)**

1. All components of the Wind Energy System shall be considered accessory structures and the generation of energy as an accessory use to a principal use.

There shall be no commercial use of a wind energy system, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

2. Wind energy generation shall be limited to one (1) wind turbine per residential lot or 1 per 10 acres of agricultural land.
3. Wind turbines shall have a capacity of 100 KW or less.
4. The maximum height of any wind turbine shall not exceed one-hundred (100) feet. The maximum height shall include the height of blades or other components at the highest point.
5. All moving parts of a wind turbine shall be a minimum of eighteen (18) feet above the ground.
6. No wind turbine shall be placed in a front yard.
7. Wind turbines shall be set back from all side and rear property lines a distance at least equal to the height of the turbine plus twenty-five (25%) of the height.
8. Audible sound from a wind turbine shall not exceed sixty-five (65) decibels, as measured at the property line.
9. Wind turbines shall not be illuminated except as otherwise required by law.
10. Access to a wind turbine tower shall not be provided any lower than ten (10) feet above ground level. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
11. There shall be no antennae, advertising, or other items or materials affixed or placed on any component of a wind energy system, except those required for safety or otherwise permitted by the Township.
12. The design of wind energy systems shall use materials, colors, textures, screening or landscaping that will blend components of the system into the natural setting and existing environment, to the satisfaction of the Board of Supervisors during the Conditional Use hearing.
13. A Site Plan shall be prepared and certified by a registered Pennsylvania Professional Engineer and submitted as part of the Conditional Use application. In addition to the other requirements of this Section, the Site Plan shall contain the

following:

- a. Property boundaries and identification of neighboring property owners.
  - b. The location of all man-made structures on the property, as well as all man-made structures within one hundred (100) feet of any proposed wind turbine.
  - c. All wires and overhead structures, both natural and man-made.
  - d. Soil types where any tower foundation will be constructed.
  - e. Complete structural and engineering details, including narrative descriptions, demonstrating how the foundation, support and other parts of the wind energy system will be constructed, installed, and maintained.
  - f. Information regarding the speed of operation and braking mechanism. No wind turbine shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and/or excessive pressure on the turbine or any of its parts.
14. The Township may require the submission of additional information during the Conditional Use hearing(s).
15. Removal of Wind Turbines: The applicant shall sign an agreement stating that when all reasonable uses of the turbine are no longer necessary it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal.

H. Large-Scale Solar Energy System

1. Area and Bulk Regulations
  - a. Minimum Lot Area: 10 acres
  - b. Minimum Lot Width: 250 feet
  - c. Maximum Impervious coverage: 30%
  - d. Maximum Building Coverage: 15%
  - e. Maximum Height: 35 feet

- f. Front Yard Setback: 100 feet
  - g. Rear Yard Setback: 100 feet
  - h. Side Yard Setback: 100 feet
  - i. A Large-Scale Solar Energy System facility, including, but not limited to solar panels, equipment, accessory structures and their appurtenances, shall occupy no more than 50% of the total of any existing agriculturally used land on a parcel, whether in active production or fallow, as well as any additional land on a parcel that would be classified as farmland by the criteria within Section 12-405.E. The remaining agricultural lands on a parcel must be configured in a manner to allow for future agricultural use and cultivation which includes locating the solar facilities to preserve agricultural farmland in accordance with Section 12-405, to the maximum extent possible as determined by the Board of Supervisors. Evidence documenting compliance with this Section and Section 12-405 with respect to soil types, farmland, and land use classifications must be provided with the Conditional Use Application.
- 2. Accessory Structures, including meteorological equipment, and other structures not customarily intended for human occupation shall meet the requirements for principal structures.
  - 3. All solar energy inverter equipment shall be located within an enclosed structure. Such structures shall be fenced or otherwise secured and located a minimum of two hundred (200) feet from any residentially zoned land or uses.
  - 4. Facilities designed to provide parking for a minimum of three (3) spaces shall meet the design standards in Part 13 and the Subdivision and Land Development Chapter.
  - 5. Landscaping/Screening:
    - a. Where woodlands or small stands of trees exist along a public right-of-way, the applicant should consider locating buildings and accessways in a manner that uses such vegetation to buffer and screen the facility and preserve the existing character of the Township.
    - b. All required landscaping shall be included in the improvement bond required by the Tyrone Township Subdivision and Land Development Ordinance.

6. On-site transmission and power lines shall be placed underground.
7. All solar panels, equipment and accessory structures shall be enclosed by a fence, barrier or other appropriate means to prevent unauthorized persons or vehicles from entering the location. Such fencing shall be fully screened with evergreen landscaping in accordance with the Subdivision and Land Development Ordinance.
8. Clearly visible, warning signs shall be placed around the property and at the facility entrance to inform individuals of the potential voltage hazards.
9. Noise or vibrations shall not exceed sixty-five (65) decibels as measured at the property line of the lot on which the use is located.
10. Facilities shall not have any artificially lighting beyond that required by any applicable federal or state laws. Light produced by the use shall not exceed a luminance of 0.3 footcandles above ambient light, as measured at the property line of any lot on which the facility is located, except where adjacent to a residential use, the maximum illumination shall not exceed 0.1 footcandle at the residential property line.
11. No advertising signage shall be permitted beyond identification of the facility owner and manufacturer of the panel, inverter or other equipment and in accordance with the provisions of Section 1203(A).
12. Additional Standards and Submissions:
  - a. The applicant shall provide a Summary of Operations to the Township at the time of the Conditional Use Hearing. Such summary shall include, but not be limited to: approximate generating capacity of the solar energy system; approximate number, representative types, and dimensions (including height when installed) of the PV panels and racking/mounting system; approximate location and arrangement of the PV modules and arrays on the site; approximate description, dimensions, and location of all ancillary equipment, buildings and structures, including all distribution or transmission lines.
  - b. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of

Labor and Industry under its regulatory authority.

- c. The design of the Solar Energy System shall conform to applicable industry standards. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
  - d. The applicant shall provide a plan for emergency procedures in case of fire, explosion or other hazardous occurrence to the relevant Emergency Management Agencies, Township Fire Company(s), Township Supervisors, and Fire Marshal.
  - e. A Land Development Plan shall be submitted to, and approved by, the Township, in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.
  - f. Facilities shall meet all applicable air, water, and other environmental quality standards in accordance with State and Federal Government requirements. Copies of all required permits shall be submitted to the Tyrone Township Board of Supervisors prior to the Certificate of Occupancy.
13. In order to determine that a proposed use or activity complies with the above standards, the Township may, at the expense of the applicant:
- a. Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
  - b. Require the submission of written assurances from the applicant.
  - c. Require compliance with certain tests or provision of whatever safeguards may be considered necessary.
14. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
15. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the

request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

**§12-404. General Requirements.**

All Permitted Principle Uses, Permitted Accessory Uses, and Conditional Uses, listed in Sections 401, 402, and 403 of this Chapter, and erected or established after the adoption date of this Section, shall comply with the following requirements:

A. Conventional Option

1. Development Allotment - Existing properties shall be permitted the following number of lots, upon which may be erected Permitted Principle or Conditional Uses meeting the standards of this Chapter. The number of lots allocated to a parcel shall be based on the parcel size at the effective date of this Chapter excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

Parent Tract	<u>Number of Lots That May Be Subdivided From Parent Tract</u>
0 Ac. - 14.99 Ac.	1
15 Ac. - 29.99 Ac.	2
30 Ac. - 49.99 Ac.	3
50 Ac. - 99.99 Ac.	4
100 Ac. -149.99 Ac.	5
150 Ac. - 199.99 Ac.	6
200 Ac or more	7, plus one lot for each 100 Ac. over 200 Ac.

2. Area and Bulk Requirements - Unless otherwise specified in this Section, the lot area, lot width, yard depths and widths, and building heights, shall, meet the following requirements.
  - a. The minimum lot area shall be one (1) acre.
  - b. Unless otherwise permitted by this Part, the maximum lot area for residential and non-residential uses shall be two (2) acres. Where more than two (2) acres is needed to meet the requirements of on-site sewer and water systems, the Township may waive this requirement; provided, that the minimum additional area is used to meet the requirements of such on-



site systems.

- c. The minimum lot width for residential and non-residential uses shall be one hundred fifty (150) feet.
  - d. The minimum front yard depth shall be twenty-five (25) feet.
  - e. The minimum rear yard depth shall be twenty-five (25) feet.
  - f. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards is thirty-five (35) feet.
  - g. The maximum height of any non-agricultural building or structure shall be thirty- five (35) feet.
3. Large Lot/Lot Consolidation Option: Landowners may elect to combine the lot allocations that they are entitled to by the scale established in Section 403.A.1 to create a lot that is larger than the ordinarily required maximum lot area for the given use. If this option is elected, the maximum area of the large lot created by combining two or more of the entitled lot allocations shall be determined by adding two (2) acres to the maximum lot size for the given use for each additional lot allocation used to create the new lot.

In the event that the proposed lot exceeds 20 acres in size and exceeds the allowable maximum lot size when utilizing all remaining development allotments at the time of subdivision, one lot exceeding 20 acres may be created but all development allotments will be used to create this lot and there will no further subdivision of the newly created lot or the parent lot permitted in the future.

**B. Cluster Option**

- 1. Development Allotment - Existing parcels shall be permitted the following number of lots, upon which may be erected Permitted Principle Residential Uses meeting the standards of this Chapter. The number of lots allocated to a parcel shall be based on the parcel size at the effective date of this Chapter excluding lands already placed under a conservation easement or similar such restriction, in accordance with the following table:

<u>Parent Tract</u>	<u>Number of Lots That May Be Subdivided From Parent Tract</u>
0 Ac. - 9.99 Ac.	2
10 Ac. - 24.99 Ac.	3
25 Ac. - 49.99 Ac.	5

50 Ac. - 74.99 Ac.	6
75 Ac. - 99.99 Ac.	7
100 Ac. - 149.99 Ac.	8
150 Ac. - 199.99 Ac.	10
200 Ac. or more	7, plus one lot for each 100Ac.over 200 Ac.

2. Area, Bulk, and Design Requirements - In order to qualify for the cluster option, the developer shall demonstrate that the area, bulk, and design standards set forth in this section are met.
- a. The minimum lot area shall be twelve thousand (12,000) square feet.
  - b. The maximum lot area shall be twenty-five thousand (25,000) square feet.
  - c. The average lot area shall exceed sixteen thousand (16,000) square feet.
  - d. No lots shall take access from existing roads within the Township. All lots shall take access from a local road developed to provide access for the residential lots.
  - e. The minimum lot width at the building line shall be ninety (90) feet.
  - f. The minimum front yard depth shall be twenty-five (25) feet.
  - g. The minimum rear yard depth shall be twenty-five (25) feet.
  - h. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards shall be twenty-five (25) feet.
  - i. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
  - j. The maximum height shall be thirty-five (35) feet.
  - k. A community or public sewage collection and treatment system shall be required and approved for use by appropriate agencies. On-lot sewage treatment is specifically not permitted in cluster development projects in this District.

- C. Add-On Lots are permitted in accordance with the following requirements:
1. Add-On Lots, for the purpose of selling, conveying, or otherwise transferring ownership of farmland from one farm owner to another for use for agricultural purposes only, as permitted in this District, shall not be subject to the maximum lot area requirements of Sections 404(A)(2)(b) or 404(B)(2)(b). Other Add-On Lot proposals are permitted, provided that the remainder of the parent tract and the parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Sections 404(A)(2) and 404(B)(2).
  2. When an Add-On lot is subdivided from the parent tract, the development allotment assigned to the remainder of the parent tract shall be calculated by evaluating the remainder of the parent tract against the sliding scales of Sections 404(A)(1) and 404(B)(1) as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Chapter.
  3. When an Add-On lot is added to an adjoining tract, the development allotment established by the sliding scales of Sections 404(A)(1) and 404(B)(1) shall not be increased.
  4. Add-On lots shall not be used to circumvent the requirements within Section 404.A.3. If the receiving parcel, prior to the Add-On addition, is less than 20 acres and the final parcel size after subdivision will exceed the maximum lot size within Section 404.A.2, the Large Lot/Lot Consolidation criteria shall be applied to the portion of the Add-On lot and the corresponding number of lot allocations deducted from the remainder of the parent tract.

**§12-405. Locational Criteria.**

All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality orchard farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.

- A. The size, shape, and dimensions of the parcel and the size and location of all existing buildings.
- B. All lots previously approved in accordance with this Part.
- C. Land under active cultivation, land used as pasture, and forested land or land within woodlots.

- D. Soil information for the parcel, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of Adams County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Natural Resources Conservation Service.
- E. The developer shall demonstrate that the following location and design considerations have been fully addressed.
1. All uses or lots shall be established on non-orchard farmland, when such land is available, or on lands which cannot feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery. Orchard farmland shall be deemed to include the following soil types:
    - a. Arendtsville Gravely Loam (Map Symbol Ag)
    - b. Catoctin Channery Silt Loam (Map Symbol Cc)
    - c. Highfield Channery Silt Loam (Map Symbol He)
    - d. Highfield and Catoctin Very Stony Loams (Map Symbol Hh)
    - e. Montalto Silt Loam (Map Symbol Mo)
    - f. Montalto Very Stony Silt Loam (Map Symbol Mu)
    - g. Mount Lucas Silt Loam (Map Symbol Mt)
    - h. Myersville Silt Loam (Map Symbol Mv)
  2. Where a parcel is comprised entirely of orchard farmland, the least suitable farmland shall be utilized for the development.
  3. Where all non-orchard farmland areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.
  4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject parcel and in consideration of adjacent parcels, to avoid a scattering of development.
  5. Wherever feasible, lots shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).
  6. Wherever feasible, lots shall be located such that disturbance to existing orchards, hedgerows, other wooded areas, and other significant vegetation, is minimized.

7. Wherever feasible, lots shall be located such that the impacts on significant scenic areas and view sheds are minimized. To meet this standard, the following location standards should be met, to the maximum extent feasible:
  - a. New structures shall not be located on the tops of ridgelines.
  - b. New structures shall not be located in the middle of open fields.
  - c. New structures may be located along hedgerows or groves of trees, thus partially or fully screening the property.

8. Residential lots shall be separated from orchards by the maximum feasible distance, thus minimizing health and safety impacts of orchard spraying near residential properties.

Where residential lots are proposed within two hundred (200) feet of an orchard, a vegetative screen meeting the following standards shall be provided:

- a. The vegetative screen shall consist of evergreen trees with a minimum height of four (4) feet.
- E. The trees shall be planted at intervals of ten (10) feet.
  - F. The trees shall be of a species which, when mature, will reach a height of at least thirty (30) feet.
  - G. The trees shall be planted on the residential property, along each property line which faces an orchard area.
  - H. Where a cluster of residences are proposed, the vegetative screen may incorporate the residential cluster rather than individual properties.
  - I. Application for the last lot or use permitted to be subdivided from or developed on a property shall be accompanied by a proposed deed for the residual farm land or property. The proposed deed shall contain a restriction to identify that all subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional principle uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision approval for the last allowable lot or use. Said deed restriction shall be recorded when the applicant records the subdivision plan approved by the Township. Failure to record said deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Chapter. The applicant shall provide the Zoning Officer a copy of the Recorder's Certificate within ten (10) working days after the deed is

recorded.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011; amended by Ordinance 65 (#2019-65), enacted 10/9/2019; amended by Ordinance 67 (#2020-01), enacted 2/19/2020); amended by Ordinance 69 (#2020-03), enacted 6/3/2020)

**PART 5**

**AGRICULTURAL PRESERVATION 2 (AP-2) DISTRICT**

**§12-500. Statement Of Legislative Intent.**

- A. Protect and stabilize general agriculture as an on-going economic activity in the Southern Tyrone Township area by encouraging those land uses and activities which are agricultural in nature or act in direct support thereof.
- B. Discourage development from occurring on productive farmlands, including those designated as "prime" or "important," and those, which are conducive to high crop yields.
- C. Protect agriculture from incompatible uses, which may also interfere with normal and customary agricultural practices within that zone.
- D. Minimize the amount of land consumed for non-agricultural purposes by encouraging non-agricultural development to occur on small parcels.
- E. Provide for the continuation of agribusiness operations within appropriate areas of Tyrone Township by requiring appropriate design standards for agribusiness operations and by requiring adequate setbacks between agribusiness and residential uses.
- F. Retain the expansive, open farmlands of the southern Tyrone Township countryside which strongly contribute to the rural beauty of Tyrone Township and north central Adams County.
- G. Permit the location of clean, renewable energy production facilities within the Township in order to provide an additional local market for agricultural products and by-products, while minimizing the impacts of such facilities on the larger community.

**§12-501. Permitted Principle Uses.**

A structure may be erected or used, and a lot may be used for the following permitted principle uses and no other:

- A. Farm Buildings and Agricultural Uses, including the growing of crops and the pasturing of animals.
- B. Forestry.

- C. Horticulture, including nurseries and greenhouses.
- D. One Single-family Detached Dwelling.

**§12-502. Permitted Accessory Uses.**

A structure may be erected or used, and a lot may be used for the following permitted accessory uses and no other:

- A. Produce Stands, specifically for the sale of "home-grown" products provided that the area of the stand does not exceed one thousand (1000) square feet that a suitable parking area is provided such that customers are not forced to park along the cartway or within the right-of-way of the road.
- B. Buildings Clearly Accessory to Agricultural Structures, including storage buildings, silos, or other outbuildings.
- C. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
- D. Home Occupation
  - 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
  - 2. The Home Occupation shall be performed completely within the dwelling unit.
  - 3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
  - 4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
  - 5. Exterior storage of materials shall be prohibited.
  - 6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.



7. A single sign, conforming to the provisions of Section 1203 of this Chapter, is permitted.

E. Accessory Solar Energy System

1. Ground mounted systems:
  - a. A ground mounted system shall be setback a minimum of twenty-five (25) feet from any public right-of-way; and
  - b. A ground mounted system shall have a minimum setback of fifteen (15) feet from any side or rear property line; except that:
  - c. Ground-mounted systems that comprise two (2) acres or more shall meet all of the requirements of Section 403(H).
2. Roof mounted systems shall not extend beyond the roof line and shall not be more than five (5) feet above the plane of the roof.
3. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry.
4. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida solar Energy Center (FSEC), or other similar certifying organization.
5. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
6. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings,

cabling, electrical components, foundations and other associated facilities.

**§12-503. Conditional Uses.**

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

- A. The development of new Agribusiness Operations, or the expansion of existing Agribusiness Operations, subject to the following conditions:
1. Minimum lot area shall be one hundred (100) acres. The Township Supervisors, based on the testimony provided at the Conditional Use Hearing, and other relevant information, may increase the minimum lot area required. When the proposed site of such operation is comprised of more than one tract, the owner of such tracts shall combine them under a single perimeter description deed. Said deed shall be recorded in the Adams County Register and Records Office, and a copy of such deed showing the date and book and page number of recording shall be provided to the Township before a Conditional Use Permit will be issued.
  2. Setbacks: The following setbacks are required:
    - a. For new and existing Agribusiness Operations, or the expansion of existing Agribusiness Operations, the structure housing the agribusiness operation shall be located:
      - 1) No closer than four hundred (400) feet from any side or rear property line.
      - 2) No closer than two thousand (2,000) feet from any dwelling or water well not located on the parcel being developed or on any parcel containing an existing Agribusiness Operation or Limited Agribusiness Operation.
      - 3) No closer than one thousand (1,000) feet from any dwelling or water well located on any parcel containing an existing Agribusiness Operation or Limited Agribusiness Operation.
      - 4) No closer than two thousand (2,000) feet from any church or school property line.
    - b. Any manure storage facility shall be located in accordance with the setback requirements established by the Final Regulations of the Pennsylvania Manure Management Act of 1993.

3. Maximum lot coverage shall not exceed ten percent (10%).
4. Where required, a Nutrient Management Plan, prepared in accordance with the Pennsylvania Manure Management Act, shall be submitted to the Adams County Conservation District for review prior to the Conditional Use Hearing. Said plan and proof of its approval by the Adams County Soil Conservation District shall be presented at the Hearing. Applicants not required to submit such plans are strongly encouraged to submit such plans as a volunteer under Section 506(H) of the Act.
5. The applicant shall present to the Board of Supervisors (a) all applicable permits demonstrating that licensure has been obtained by the Pennsylvania Department of Environmental Protection and (b) all plans submitted as part of the DEP application, including but not limited to an erosion/sedimentation control plan, NPDES stormwater permit, and an engineer's certification of the manure storage facilities.
6. A Water Supply Feasibility Report shall be prepared to demonstrate the sufficient water resources are available to serve the proposed operation. The Report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Agribusiness Operation. The Report shall be prepared by a licensed hydrogeologist.
7. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Smaller dead animals shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease and as approved by the Township Supervisors.
8. A Land Development Plan shall be submitted to, and approved by, the Township, in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.
9. Areas designed for outdoor storage of pallets, machinery, or other materials shall be screened by either a fence of at least eight (8) feet in height, or a landscaping of at sufficient height to shield the outdoor storage areas from view from adjoining properties or public roadways.
10. The perimeter of any parking area for employees or commercial vehicles shall have be screened with a continuous buffer measures a minimum height of forty-two (42) inches at maturity, except where existing vegetation may be used.

11. All roads, parking areas and loading/unloading areas shall meet the design standards in Part 13 and the Subdivision and Land Development Ordinance. No employee parking or truck parking areas shall be located between the principal structure and the public street from which visitors take access.
12. Public roads used by or serving the agribusiness operation meet Pennsylvania Department of Transportation specifications. Where public roads intended to be used by the agribusiness operation are not designed and constructed to Pennsylvania Department of Transportation specifications, such necessary improvements shall be made by the applicant.

B. Limited Agribusiness Operations.

The development of new Limited Agribusiness Operations, or the expansion of existing Limited Agribusiness Operations on the site of existing agribusiness operations shall be subject to the following conditions:

1. Minimum lot area shall be fifty (50) acres.
2. Setbacks: Structures used for slaughtering, processing, rendering and packaging shall be setback a minimum of two hundred (200) feet and the perimeter of said structures shall be screened from all adjoining properties with a twenty-five (25) foot wide landscape screen.
3. Maximum lot coverage shall not exceed ten (10%) percent.
4. Such operations shall only be permitted to slaughter and process animals eighty-five (85%) percent of which must be owned and raised by the applicant.

There shall be no custom raising, slaughtering, or processing of animals beyond the limitation imposed by this paragraph.

5. All aspects of slaughtering, processing, rendering, and packaging operations, except the unloading and holding of live animals, shall be conducted completely within an enclosed building.
6. The unloading of animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator.
7. The loading and unloading of trucks shall only occur between 6 AM and 8PM.
8. No loading and unloading of animals shall take place within the front yard.

9. All unusable animal by-products shall be stored indoors in leak and vector proof containers. In the case of operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the weekly disposal of such waste products. Such waste products shall be removed from the site a minimum of once per week.
10. Where required, a Nutrient Management Plan, prepared in accordance with the Pennsylvania Manure Management Act, shall be submitted to the Adams County Conservation District for review prior to the Conditional Use Hearing. Said plan and proof of its approval by the Adams County Soil Conservation District shall be presented at the Hearing. Applicants not required to submit such plans are strongly encouraged to submit such plans as a volunteer under Section 506(H) of the Act.
11. The applicant shall present to the Board of Supervisors (a) all applicable permits demonstrating that licensure has been obtained ' by the Pennsylvania Department of Environmental Protection and (b) all plans submitted as part of the DEP application, including but not limited to an erosion/sedimentation control plan, NPDES storm water permit, and an engineer's certification of the manure storage facilities.
12. A Water Supply Feasibility Report shall be prepared to demonstrate the sufficient water resources are available to serve the proposed operation. The Report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Limited Agribusiness Operation. The Report shall be prepared by a licensed hydrogeologist.
13. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Agriculture. Smaller dead animals shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease and as approved by the Township Supervisors.
14. A Land Development Plan shall be submitted to, and approved by, the Township, in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.
15. Areas designed for outdoor storage of pallets, machinery, or other materials shall be screened by either a fence of at least eight (8) feet in height, or a landscaping of at sufficient height to shield the outdoor storage areas from view from adjoining properties or public roadways.

16. The perimeter of any parking area for employees or commercial vehicles shall have be screened with a continuous buffer measures a minimum height of forty-two (42) inches at maturity, except where existing vegetation may be used, landscaped with at least three of the following materials: landscape mulch, grass, shrubs, and trees.
17. All roads, parking areas and loading/unloading areas shall meet the design standards in Part 13 and the Subdivision and Land Development Ordinance. No employee parking or truck parking areas shall be located between the principal structure and the public street from which visitors take access.
18. Public roads used by or serving the Limited Agribusiness Operation meet Pennsylvania Department of Transportation specifications. Where public roads intended to be used by the Limited Agribusiness Operation are not designed and constructed to Pennsylvania Department of Transportation specifications, such necessary improvements shall be made by the applicant. This section may be waived or modified if the applicant can demonstrate that the traffic impact of agribusiness operation is equal to or less than the maximum traffic impact of the existing use of the property.

C. Churches

1. The minimum lot width shall be two-hundred (200) feet.
2. A maximum of sixty percent (60%) of the site may be covered with impervious materials.
3. In addition to the standards of Part 13 of this Chapter, parking areas shall not be located between the church structure and the street right-of-way, but shall instead be located to the rear of side of the church structure.

D. Agricultural Society Meeting Halls

1. The minimum lot width shall be two hundred (200) feet.
2. A maximum of sixty percent of the site may be covered with impervious materials.
3. In addition to the standards of Part 13 of this Chapter, parking areas shall not be located between the structure and the street right-of-way, but shall instead be located to the rear of side of the structure

E. Bed and Breakfast Operations

1. Such an establishment shall be located in a private residence.
2. The operation shall contain ten (10) or fewer sleeping rooms used to provide overnight accommodations to the public.
3. All served meals shall be included in the lodging charge. No meals may be served to the general public.
4. Appropriate State and Township licenses shall be obtained.
5. In addition to the standards of Part 13 of this Chapter, vegetative screening, including landscape mulch, grass, and shrubs, shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

F. Nutrient Recovery Facility

1. Area and Bulk Regulations:
  - a. Minimum Lot Area: 10 acres
  - b. Minimum Lot Width: 250 feet
  - c. Maximum Impervious coverage: 30%
  - d. Maximum Building Coverage: 15%
  - e. Maximum Building Height: 35 feet, except that one (1) chimney or other vertical exhaust/collection pipe, located a minimum of 400 feet from any public street right-of-way or residential use or zone, may be a maximum of 50 feet in height.
  - f. Front yard setback: 200 feet
  - j. Rear yard setback: 200 feet
  - k. Side yard setback: 200 feet
  - l. Such facility shall be separated from any residence, place of worship, or school by a minimum of 1,000 feet.
2. Public roads used by or serving the nutrient recovery facility shall meet

Pennsylvania Department of Transportation specifications. Where public roads intended to be used by the Nutrient Recovery Facility are not designed and constructed to Pennsylvania Department of Transportation specifications, such necessary improvements shall be made by the applicant.

3. Accessory Structures, including meteorological equipment, storage silos, antennas and other structures not customarily intended for human occupation:
  - a. Maximum height: Accessory structures, including rooftop structures and utilities, shall be a maximum of thirty-five (35) feet in height, except that one chimney, stack or other vertical exhaust/collection pipe may be permitted to be a maximum of fifty (50) feet in height, where located a minimum of four hundred (400) feet from any right-of way or residence.
  - b. Where located adjacent to a residential use or zone, accessory structures shall be setback from such property lines a minimum of two hundred (200) feet.
  - c. Accessory structures, including utility structures, shall be located to the side or rear of the principal building(s).
4. All biomass processing equipment and processing shall be located within an enclosed structure.
5. There shall be no outdoor storage of biomass or other materials or equipment.
6. All roads, parking areas and loading/unloading areas shall meet the design standards in Part 13 and the Subdivision and Land Development Ordinance. No employee parking or truck parking areas shall be located between the principal structure and the public street from which visitors take access.
7. Landscaping/Screening:
  - a. Where woodlands or small stands of trees exist along a public right-of-way, the applicant should consider locating buildings and accessways in a manner that uses such vegetation to buffer and screen the facility and preserve the existing character of the Township.
  - b. Landscaping shall be in accordance with the Subdivision and Land Development Ordinance,
  - c. All required landscaping shall be included in the improvement bond required by the Tyrone Township Subdivision and Land Development



Ordinance.

8. Visitor/Education Center as Accessory Use
  - a. A Visitor/education center may be co-located with an existing renewable energy facility for the limited purpose of informing the public and providing information and educational activities related to the function of the facility and other community activities.
  - b. The use shall occupy no more than thirty percent (30%) of the gross floor area of the building in which it is located.
  - c. Visitor access shall be separate from those used for the hauling of materials.
  
9. Additional Standards and Submissions:
  - a. Any manure storage facilities shall be in accordance with the Pennsylvania Manure Management Act. Where applicable, a Nutrient Management Plan shall be submitted to the Adams County Conservation District for review. Said plan and proof of its approval by the Adams County Soil Conservation District or a letter from the Adams County Conservation District stating that such plan is not needed for the proposed facility shall be presented at the Conditional Use Hearing.
  - b. The applicant shall provide a Summary of Operations to the Township at the time of the Conditional Use Hearing. Such summary shall include, but not be limited to: volume of biomass to be processed at the facility, volume of vehicles for the import of raw materials and export of by-products on a daily, weekly and annual basis, and volume of biomass to be stored onsite at any one time.
  - c. A list of all haulers shall be provided to the Township at the time of application for Final Plan Approval and anytime there is an addition or deletion from the list.
  - d. Water Supply Feasibility Report: Where water is to be used as part of the industrial processes, a Water Supply Feasibility Report shall be prepared to demonstrate that sufficient water resources are available to serve the facility. The Report shall assess any water quality and quantity impacts for all public and private wells within one (1) mile of the facility.
  - e. The applicant shall provide a plan for the safe disposal of any facility

- waste or by-products, including methods for the disposal of any water used in industrial processes, dust control, and ash or residual waste disposal.
- f. Visible particulate emission or spill of any material being transported by a motor vehicle is prohibited.
  - g. Noise or vibrations shall not exceed sixty-five (65) decibels as measured at the property line of the lot on which the use is located.
  - h. Light produced by the use shall not exceed a luminance of 0.3 footcandles above ambient light, as measured at the property line of any lot on which the facility is located, except where adjacent to a residential use, the maximum illumination shall not exceed 0.1 footcandle at the residential property line. All lighting sources shall be shielded to prevent glare or reflection of such light beyond the property line by shielding the reflector or lens from viewing angles above 60 degrees from the horizontal.
  - i. The use shall comply with the standards of Pennsylvania Act 38 of 2005, as may be amended, for Facility Odor Management and submit an Odor Management Plan to the State Conservation Commission as a Volunteer Agricultural Operation.
  - j. The applicant shall provide a plan for emergency procedures in case of fire, explosion or other hazardous occurrence to the relevant Emergency Management Agencies, Township Fire Company(s), Township Supervisors, and Fire Marshal.
  - k. A Land Development Plan shall be submitted to, and approved by, the Township, in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.
  - l. Facilities shall meet all applicable air, water, and other environmental quality standards in accordance with State and Federal Government requirements. Copies of all required permits shall be submitted to the Tyrone Township Board of Supervisors prior to the Certificate of Occupancy.
10. In order to determine that a proposed use or activity complies with the above standards, the Township may, at the expense of the applicant:
- a. Require the submission of impartial expert opinions or judgments from official agencies or private consultants.

- b. Require the submission of written assurances from the applicant.
- c. Require compliance with certain tests or provision of whatever safeguards may be considered necessary.

G. Biofuel Production Facility

- 1. Area and Bulk Regulations:
  - a. Minimum Lot Area: 10 acres
  - b. Minimum Lot Width: 250 feet
  - c. Maximum Impervious Coverage: 30%
  - d. Maximum Building Coverage: 15%
  - e. Maximum Building Height: 35 feet,
  - f. Front Yard Setback: 200 feet
  - g. Rear Yard Setback: 200 feet
  - h. Side Yard Setback: 200 feet
  - i. Minimum distance between a Biofuel production facility and any residence, place of worship, or school: 1,000 feet.
- 2. Public roads used by or serving the Biofuel Production Facility shall meet Pennsylvania Department of Transportation specifications. Where public roads intended to be used by the Biofuel Production Facility are not designed and constructed to Pennsylvania Department of Transportation specifications, such necessary improvements shall be made by the applicant.
- 3. Accessory Structures, including meteorological equipment, storage silos, antennas and other structures not customarily intended for human occupation:
  - a. Maximum height: Accessory structures, including rooftop utilities and structures, shall be a maximum of thirty-five (35) feet in height, except that one chimney, stack or other vertical exhaust/collection pipe may be permitted to be a maximum of fifty (50) feet in height, where located a minimum of four hundred (400) feet from any right-of way or residence,

- b. Where located adjacent to a residential use or zone, accessory structures shall be setback from such property lines a minimum of two hundred (200) feet.
  - c. Accessory structures, including utility structures, shall be located to the side or rear of the principal building(s).
- 4. All biomass processing equipment and processing shall be located within an enclosed structure.
- 5. There shall be no outdoor storage of biomass, or other materials or equipment.
- 6. All roads, parking areas and loading/unloading areas shall meet the design standards in Part 13 and the Subdivision and Land Development Ordinance. No employee parking or truck parking areas shall be located between the principal structure and the public street from which visitors take access.
- 7. Landscaping/Screening:
  - a. Where woodlands or small stands of trees exist along a public right-of-way, the applicant should consider locating buildings and accessways in a manner that uses such vegetation to buffer and screen the facility and preserve the existing character of the Township.
  - b. Landscaping shall be in accordance with the Subdivision and Land Development Ordinance.
  - c. All required landscaping shall be included in the improvement bond required by the Tyrone Township Subdivision and Land Development Ordinance.
- 8. Additional Standards and Submissions:
  - a. Any manure storage facilities shall be in accordance with the Pennsylvania Manure Management Act, or as may be amended. Where applicable, a Nutrient Management Plan shall be submitted to the Adams County Conservation District for review. Said plan and proof of its approval by the Adams County Soil Conservation District or a letter from the Adams County Conservation District stating that such plan is not needed for the proposed facility shall be presented at the Conditional Use Hearing.
  - b. The applicant shall provide a Summary of Operations to the Township at

the time of the Conditional Use Hearing. Such summary shall include, but not be limited to: volume of biomass to be processed at the facility, volume of vehicles for the import of raw materials and export of by-products on a daily, weekly and annual basis, and volume of biomass to be stored onsite at any one time.

- c. Any blending of fuels performed onsite shall be incidental to the primary production onsite and shall produce a blend of no less than .001 (99.9%).
- d. A list of all haulers shall be provided to the Township at the time of application for Final Plan Approval and anytime there is an addition or deletion from the list.
- e. Water Supply Feasibility Report: Where water is to be used as part of the industrial processes, a Water Supply Feasibility Report shall be prepared to demonstrate that sufficient water resources are available to serve the facility. The Report shall assess any water quality and quantity impacts for all public and private wells within one (1) mile of the facility.
- f. The applicant shall provide a plan for the safe disposal of any facility waste or by-products, including methods for the disposal of any water used in industrial processes, dust control, and ash disposal.
- g. Visible particulate emission or spill of any material being transported by a motor vehicle is prohibited.
- h. Noise or vibrations shall not exceed sixty-five (65) decibels at the property line of the lot on which the use is located.
- i. Light produced by the use shall not exceed a luminance of 0.3 footcandles above ambient light, as measured at the property line of any lot on which the facility is located, except where adjacent to a residential use, where the maximum illumination shall not exceed 0.1 footcandle at the residential property line. All lighting sources shall be shielded to prevent glare or reflection of such light beyond the property line by shielding the reflector or lens from viewing angles above 60 degrees from the horizontal.
- j. The use shall comply with the standards of Pennsylvania Act 38 of 2005, or as may be amended, for Facility Odor Management by submitting an Odor Management Plan to the State Conservation Commission as a Volunteer Agricultural Operation.
- k. The applicant shall provide a plan for emergency procedures in case of

fire, explosion or other hazardous occurrence to the relevant Emergency Management Agencies, Township Fire Company(s), Township Supervisors, and Fire Marshal.

- l. A Land Development Plan shall be submitted to, and approved by, the Township, in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.
  - m. Facilities shall meet all applicable air, water, and other environmental quality standards in accordance with State and Federal Government requirements. Copies of all required permits shall be submitted to the Tyrone Township Board of Supervisors prior to the Certificate of Occupancy.
9. In order to determine that a proposed use or activity complies with the above standards, the Township may, at the expense of the applicant:
- a. Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
  - b. Require the submission of written assurances from the applicant.
  - c. Require compliance with certain tests or provision of whatever safeguards may be considered necessary.

H. Wind Energy Systems.

1. All components of the Wind Energy System shall be considered accessory structures and the generation of energy as an accessory use to a principal use. There shall be no commercial use of a wind energy system, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
2. Wind energy generation shall be limited to one (1) wind turbine per residential lot or 1 per 10 acres of agricultural land.
3. Wind turbines shall have a capacity of 100 KW or less.
4. The maximum height of any wind turbine shall not exceed one-hundred (100) feet. The maximum height shall include the height of blades or other components at the highest point.
5. All moving parts of a wind turbine shall be a minimum of eighteen (18) feet

above the ground.

6. No wind turbine shall be placed in a front yard.
7. Wind turbines shall be set back from all side and rear property lines a distance at least equal to the height of the turbine plus twenty-five (25%) of the height.
8. Audible sound from a wind turbine shall not exceed sixty-five (65) decibels, as measured at the property line.
9. Wind turbines shall not be illuminated except as otherwise required by law.
10. Access to a wind turbine tower shall not be provided any lower than ten (10) feet above ground level. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
11. There shall be no antennae, advertising, or other items or materials affixed or placed on any component of a wind energy system, except those required for safety or otherwise permitted by the Township.
12. The design of wind energy systems shall use materials, colors, textures, screening or landscaping that will blend components of the system into the natural setting and existing environment, to the satisfaction of the Board of Supervisors during the Conditional Use hearing.
13. A Site Plan shall be prepared and certified by a registered Pennsylvania Professional Engineer and submitted as part of the Conditional Use application. In addition to the other requirements of this Section, the Site Plan shall contain the following:
  - a. Property boundaries and identification of neighboring property owners.
  - b. The location of all man-made structures on the property, as well as all man-made structures within one hundred (100) feet of any proposed wind turbine.
  - c. All wires and overhead structures, both natural and man-made.
  - d. Soil types where any tower foundation will be constructed.
  - e. Complete structural and engineering details, including narrative descriptions, demonstrating how the foundation, support and other parts of

the wind energy system will be constructed, installed, and maintained.

- f. Information regarding the speed of operation and braking mechanism. No wind turbine shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and/or excessive pressure on the turbine or any of its parts.
14. The Township may require the submission of additional information during the Conditional Use hearing(s).
15. Removal of Wind Turbines: The applicant shall sign an agreement stating that when all reasonable uses of the turbine are no longer necessary it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal.

I. Large-Scale Solar Energy System

- 1. Area and Bulk Regulations
  - a. Minimum Lot Area: 10 acres
  - b. Minimum Lot Width: 250 feet
  - c. Maximum Impervious Coverage: 30%
  - d. Maximum Building Coverage: 15%
  - e. Maximum Height: 35 feet
  - f. Front yard setback: 50 feet
  - g. Rear yard setback: 50 feet
  - h. Side yard setback: 50 feet
  - i. A Large-Scale Solar Energy System facility, including, but not limited to solar panels, equipment, accessory structures and their appurtenances, shall occupy no more than 50% of the total of any existing agriculturally used land on a parcel, whether in active production or fallow, as well as any additional land on a parcel that would be classified as farmland by the criteria within Section 12-505.E. The remaining agricultural lands on a parcel must be configured in a manner to allow for future agricultural use



and cultivation which includes locating the solar facilities to preserve agricultural farmland in accordance with Section 12-505, to the maximum extent possible as determined by the Board of Supervisors. Evidence documenting compliance with this Section and Section 12-505 with respect to soil types, farmland, and land use classifications must be provided with the Conditional Use Application.

2. Accessory Structures, including meteorological equipment, and other structures not customarily intended for human occupation shall meet the requirements for principal structures.
3. All solar energy inverter equipment shall be located within an enclosed structure.
4. Facilities designed to provide parking for three (3) or more spaces shall meet the design standards in Part 13 and the Subdivision and Land Development Ordinance.
5. Landscaping/Screening:
  - a. Where woodlands or small stands of trees exist along a public right-of-way, the applicant should consider locating buildings and accessways in a manner that uses such vegetation to buffer and screen the facility and preserve the existing character of the Township.
  - b. At the request of the Township, all required landscaping shall be included in the improvement bond required by the Tyrone Township Subdivision and Land Development Ordinance.
6. On-site transmission and power lines shall be placed underground.
7. All solar panels, equipment and accessory structures shall be enclosed by a fence, barrier or other appropriate means to prevent unauthorized persons or vehicles from entering that area of the property. Such fencing shall be fully screened with evergreen landscaping in accordance with the Subdivision and Land Development Ordinance.
8. Clearly visible, warning signs shall be placed around the perimeter of the property and at the facility entrance to inform individuals of the potential voltage hazards.
9. Noise or vibrations shall not exceed sixty-five (65) decibels as measured at the property line of the lot on which the use is located.
10. Facilities shall not have any artificially lighting beyond that required by any

applicable federal or state laws. Light produced by the use shall not exceed a luminance of 0.3 footcandles above ambient light, as measured at the property line of any lot on which the facility is located, except where adjacent to a residential use, the maximum illumination shall not exceed 0.1 footcandle at the residential property line.

11. No advertising signage shall be permitted beyond identification of the facility owner and manufacturer of the panel, inverter or other equipment and in accordance with the provisions of Section 1203(A).
12. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
13. Additional Standards and Submissions:
  - a. The applicant shall provide a Summary of Operations to the Township at the time of the Conditional Use Hearing. Such summary shall include, but not be limited to: approximate generating capacity of the solar energy system; approximate number, representative types, and dimensions (including height when installed) of the PV panels and racking/mounting system; approximate location and arrangement of the PV modules and arrays on the site; approximate description, dimensions, and location of all ancillary equipment, buildings and structures, including all distribution or transmission lines.
  - b. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.
  - c. The design of the Solar Energy System shall conform to applicable industry standards. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
  - d. The applicant shall provide a plan for emergency procedures in case of fire, explosion or other hazardous occurrence to the relevant Emergency Management Agencies, Township Fire Company(s), Township

Supervisors, and Fire Marshal.

- e. A Land Development Plan shall be submitted to, and approved by, the Township, in accordance with the provisions of the Tyrone Township Subdivision and Land Development Ordinance.
  - f. Facilities shall meet all applicable air, water, and other environmental quality standards in accordance with State and Federal Government requirements. Copies of all required permits shall be submitted to the Tyrone Township Board of Supervisors prior to the Certificate of Occupancy.
14. In order to determine that a proposed use or activity complies with the above standards, the Township may, at the expense of the applicant:
- a. Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
  - b. Require the submission of written assurances from the applicant.
  - c. Require compliance with certain tests or provision of whatever safeguards may be considered necessary.
15. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

J. Home Occupation

- 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products, appliance or small machinery repair, or other home businesses of a similar nature.
- 2. The Home Occupation shall be performed completely within the dwelling unit.
- 3. Not more than two (2) persons, including the property owner, shall be employed

in the Home Occupation.

4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
7. A single sign, conforming to the provisions of Section 1203 of this Chapter, is permitted.

**§12-504. General Requirements.**

All Permitted Principle Uses and Conditional Uses, listed in Sections 501, 502, and 503 of this Chapter, and erected or established after the adoption date of this Section, shall comply with the following requirements, unless otherwise required by this Part:

A. Conventional Option

1. Development Allotment - Existing properties shall be permitted the following number of lots, upon which may be erected Permitted Principle or Conditional Uses meeting the standards of this Chapter. The number of lots allocated to a property shall be based on the property size at the effective date of this Chapter excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

Parent Tract	<u>Number of Lots That May Be Subdivided from Parent Tract</u>
0 Ac. - 14.99 Ac.	1
15 Ac. -29.99 Ac.	2
30 Ac. - 49.99 Ac.	3
50 Ac. - 94.99 Ac.	4
100 Ac.-149.99 Ac.	5
150 Ac.-199.99 Ac.	6
200 Ac or more	7, plus one lot for each 100 Ac. over 200 Ac.

2. Area and Bulk Requirements - Unless otherwise specified in this Section, the lot area, lot width, yard depths and widths, and building heights, shall meet the following requirements.

- a. The minimum lot area for a residential use shall be forty thousand (40,000) square feet. The minimum lot area for a non-residential use shall be one (1) acre.
  - b. The maximum lot area for residential and non-residential uses shall be two (2) acres. Where more than two (2) acres is needed to meet the requirements of on-site sewer and water systems, the Township may waive this requirement; provided, that the minimum additional area is used to meet the requirements of such on-site systems.
  - c. The minimum lot width for residential and non-residential uses shall be one hundred fifty (150) feet.
  - d. The minimum front yard depth shall be twenty-five (25) feet.
  - e. The minimum rear yard depth shall be twenty-five (25) feet.
  - f. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards is thirty-five (35) feet.
  - g. The maximum height of any non-agricultural building or structure shall be thirty- five (35) feet.
3. Large Lot/Lot Consolidation Option: Landowners may elect to combine the lot allocations that they are entitled to by the scale established in Section 503.A.1 to create a lot that is larger than the ordinarily required maximum lot area for the given use. If this option is elected, the maximum area of the large lot created by combining two or more of the entitled lot allocations shall be determined by adding two (2) acres to the maximum lot size for the given use for each additional lot allocation used to create the new lot.

In the event that the proposed lot exceeds 20 acres in size and exceeds the allowable maximum lot size when utilizing all remaining development allotments at the time of subdivision, one lot exceeding 20 acres may be created but all development allotments will be used to create this lot and there will no further subdivision of the newly created lot or the parent lot permitted in the future.

**B. Cluster Option**

1. Development Allotment - Existing properties shall be permitted the following number of lots, upon which may be erected Permitted Principle Residential Uses

meeting the standards of this Chapter. The number of lots allocated to a property shall be based on the property size at the effective date of this Chapter excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

<u>Parent Tract</u>	<u>Number of Lots That May Be Subdivided From Parent Tract</u>
0 Ac. - 9.99 Ac.	2
10 Ac. - 24.99 Ac.	3
25 Ac. - 49.99 Ac.	5
50 Ac. - 74.99 Ac.	6
75 Ac. - 99.99 Ac.	7
100 Ac. - 149.99 Ac.	8
150 Ac. - 199.99 Ac.	10
200 Ac. or more	7, plus one lot for each 100Ac.over 200 Ac.

2. Area, Bulk, and Design Requirements - In order to qualify for the clustered option, the developer shall demonstrate that the area, bulk, and design standards set forth in this section are met.
  - a. The minimum lot area shall be twelve thousand (12,000) square feet.
  - b. The maximum lot area shall be twenty-five thousand (25,000) square feet.
  - c. The average lot area shall not exceed sixteen thousand (16,000) square feet.
  - d. No lots shall take access from existing roads within the Township. All lots shall take access from a local road developed to provide access for the residential lots.
  - e. The minimum lot width at the building line shall be ninety (90) feet.
  - f. The minimum front yard depth shall be twenty-five (25) feet.
  - g. The minimum rear yard depth shall be twenty-five (25) feet.
  - h. The minimum side yard width shall be ten (10) feet provided the minimum width of both side yards shall be twenty-five (25) feet.
  - i. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be

applied along all other property boundaries.

- j. The maximum height shall be thirty-five (35) feet.
- k. A community or public sewage collection and treatment system shall be required and approved for use by appropriate agencies. On-lot sewage treatment is specifically not permitted in cluster development projects in this District.

C. Add-On Lots are permitted in accordance with the following requirements:

- 1. Add-On Lots, for the purpose of selling, conveying, or otherwise transferring ownership of farmland from one farm owner to another for use for agricultural purposes only, as permitted in this District, shall not be subject to the maximum lot area requirements of Sections 504(A)(2)(b) or 504(B)(2)(b). Other Add-On Lot proposals are permitted, provided that the remainder of the parent tract and the parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Sections 504(A)(2) and 504(B)(2).
- 2. When an Add-On lot is subdivided from the parent tract, the development allotment assigned to the remainder of the parent tract shall be calculated by evaluating the remainder of the parent tract against the sliding scales of Sections 504(A)(1) and 504(B)(1) as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Chapter.
- 3. When an Add-On lot is added to an adjoining tract, the development allotment established by the sliding scales of Sections 504(A)(1) and 504(B)(1) shall not be increased.
- 4. Add-On lots shall not be used to circumvent the requirements within Section 504.A.3. If the receiving parcel, prior to the Add-On addition, is less than 20 acres and the final parcel size after subdivision will exceed the maximum lot size within Section 504.A.2, the Large Lot/Lot Consolidation criteria shall be applied to the portion of the Add-On lot and the corresponding number of lot allocations deducted from the remainder of the parent tract.

**§12-505. Locational Criteria.**

All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.

- A. The size, shape, and dimensions of the property and the size and location of all existing buildings.
- B. All lots previously approved in accordance with this Section.
- C. Land under active cultivation, land used as pasture, and forested land or land within woodlots.
- D. Soil information for the property, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of Adams County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Natural Resources Conservation Service.
- E. The size, shape, dimension, location, and use of all proposed lots. The developer shall demonstrate that the following location and design considerations have been fully addressed.
  - 1. All uses or lots shall be established on non-prime farmland (Soil Capability Classes III-VIII), when such land is available, or on lands which cannot feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery.
  - 2. Where a property is comprised entirely of prime farmland (Soil Capability Classes I and II), the least suitable land shall be utilized for the development.
  - 3. Where all non-prime farmland areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.
  - 4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
  - 5. Wherever feasible, lots shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).
  - 6. Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, other wooded areas, and other significant vegetation, is minimized.



- G. Application for the last lot or use permitted to be subdivided from or developed on a property shall be accompanied, by a proposed deed for the residual farmland or property. The proposed deed shall contain a restriction to identify that all subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional principle uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision approval for the last allowable lot or use. Said deed restriction shall be recorded when the applicant records the subdivision plan approved by the Township. Failure to record said deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Chapter. The applicant shall provide the Zoning Officer a copy of the Recorder's Certificate within ten (10) working days after the deed is recorded.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011; amended by Ordinance 65 (#2019-65), enacted 10/9/2019; amended by Ordinance 67 (#2020-01), enacted 2/19/2020; amended by Ordinance 69 (#2020-03), enacted 6/3/2020); amended by Ordinance 70 (#2020-04)

## **PART 6**

### **RURAL RESIDENTIAL (RR) DISTRICT**

**§12-600. Statement Of Legislative Intent.**

- A. Preserve open land by setting development apart from sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands.
- B. Preserve scenic views and elements of rural character by minimizing perceived density and views of development from existing roads.
- C. Provide flexibility and efficiency in the siting of infrastructure and the provision of services.
- D. Encourage compact residential clusters with direct visual and physical access to open space for recreational, contemplative, and related purposes.
- E. Reduce erosion and stream sedimentation by the retention of existing vegetation, and by the minimization of development on steep slopes.
- F. Retain the rural character and scenic qualities of areas within Tyrone Township while, at the same time, allow for reasonable and sympathetic residential development in rural areas of the Township where the incidence of active agriculture is relatively low.

**§12-601. Maximum Permitted Development Densities.**

Within the Rural Residential (RR) District, the following maximum density standards apply:

- A. A maximum of one (1) dwelling unit per five (5) acres, or
- B. A maximum of one (1) dwelling unit per three (3) acres if the "Conditional Uses and Lot Arrangements" permitted by Section 603 are proposed.
- C. Add-On Lots are permitted in accordance with the following requirements:
  - 1. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet density, bulk, and area requirements of Sections 601, 602, or 603, as may be appropriate.

2. When an Add-On lot is subdivided from the parent tract, the maximum development density assigned to the remainder of the parent tract shall be determined by calculating the permitted development density of the remainder of the parent tract as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Chapter.
3. When an Add-On lot is added to an adjoining tract, the maximum development density established by Sections 601 shall not be increased.

**§12-602. Permitted Principle Uses.**

A structure may be erected or used, and a lot may be used for the following permitted uses and no other.

- A. Single-family detached dwellings in accordance with the following lot design standards and procedures:
  1. Minimum Lot area: One (1) acre.
  2. Maximum Lot area: Five (5) acres. Existing or proposed farms in accordance with Section 602.B are exempt from this requirement.
  3. Minimum Setbacks:

Front Yard: Twenty-five (25) feet measured from the right-of-way of the adjoining road.

Rear Yard: Twenty-five (25) feet measured from the rear property line.

Side Yard: Ten (10) feet measured from the side property line, provided that the combined setback from both side yards is at least thirty-five (35) feet.

For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
  4. Minimum Lot Width: One hundred-fifty (150) feet measured at the road right-of-way line.
  5. Open Land shall be provided in accordance with the requirements of Section 604 and in accordance with the following scale:

- a. For a parent tract proposed for subdivision, of less than five (5) acres in size, no Open Land must be provided.
  - b. For a parent tract proposed for subdivision, of between five (5) and twenty- four and ninety-nine hundredth (24.99) acres in size, fifty percent (50%) of the property shall remain in Open Land
  - c. For a parent tract proposed for subdivision of twenty-five (25) acres in size, seventy-five percent (75%) of the tract shall remain in Open Land.
- B. The following types of agriculture are permitted by right:
1. Farms.
  2. Cultivation and harvesting of crops and related products.
  3. Raising of livestock, along with pasture and grazing land. Agribusiness operations are expressly prohibited in the RR District.
  4. Orchards, nurseries, and related horticultural products.
- C. The following types of public or semi-public uses are permitted by right:
1. Nature preserves, wildlife sanctuaries, and similar uses.
  2. Park and recreation uses and easements, limited to passive recreation activities such as walking or hiking, bicycling, nature observation, and picnicking. Intensive or commercial recreation uses such as amusement parks are not permitted in the RR District.
- D. Accessory uses on the same lot and customarily incidental to the uses permitted by this Section.
- E. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
- F. Home Occupation
1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a

similar nature.

2. The Home Occupation shall be performed completely within the dwelling unit.
3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
5. Exterior storage of materials shall be prohibited.
6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
7. A single sign, conforming with the provisions of Section 1203 of this Chapter, is permitted.

G. Solar Energy Systems

1. Ground mounted systems
  - a. A ground-mounted system shall have a minimum setback of fifteen (15) feet from any side or rear property line;
  - b. A ground-mounted system shall not be located in a required front yard setback.
  - c. Ground-mounted systems that comprise two (2) acres or more shall meet all of the requirements of Section 403(H).
2. Roof mounted systems shall not extend beyond the roofline and shall not be more than five (5) feet above the plane of the roof.
  - a. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.
  - b. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards

Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.

- c. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
- d. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

**§12-603. Conditional Uses And Lot Arrangements.**

The following uses and plotting arrangements are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

A. Residential Cluster: For any residential subdivision approval in accordance with the "Residential Cluster" option, the proposal must meet the following standards:

- 1. Minimum Lot area: 12,000 square feet.
- 2. Maximum Lot area: 1 Acre
- 3. Minimum Setbacks:

Front Yard: Twenty-five (25) feet, measured from the road or common access drive right-of-way.

Rear Yard: Twenty-five (25) feet measured from the rear property line.

Side Yard: Ten (10) feet measured from the side property line, provided that the combined setback from both side yards is at least twenty-five (25) feet.

For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

4. Minimum Lot Frontage: Ninety (90) feet, measured at the road right-of-way line.
  5. The applicant shall demonstrate that seventy-five percent (75%) of the land area of the parent tract will remain in Open Land, in accordance with the Open Land Standards established in Section 604.
  6. Residential Clusters shall be provided with access from new loop roads rather than from the established road network. A subdivision plan proposing a string of residential lots along an established road shall not be considered a Residential Cluster and shall not be granted Conditional Use approval by the Township Supervisors.
  7. Wherever feasible, Residential Clusters shall be located in areas of the parent tract which are relatively free from sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).
  8. Wherever feasible, Residential Clusters shall minimize disturbance to existing woodland, hedgerows, mature tree stands, and other significant vegetation.
  9. Residential Clusters shall be located to minimize visual impacts on the rural landscape. To meet this requirement, Residential Clusters should not, at a minimum, be located on the tops or ridgelines or in the middle of open fields.
  10. Residential Clusters shall be serviced by a community or public sewage collection and treatment system approved for use by appropriate agencies. On-lot sewage treatment is specifically not permitted in residential cluster projects in this District.
- B. Estate Lots may be proposed in accordance with the following standards:
1. Minimum Lot area: Five (5) acres
  2. A maximum of one and one-quarter (1.25) acres within an Estate Lot may be devoted to the Estate Lot Living Area.
  3. Minimum Setbacks of the Living Area:  
  
Front: Twenty-five (25) feet measured from the road right-of-way to the front

boundary of the Living Area.

Rear: Twenty-five (25) feet measured from the rear property line to the rear boundary of the Living Area.

Side: Thirty-five (35) feet measured from the side property line to the side boundary of the Living Area.

4. Estate Lots shall be restricted by deed restriction, in language acceptable to the Township Solicitor, to prohibit further subdivision.
5. Wherever feasible, the Living Area of an Estate Lot shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of twelve percent (12%).
6. Wherever feasible, the Living Area of an Estate Lot shall be located to minimize disturbance to existing woodlands, hedgerows, mature tree stands, and other significant vegetation.
7. The Living Areas of Estate Lots shall be located to minimize visual impacts on the rural landscape. To meet this requirement, Living Areas should not, at a minimum, be located on the tops or ridgelines or in the middle of open fields.
8. Seventy-five percent (75%) of the area of an Estate Lots shall be retained as Open Land in accordance with the standards established in Section 604. The portion of each Estate Lot, not included in the Living Area, shall be including in meeting the seventy-five percent (75%) Open Land requirement.

C. Combination of Residential Cluster and Estate Lots

1. The lot area and arrangement standards established in Section 603.1 and 603.2 shall be applied.
2. No more than twenty percent (20%) of the lots proposed in a "Combination of Residential Cluster and Estate Lots" proposal may be Estate Lots.
3. Seventy-five percent (75%) of the area of the parent tract shall be retained as Open Land in accordance with the standards established in Section 604. The portion of each Estate Lot, not included in the Living Area, may be included in achieving the seventy- five percent (75%) Open Land requirement.

**§12-604. Open Land Uses and Standards.**



For parent tract properties proposed for subdivision of five (5) acres, where residential lots permitted by Section 602 are proposed, a portion of the remaining parent tract shall be set aside as Open Land in accordance with the scale established in Section 602(A)(5). For properties proposed for subdivision in excess of five (5) acres, where residential lots permitted by Section 603 are proposed, a portion of the property shall be set aside in accordance with the lot arrangement standards of Section 603. The following standards shall apply to land set aside as Open Land:

- A. Open Land may be devoted to one or more of the following uses:
  - 1. Conservation of land in its natural state.
  - 2. Passive recreation areas including hiking and bicycling trails, nature observation, and picnicking. Development easements for these areas may be offered to the Municipality or the County, to land trusts, or to other non-profit organizations whose purpose is to conserve and protect open spaces, scenic views, and overall rural qualities. If Open Land is offered to the Township for passive recreation purposes, the Township is not under obligation to accept any or all of the land.
  - 3. Easements for drainage, access, sewer and/or water lines, trails for pedestrian, bicycle, or equestrian uses and other similar easements.
  - 4. Storm water management facilities designed in accordance with applicable standards established by the Tyrone Township Subdivision and Land Development Chapter, and/or any other applicable agencies.
  - 5. Agricultural activities in accordance with Sections 602(B)(2), 602(B)(3), and 602(B)(4), provided, however, that Agribusiness Operations are expressly prohibited within the Open Land areas required by the RR District.
  - 6. Pastures.
  - 7. Approved water supply and sewage disposal systems for individual residences or Residential Clusters. Said sewage disposal systems may include spray irrigation fields, on-site or off-site sand mounds, or other individual or community treatment systems, provided that appropriate approvals are obtained from State and Local agencies.
  
- B. The following standards shall apply to the Open Land set aside, in accordance with the requirements of this Chapter.
  - 1. Significant site features including, but not limited to, major tree stands or wooded

areas, hedgerows, water bodies, and slopes, shall be protected in compliance with the intent of this Chapter.

2. Open Land of adjacent tracts shall share a common boundary to the maximum extent possible to provide areas of continuous Open Land throughout the RR District.
3. Natural features shall generally be maintained in their natural condition, may be modified in accordance with the recommendations of appropriately knowledgeable persons in the area being modified. Such modifications shall improve the appearance, operation, and functionality of overall condition of an Open Land area.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

**PART 7**

**VILLAGE (V) DISTRICT**

**§12-700. Statement Of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the V District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses within the V District. Furthermore, it is the intent of this Part to:

- A. Preserve the existing village framework by requiring infill development within Gardners and Heidlersburg and new development around the perimeter of these villages to be consistent with existing development patterns in term of lot design, building placement, and building architecture and size.
- B. Maintain the existing mixture of residential, limited commercial, and institutional uses that are found in the Gardners and Heidlersburg settings.
- C. Encourage the full economic use of older historic structures within the village core by permitting not only a reasonable number of separate uses within a single structure, but permitting a mixture of uses within a single structure as well.
- D. Maintain historic streetscapes by adopting placement standards, reasonable landscaping requirements for new development, and parking, area, and bulk regulations which are sympathetic to the traditional village designs found in Gardners and Heidlersburg.
- E. Encourage the retention and preservation of the historic housing stock in the villages.

**§12-701. Uses Permitted By-Right.**

Within the V District, the following uses are permitted by right. This section permits, by right, only a single use on each property or within each structure. Properties or structures containing a mixture of uses are permitted provided the conditional use standards of Section 702 and Part 14 are met.

- A. Single-family Detached Dwellings.
- B. Single-family Semi-detached dwellings (Twins).

- C. Two-Family Dwellings (Duplexes).
- D. Professional Offices including offices for physicians, dentists, lawyers, accountants, real estate agents, insurance agents, artists, planners, architects, engineers, travel agencies, and similar professional offices.
- E. Retail Shops such as antique shops, florists, card shops, hobby and craft shops, gift shops, wearing apparel shops, furniture stores, bookstores (excluding adult bookstores and other "adult entertainment" uses), camera shops, jewelry stores, and similar specialty retail stores, provide such Specialty Retail Shops do not exceed three thousand (3000) square feet in sales area.
- F. Personal Service Shops including tailors, dressmakers, barbers, beauty salons, and similar professional service shops.
- G. Government Offices.
- H. Churches.
- I. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
- J. Home Occupation
  - 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
  - 2. The Home Occupation shall be performed completely within the dwelling unit.
  - 3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
  - 4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
  - 5. Exterior storage of materials shall be prohibited.
  - 6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.

7. A single sign, conforming to the provisions of Section 1203 of this Chapter, is permitted.

K. Accessory Solar Energy System

1. A ground mounted system shall not be located in a front yard.
2. A ground mounted system shall have a minimum setback of fifteen (15) feet from any side or rear property line.
3. Roof mounted systems shall not extend beyond the roof line and shall not be more than five (5) feet above the plane of the roof.
4. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
5. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry.
6. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
7. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

**§12-702. Uses Permitted By Conditional Use.**

Within the V District, the following uses are permitted by conditional use. The Board of

Supervisors may authorize a use as a Conditional Use if it conforms, at a minimum, to the stated standards and criteria. The Board of Supervisors may apply additional criteria to specific projects, where relevant, to protect the village framework and architectural integrity of Gardners and Heidlersburg Villages, and in the interests of public health, safety, and welfare.

A. Restaurants (Excluding Drive-through and Drive-in Establishments)

1. Hours of operation shall be limited to 5 am to 12 am.
2. Kitchen exhaust shall be vented through a vertical exhaust system. For restaurants located in a two (2) or three (3) story building, all kitchen exhaust shall be vented to an exhaust outlet located no lower than the second floor of the building. For restaurants located in a single story building, all kitchen exhaust shall be vented to an exhaust outlet located on the roof of the building.
3. Any trash containers, used for the disposal of restaurant waste products, shall be shielded from public view by a decorative wooden fence or evergreen shrubbery.

B. Conversion Apartments

1. Off-street parking shall be provided according to the following scale:

<u>Number of Bedrooms</u>	<u>Number of Parking Spaces</u>
1	2
2	3
3	4

2. Parking areas shall be located and designed according to the applicable standards of and Part 13.
3. Minimum apartment size shall conform to the following scale:

<u>Number of Bedrooms</u>	<u>Usable Living Area</u>
1	500 Square Feet
2	650 Square Feet
3	850 Square Feet

4. Only existing, single-family detached dwellings may be converted for conversion apartment use.
5. A maximum of three (3) units may be created by the conversion of a single-family detached structure.

6. The property owner shall provide each dwelling unit with smoke alarms, kept in working condition by the property owner at all times. In addition, the property owner shall provide each hallway serving independent dwelling units with smoke alarms, kept in working order by the property owner at all times.
7. The property owner shall provide exit signs in all hallways leading to and from second and third floor apartments

C. Mixed-use Structures

1. Mixed-use structures shall consist of two (2) or more limited specialty retail or professional office uses or one (1) or more specialty retail or professional office uses and one (1) or more residential units.
2. Professional Office uses outlined in Section 701(D) may be located on the first and second floors of a structure. The third floor of a structure may also be used for Professional Offices provided that the office space on the third floor is an extension of a Professional Office business, which has its primary office space on the first or second floors.
3. Residential apartments may be located on the second and third floors provided that the minimum apartment sizes conform to the scale presented in Section 702(B)(3) and that off-street parking is provided according to the scale presented in Section 702(B)(1).
4. Access to and from residential units shall be independent of access to and from any Commercial or Professional Office uses located within the mixed-use structure.

Independent access may be provided externally to the building or from an internal system of hallways and staircases. Under no circumstances should residents be required to gain access to a residential unit through commercial or professional office spaces.

5. The property owner shall supply all residential and commercial units with smoke alarms, kept in working condition by the property owner at all times. In addition, the property owner shall provide each hallway serving independent residential or commercial units with smoke alarms, kept in working condition by the property owner at all times.
6. The property owner shall provide exit signs in all hallways leading to and from second and third floor uses.

D. Bed-and-Breakfast Inns

1. Such an establishment shall be located in a private residence.
2. The operation shall contain ten (10) or fewer sleeping rooms used to provide overnight accommodations to the public.
3. All served meals shall be included in the lodging charge. No meals may be served to the general public.
4. Appropriate State and Township licenses shall be obtained.
5. In addition to the standards of Part 13 of this Chapter, vegetative screening, including landscape mulch, grass, and shrubs, shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

**§12-703. Area And Bulk Regulations.**

The following standards shall govern all uses, subdivision projects, and land development plans within the V District.

- A. The minimum lot area shall be fifteen thousand (15,000) square feet. Where a new residential development requiring the construction of new streets is proposed within the V District, the minimum lot area may be reduced to seven thousand five hundred (7500) square feet if the following conditions are met.
1. The street layout shall be designed as an extension of the existing grid street and alley network.
  2. Automobile access to properties shall be provided by rear alleys. Garages shall be located to the rear of residential buildings in such a fashion that the garages do not become dominant architectural features of the front facade of the residential buildings.
  3. The applicant shall achieve one of the two landscaping requirements:
    - a. A street tree shall be planted on each new lot. Each street tree shall have a minimum height of eight (8) feet and a minimum caliper of three (3) inches measured two (2) feet from ground level. The street tree shall be located between the street cartway and the pedestrian sidewalk required by the Tyrone Township Subdivision and Land Development Ordinance.



- b. Two (2) shade trees shall be planted in the front yard of each new lot. Each shade tree shall have a minimum height of eight (8) feet and a minimum caliper of three (3) inches measured two (2) feet from ground level.

- B. The minimum lot width shall be one hundred (100) feet at the required build-to line.

Where a new residential development requiring new street is proposed within the V District, the minimum lot width may be reduced to fifty (50) feet if the requirements set forth in Sections 703(A) and 703(B) are met.

- C. The maximum impervious lot coverage shall not exceed sixty-five percent (65%).

Impervious lot coverage includes features such as the building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.

- D. Front yards shall meet the following standards.

- 1. The front yard build-to line shall be ten (10) feet, measured from the street right-of-way line, unless an adjoining property contains a structure that has been constructed closer to the street right-of-way. In that event, the front yard build-to line shall conform to the existing front yard build-to line of the adjoining properties.
- 2. The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrances with the public sidewalk and for one (1) access driveway.
- 3. No parking shall be permitted in front yard areas except within the permitted access driveway of a single-family detached dwelling.

- E. Side yards shall meet the following standards.

- 1. The minimum side yard width shall be six (6) feet. When the lot is located in an area of the V District where existing structures have been constructed closer to the property line, minimum side lots requirements may be waived by the Zoning Officer.

- F. Rear yards shall meet the following standards.

- 1. The minimum rear yard depth for a principal structure shall be fifteen (15) feet. The minimum rear yard depth for an accessory structure shall be five (5) feet.

- G. The maximum height of any structure within the V District shall not exceed thirty-five (35) feet H. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
  
- I. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 703.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

## **PART 8**

### **RESIDENTIAL (R) DISTRICT**

**§12-800. Statement Of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the R District to establish reasonable standards to provide a mixture of residential opportunities within the R District. Furthermore, it is the intent of this Part to:

- A. Preserve the quiet and uncongested environment that currently exists in those residential areas surrounding Heidlersburg Village devoted primarily to single family detached dwellings.
- B. Exclude incompatible commercial and industrial uses from locating in those areas of Tyrone Township which have experienced predominately residential development.
- C. Provide for higher density residential uses, such as townhouses and apartments, in appropriate areas of the Residential District and in accordance with specified development standards.
- D. Encourage development patterns that will, over the long run, result in the efficient provision of public services as well as for the preservation of open space areas that may be appropriate for recreation or conservation purposes.
- E. Limit development density to levels that are compatible with the rural nature of Tyrone Township and which are compatible with existing development patterns and densities within the Township.

**§12-801. Uses Permitted By Right.**

Within the R District, the following uses are permitted by right.

- A. Single-family Detached Dwellings
- B. Single-family Semi-detached Dwellings (Twins)
- C. Two-family Dwellings (Duplexes)

- D. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
- E. Home Occupation
1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
  2. The Home Occupation shall be performed completely within the dwelling unit.
  3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
  4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
  5. Exterior storage of materials shall be prohibited.
  6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
  7. A single sign, conforming to the provisions of Section 1203 of this Chapter, is permitted.
- F. Accessory solar energy system
1. A ground mounted system shall not be located in a front yard.
  2. A ground mounted system shall have a minimum setback of fifteen (15) feet from any side or rear property line.
  3. Roof mounted systems shall not extend beyond the roof-line and shall not be more than five (5) feet above the plane of the roof.
  4. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its

regulatory authority.

5. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
6. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
7. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

**§12-802. Uses Permitted By Conditional Use.**

Within the R District, the following uses are permitted by conditional use. The Board of Supervisors may authorize a use as a Conditional Use if it conforms, at a minimum, to the stated standards and criteria. The Board of Supervisors may apply additional criteria to specific projects, where relevant, to protect the residential environment of developing neighborhoods, and in the interests of public health, safety, and welfare.

A. Townhouse Community

1. The minimum parcel size for a Townhouse Community project shall be one (1) acre.
2. The maximum permitted density shall be four (4) dwelling units to the acre, based on gross acreage.
3. The maximum number of attached dwelling units in any townhouse structure shall be six (6) dwelling units.
4. The minimum dwelling unit width shall be twenty (20) feet.

5. Off-street parking shall be provided. Two (2) spaces for every dwelling unit are required. Parking areas shall be located either to the rear of individual townhouse buildings or in common parking areas. Under no circumstances shall parking be permitted within the required setbacks along the perimeter of the property.
6. A designated open space or recreation area shall be provided for any townhouse project site in excess of twelve (12) units. The minimum open space or recreation area shall contain three hundred (300) square feet for each dwelling unit.
7. The minimum separation between townhouse buildings shall be twenty-five (25) feet.

Townhouse buildings shall be arranged, to the maximum extent possible, such that the front and rear facades of adjacent buildings do not face each other.

8. A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping, and other features necessary to evaluate the proposed site design.

**B. Multi-family Community**

1. The minimum lot area shall be one (1) acre for each proposed apartment building.
2. The maximum permitted residential density shall be six (6) dwelling units to the acre.
3. The maximum number of dwelling units in an apartment building shall be eight (8) dwelling units.
4. Off-street parking shall be provided according to the following scale:

<u>Number of Bedrooms</u>	<u>Number of Parking, Spaces</u>
1	2

In addition, one (1) visitor space shall be provided for every three (3) units.

5. The off-street parking requirement may be reduced to one (1) space per unit if the apartments are designed for elderly or handicapped residents and limited to one-bedroom units. All parking spaces shall be located in a common parking area. A maximum of two access driveways are permitted to provide access to the common parking area from public streets. Under no circumstances shall parking be permitted at the edges of the development adjacent to existing public streets.

6. The minimum separation between apartment or condominium buildings shall be fifty (50) feet.
  7. A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping, and other features necessary to evaluate the proposed site design.
- C. Mobile Home Parks
1. All mobile home park proposals shall meet the applicable standards contained in the Tyrone Township Subdivision and Land Development Ordinance.
- D. Home Occupations
1. Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; and appliance or small machinery repair; or similar uses.
  2. The Home Occupation shall be carried on completely within the dwelling unit.
  3. Not more than two (2) persons, including the property owner, shall be employed in the Home Occupation.
  4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
  5. Exterior storage of materials shall be prohibited
  6. The residential character of the dwelling shall not be altered to indicate the presence of the Home Occupation.
- E. Group Homes
1. The provider and the structure are licensed by an appropriate County and/or State agency.
  2. No more than eight (8) clients shall occupy a group home at one time.
- F. Cluster Development The following requirements shall be applied to Cluster

Development proposals within the Residential (R) District:

1. Minimum Development Size - The minimum area of a parent tract on which a cluster development may be proposed shall be ten (10) acres.
2. Cluster Developments shall be provided either public or community water, and either public sewer or an alternative sewage treatment system, such as spray irrigation, artificial wetlands, etc., approved by the Pennsylvania Department of Environmental Protection, and for which a permanent maintenance agreement is legally approved between the Tyrone Township Supervisors, the developer, and any Homeowners' Association which is created to manage such facilities and the open space areas that result from a Cluster Residential Development design.
3. Permitted dwelling unit types for Cluster Developments within the Residential (R) District include single-family detached dwellings, single-family semi-detached dwellings (twins), two-family dwellings (duplexes), and/or townhouses.
4. A minimum of fifty percent (50%) of the parcel proposed for Cluster Development shall be preserved as open space in accordance with the standards established by Section 803.
5. In return for the permanent preservation of open space within the Cluster Development, the applicant may increase the density of the proposed development in accordance with the standards established in Section 804.

**§12-803. Cluster Development Standards.**

**A. Open Space Requirements**

1. The open space resource shall include floodplains, wetlands, woodlands, steep slopes, rock outcrops, and other environmentally sensitive features worthy of preservation. Such environmentally sensitive features shall be retained, to the maximum extent possible, in their natural state.
2. In addition to environmentally sensitive features, land deemed suitable for development shall be included in the required open space resource to allow for potential recreation amenities. Storm water management facilities may be located in the required open space resource.
3. To the maximum extent feasible, open space shall be concentrated on the site and usable for active or passive recreation on the site, or shall consist of agricultural soils which could be made available, through leasehold arrangements, for



agricultural purposes. Open space should be arranged such that the maximum number of residential units is provided direct visual access to permanently preserved open space.

4. Applicants are strongly encouraged to establish greenways, which could logically link with similar open space area on adjoining lands. These greenways may include bikeways, pedestrian paths, and other linkages. Topographic features, such as streambeds and hedgerows, may form the "backbone" for such greenway networks.

**B. Ownership and Maintenance of Required Open Space.**

1. All open space areas within a Cluster Development shall be offered for dedication to the Township for no consideration. The Township shall have the option to accept all or any portion of the open space at any time within ten (10) years of the recording of the final subdivision plan. However, the Township is under no obligation to accept any open space area within a Cluster Development.
2. The final subdivision or land development plan shall contain a note, in language acceptable to the Township Solicitor, that the open space is irrevocably offered for dedication to the Township for a period often (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated open space unless and until it has been accepted by formal action of the Township Supervisors.
3. The applicant may request the Township to accept dedication of the open space upon recording of the final plan, but a refusal by the Township to do so shall not limit the Township's rights to accept all or any portion of the open space at any time within ten (10) years after the recording of the final plan.
4. If the Township does not accept dedication of the open space upon recording of the final plan, the developer shall make arrangements for the permanent maintenance of the open space through the formation of a homeowners' association. Any such homeowners' association shall comply with the requirements for such associations contained in the Pennsylvania Uniform Condominium Act, and the developer shall present all documents relating to the creation of such association to the Township for the review and approval of the Township Solicitor.
5. If such association fails to properly maintain the open space, the Township shall have the same rights granted to municipalities under Section 705 of the Pennsylvania Municipalities Planning Code, Act 270 of 1988. The deed which transfers the open space to the homeowners' association shall contain specific

reference to the Township's rights under this section.

6. If the Township accepts any or all open space, such action shall be evidenced by a recorded instrument, the terms of which shall be subject to the approval of the Township Solicitor.
7. Any deed transferring the open space to the Township or to a homeowners' association shall contain an endorsement which shall indicate that all open space is restricted for use as open space in perpetuity. The deed shall be subject to approval by the Board of Supervisors and the Township Solicitor.

**§12-804. Area and Bulk Requirements.**

The following standards shall govern all uses, subdivision projects, and land development plans within the R District.

A. Minimum Lot Area:

1. The Minimum Lot Area for lots with on-lot sewer and/or water systems shall be one (1) acre per dwelling unit. The Minimum Lot Area for lots with public sewer and water shall be twenty thousand (20,000) square feet for single-family detached dwellings, fifteen thousand (15,000) square feet per unit for single-family semi-detached dwellings or two-family dwellings, and three thousand (3000) square feet for townhouses.
2. For Cluster Development proposed in accordance with the standards established by Section 802(F) and 803 of this Chapter, the Minimum Lot Area shall be ten thousand (10,000) square feet for single-family detached dwellings, seven thousand five hundred (7,500) square feet per unit for single-family semi-detached dwellings or two-family dwellings, and two thousand (2,000) square feet for townhouses.

B. Minimum Lot Width

1. The Minimum Lot Width shall be one hundred (100) feet for single-family detached dwellings, seventy-five (75) feet per unit for single-family semi-detached dwellings or two-family dwellings, and twenty-five (25) feet for townhouses.
2. For Cluster Development proposed in accordance with the standards established by Section 802(F) and 803 of this Chapter, the Minimum Lot Width shall be seventy-five (75) feet for single-family detached dwellings, fifty (50) feet per unit

for single-family semi-detached dwellings or two-family dwellings, and twenty (20) feet for townhouses.

- C. The maximum impervious lot coverage shall not exceed forty percent (40%). Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Front Yard
  - 1. The minimum front yard depth shall be twenty (20) feet.
  - 2. For Cluster Development proposed in accordance with the standards established by Sections 802(F) and 803 of this Chapter, the minimum front yard depth shall be ten (10) feet.
- E. Side Yard
  - 1. The minimum side yard depth shall be twenty (20) feet.
  - 2. For Cluster Developments proposed in accordance with the standards established by Sections 802(F) and 803 of this Chapter, the minimum side yard depth shall be ten (10) feet.
- F. Rear Yard
  - 1. The minimum rear yard depth shall be twenty-five (25) feet.
  - 2. For Cluster Development proposed in accordance with the standards established by Sections 802(F) and 803 of this Chapter, the minimum rear yard depth shall be fifteen (15) feet
- H. The Maximum Building Height shall be thirty-five (35) feet.
- H. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
- I. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 804.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34

*Chapter 12*  
*Zoning and Land Use*

(#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

**PART 9**

**HIGHWAY COMMERCIAL (HC) DISTRICT**

**§12-900. Statement Of Legislative Intent.**

- A. Provide for reasonable mixture of automobile-oriented commercial uses that will contribute to attractive and reasonable development within the District.
- B. Enhance public safety by limiting the number of curb cuts permitted for each parcel, by encouraging common access driveways and parking areas serving adjoining commercial uses, and by requiring logical circulation patterns within a development.
- C. Promote appropriate building location and design standards, which will help create attractive developments and accommodate future roadway improvements or projects.
- D. Allow reasonable numbers, sizes, scales, and designs of signs which will minimize the negative impacts of excessive signs while, at the same time, perform their purpose of notifying the public as to the location of a business or group of businesses.
- E. Permit uses which can reasonably be accommodated by the existing road network in the Interchange area. Discourage uses that would have the potential of requiring extensive and premature interchange area capacity improvements.
- F. Enhance the visual appearance and appeal of automobile-oriented commercial development by requiring the installation of landscaping within and surrounding large parking lots and required vegetated areas within the property.
- G. Ensure that appropriate on-site improvements are included in commercial development projects within the Highway Commercial District.

**§12-901. Permitted Principle Uses.**

A structure may be erected used, and a lot may be used for the following permitted principle uses and no other:

- A. Retail Establishments for the sale of dry goods, variety merchandise, clothing, food and beverages, flowers, plants, newspapers, stationery, books excluding adult oriented books, prescription drugs, agricultural supplies, home and garden supplies, household

- furnishings and supplies, arts and craft supplies, and similar merchandise.
- B. Restaurants, excluding "fast food" or "drive-through" restaurants.
  - C. Banks and Financial Institutions, excluding "drive through" services.
  - D. Automobile, Motorcycle, Boat, and similar vehicle sales, service, and supplies.
  - E. Hotels and Motels.
  - F. Professional or Business Services.
  - G. Contractor Supply Stores.
  - H. Heating, Ventilation, and Air Conditioning Sales.
  - I. Commercial Recreation Facilities and Health and Recreation Clubs.
  - J. The construction of a new, or the expansion of an existing, Single Family Detached Dwelling, provided that the following requirements are met:
    - 1. New Single Family Detached Dwellings may only be constructed on parcels existing prior to the effective date of this Chapter.
    - 2. Applications for the construction of a new single family detached dwelling shall be accompanied by documentation indicating when the parcel in question was created.
    - 3. The Area and Bulk Requirements of Section 804 governing single family detached dwellings shall be applicable.
    - 4. The Landscaping Requirements of Section 903 and the Site Design Requirements of Section 904 shall not be applicable.
    - 5. Neither new construction of a single family detached dwellings not the expansion of an existing single family detached dwelling shall extend onto a parcel created after the effective date of this Chapter.
  - K. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
  - L. Home Occupation

1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
  2. The Home Occupation shall be performed completely within the dwelling unit.
  3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
  4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
  5. Exterior storage of materials shall be prohibited.
  6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
  7. A single sign, conforming with the provisions of Section 1203 of this Chapter, is permitted.
- M. Accessory solar energy system.
1. A ground mounted system shall not be located in a front yard.
  2. A ground mounted system shall have a minimum setback of fifteen (15) feet from any side or rear property line.
  3. Roof mounted systems shall not extend beyond the roof line and shall not be more than five (5) feet above the plane of the roof.
  4. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry.
  5. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute

of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.

6. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
  7. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.
- N. Special Events Facilities for the principal purpose of holding events, such as weddings, wedding receptions, wedding showers, reunions, anniversary parties, retirement parties, baby showers, birthday parties, conferences, seminars and other similar events.

**§12-902. Conditional Uses.**

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

- A. "Fast Food" and "Drive Through" Restaurants
1. Space for a minimum of six (6) occupied vehicles is required for those patrons waiting in the drive through line for service. This distance shall be measured from the point at which food orders may be taken.
  2. The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
  3. The drive through facility, including intercom and menu, driveway, and service windows, shall be located along the side or rear of the restaurant. In no event will the drive through facility be permitted along the front of the restaurant, between the restaurant and the adjoining public road.
  4. A site plan shall be provided to the Township Supervisors for use at the



Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

B. "Drive Through" Banks and Financial Institutions

1. Space for a minimum of eight (8) occupied vehicles is required for those patrons waiting in line for drive through service. This distance shall be measured from the point at which drive through patron receive banking services through bank teller windows.
2. The required space for the drive through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
3. The drive through facility, including teller windows and intercom, and the driveway, shall be located along the side or rear of the bank or financial institution. In no event will the drive through facility be permitted along the front of the bank or financial institution, between the principle structure and the adjoining public road.
4. A site plan shall be provided to the Township Supervisors for use during the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

C. Automobile Service and Gasoline Stations, and Convenience Store with Gasoline Sales.

1. All services not normally associated with vehicular refueling, including major vehicular repair and the retail sale of merchandise shall be performed within a completely enclosed building.
2. A site circulation plan shall be devised that separates those patrons awaiting fueling service from those patrons awaiting other services, to the maximum extent feasible. At a minimum, parking shall not be permitted between the main entrance of the establishment and the refueling bays. Where the area between the main entrance and the parking bays is paved, a "No Parking" lane shall be established.
3. A site plan shall be provided to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan

shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

D. Planned Shopping Centers

1. The Center shall contain a minimum of four (4) separate uses.
2. Parking lots shall be designed with an easily discernible circulation pattern, and shall meet the following requirements.
  - a. Rows of parking shall be arranged perpendicularly from the front of the Center.
  - b. The parking lot design and landscaping standards established by Section 903 shall be adhered to.
  - c. The minimum distance between the sidewalk adjacent to the main entrances of establishments and the parking area shall be thirty (30) feet. The developer shall prove, to the satisfaction of the Board of Supervisors that sufficient spaces will exist between the sidewalk and the parking area to allow two-way traffic, and a pick-up / fire lane. Parking shall not be permitted in the required pick-up / fire lane.
3. The Center shall be designed as a single architectural entity. Similar building dimensions, materials, and rooflines shall be designed for all proposed uses within the Center.
4. In addition to the flat or wall sign permitted by Section 1206(C) for each business on a lot, the Center shall be permitted one monument-style sign located near the entrance to the Center. The sign may identify the name of the Center and the individual businesses within the Center. The sign shall not exceed one hundred (100) square feet in size on each side of the sign.
5. A site plan shall be provided to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, location and size of signage, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

E. Warehousing (including "Mini Storage" or "Self-Serve Storage"), Wholesaling, and Truck Terminals.

1. A two hundred (200) foot setback line shall be required along any boundary line which separates the site from a zoning district that permits residential development or from an existing residential property.
2. Along such boundary line, the developer shall provide a vegetative buffer to provide visual screening. The buffer shall contain various types and sizes of species, arranged in such a manner to establish an effective visual barrier.
3. To the maximum extent possible, loading and unloading docks shall be located on the side of the building furthest removed from the closest residential structure.
4. The loading and unloading areas shall be designed such that all truck maneuvering can be accomplished on the property inside all street rights-of-way.
5. A site plan shall be submitted to the Township Supervisors for use at the Conditional Use hearing during which the project will be reviewed. The site plan shall show building dimension and placement, internal circulation, landscaping, and all other pertinent design information needed for the Board of Supervisors' complete review of the project.

F. Wind Energy System (WES)

1. All compo of the Wind Energy System shall be considered accessory structures and the generation of energy as an accessory use to a principal use. There shall be no commercial use of a wind energy system, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
2. Wind energy generation shall be limited to one (1) wind turbine per residential lot or 1 per 10 acres of agricultural land.
3. Wind turbines shall have a capacity of 100 KW or less.
4. The maximum height of any wind turbine shall not exceed one-hundred (100) feet. The maximum height shall include the height of blades or other components at the highest point.
5. All moving parts of a wind turbine shall be a minimum of eighteen (18) feet above the ground.
6. No wind turbine shall be placed in a front yard.
7. Wind turbines shall be set back from all side and rear property lines a distance at

least equal to the height of the turbine plus twenty-five (25%) of the height.

8. Audible sound from a wind turbine shall not exceed sixty-five (65) decibels, as measured at the property line.
9. Wind turbines shall not be illuminated except as otherwise required by law.
10. Access to a wind turbine tower shall not be provided any lower than ten (10) feet above ground level. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
11. There shall be no antennae, advertising, or other items or materials affixed or placed on any component of a wind energy system, except those required for safety or otherwise permitted by the Township.
12. The design of wind energy systems shall use materials, colors, textures, screening or landscaping that will blend components of the system into the natural setting and existing environment, to the satisfaction of the Board of Supervisors during the Conditional Use hearing.
13. A Site Plan shall be prepared and certified by a registered Pennsylvania Professional Engineer and submitted as part of the Conditional Use application. In addition to the other requirements of this Section, the Site Plan shall contain the following:
  - a. Property boundaries and identification of neighboring property owners.
  - b. The location of all man-made structures on the property, as well as all man-made structures within one hundred (100) feet of any proposed wind turbine.
  - c. All wires and overhead structures, both natural and man-made.
  - d. Soil types where any tower foundation be constructed.
  - e. Complete structural and engineering details, including narrative descriptions, demonstrating how the foundation, support and other parts of the wind energy system will be constructed, installed, and maintained.
  - f. Information regarding the speed of operation and braking mechanism. No wind turbine shall be permitted that lacks an automatic braking governing, or feathering system to prevent uncontrolled rotation, over-speeding, and/or excessive pressure on the turbine or any of its parts.

14. The Township may require the submission of additional information during the Conditional Use hearing(s).
15. Removal of Wind Turbines: The applicant shall sign an agreement stating that when all reasonable uses of the turbine are no longer necessary it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal.

**§12-903. Landscaping Requirements.**

The following landscaping standards shall be applied to all proposed uses and subdivision and land development plans within the HC District.

A. Standards for Landscaping Within Off-Street Parking Areas:

Where Part XIII of this Chapter requires the development of an off-street parking lot containing twenty-five (25) or greater parking spaces to service a use permitted in the HC District, the following landscaping requirements shall be applied.

1. A terminal island shall be provided at both ends of all rows of parking spaces. Each terminal island shall measure at least five (5) feet in width. For rows of parking one (1) parking space in width, the terminal island shall be fifteen (15) feet in length. For rows of parking spaces two (2) parking spaces in width, the terminal island shall be thirty (30) feet in length. Terminal island width shall be measured perpendicular to the driveway providing vehicular access to the parking spaces. Terminal island length shall be measured perpendicular to the terminal island width.
2. Each terminal island shall include at least one (1) tree, with the remaining area landscaped with appropriate ground cover or grass.
3. A divider strip of four (4) feet in width between abutting rows of parking shall be provided. At least one (1) tree shall be planted at twenty (20) foot intervals within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate ground cover or grass.

B. Standards for Landscaping the Perimeter of Off-Street Parking Areas Where Part 13 of this Chapter requires the development of an off-street parking lot to service a use permitted within the HC District, the following landscaping requirements shall be applied.

1. A landscaping strip shall be provided around the perimeter of all parking lots, except for the side of the parking lot bounded by the principle structure.
2. The minimum width of the perimeter landscaping strip along a front property line shall be ten (10) feet, measured outward from the edge of the parking lot. The minimum width of the perimeter landscaping strip along side and rear property lines shall be five (5) feet, measured outward from the edge of the parking lot.
3. At least one (1) tree shall be planted at twenty (20) foot intervals within the perimeter landscaping strip.

C. Standards for Landscaping the Borders of Properties

1. Perimeter landscaping strips shall be provided around the perimeter of the property. Landscaping strips along side boundary lines may be exempted if the bordering properties both contain commercial uses and share an access driveway.
2. The minimum width of the perimeter landscaping strip along the front property line shall be ten (10) feet, measured inward from the street right-of-way line. The minimum width of the perimeter landscaping strip along the side and rear property lines shall be five (5) feet, measured inward from the property line.
3. At least one (1) tree shall be planted at twenty (20) foot intervals within the perimeter landscaping strip.

D. Standards for Landscaping Materials

1. All required trees shall be a minimum of eight (8) feet in height and shall have a minimum caliper of two (2) inches, measured at three (3) feet above the ground line, when planted.
2. All required trees shall be street trees capable of withstanding automobile emissions and the salts used in snow melting and removal operations.
3. Within any required landscaping area, any plant which dies shall be replaced with another plant of the same or similar species within one (1) month of the death of the original plant, provided that climatic conditions allow for planting.
4. All required landscaping shall be included in the improvement bond required by the Tyrone Township Subdivision and Land Development Ordinance.

**§12-904. Site Design Standards.**

For any development proposed within the Highway Commercial District, the following site design standards shall be applied.

- A. Buildings shall be constructed, to the maximum extent feasible, at the front yard setback line.
- B. No parking is permitted to be placed in the front yard area between the front face of the building (the side of the building parallel to the road right-of-way), and the road right-of-way.

Only landscaping, permitted signage, and permitted access driveways are permitted to be located in the front yard area.

- C. Required parking shall be located to the side or rear of the principle structure on the lot.

The parking lot shall be designed in accordance with the landscaping standards established in Section 903, and any other standards required by this District.

- D. Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.

- E. Outdoor storage may be permitted, provided the following requirements are met:

- 1. Outdoor storage shall be designed as an integral component of the commercial establishment. Under no circumstances may temporary outdoor storage or sales facilities be constructed as a component of a commercial establishment.
- 2. Outdoor storage areas shall be enclosed by opaque fencing designed to be architecturally compatible with the principle building(s).
- 3. Outdoor storage areas shall not be located within any required setback or landscaping area.
- 4. Where outdoor storage areas are used as display space for products for sale, such outdoor storage space shall be included in calculating building coverage and the required number of parking spaces.

- F. No property shall have more than two (2) access drives leading to and adjoining public roadways. Where two (2) access drives are proposed for a single lot, the access drives

shall be separated by a distance of no less than one hundred (100) feet.

**§12-905. Area And Bulk Requirements.**

The following standards shall govern all uses, subdivision projects, and land development plans within the HC District.

- A. The minimum lot area shall be forty thousand (40,000) square feet.
- B. The minimum lot width shall be two hundred (200) feet, measured at the road right-of-way line. Where shared access drives are proposed to provide access to adjoining lots, the minimum lot width may be reduced to one hundred seventy-five (175) feet.
- C. The minimum front yard setback shall be thirty (30) feet.
- D. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
- E. The minimum side and rear yard setbacks shall be twenty-five (25) feet. In instances where parking facilities are shared by adjoining uses, the side yard setback requirement for one (1) side yard setback may be waived.
- F. The maximum impervious lot coverage shall not exceed seventy percent (70%).  
  
Impervious lot coverage includes features such as building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- G. The maximum building height shall not exceed thirty-five (35) feet.
- H. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 905.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011; amended by Ordinance 64 (#2019-64), enacted 10/9/2019)



**PART 10**

**INDUSTRIAL (I) DISTRICT**

**§12-1000. Statement Of Legislative Intent.**

- A. Accommodate and permit the reasonable expansion and continued economic viability of the important industrial areas located in Peach Glen and Gardners Villages, thus creating industrial development patterns that are efficient in design and which will focus industrial transportation needs on major roadways instead of in residential neighborhoods.
- B. Require new industrial development to be adequately buffered from nearby residential land uses to ensure the maximum compatibility between land uses.
- C. Provide performance standards for industrial uses that ensure that the off-site impacts of industrial operations on surrounding non-industrial areas are minimized.
- D. Require land coverage, building and facilities design, and buffering arrangements that are compatible with the rural characteristics of Tyrone Township, while, at the same time, allowing for an intensity of land use typical of industrial facilities.
- E. Protect the health, safety, welfare, and property values of nearby residential areas from the incompatible effects sometimes associated with contemporary industrial, manufacturing, and processing operations by requiring the sensitive placement, careful design, and appropriate setback of these types of facilities within the rural environment.

**§12-1001. Permitted Principle Uses.**

A structure may be erected or used, and a lot may be used for the following permitted principle uses and no other:

- A. Light Manufacturing Uses defined as the processing and/or assembly of the following and similar types of products.
  - 1. Food and kindred products, excluding those which process meat, fish, or poultry products.
  - 2. Textiles and apparel.
  - 3. Lumber and wood products, excluding sawmills.

4. Household and office furniture, fixtures, and supplies.
  5. Printing, publishing, and bookbinding.
  6. Audio-visual components, computers, and office equipment.
  7. Electronic communications equipment.
  8. Paper products excluding paper mills.
  9. Pharmaceuticals.
  10. Scientific, technical, and medical instruments.
- B. Corporate Headquarters.
- C. Scientific and Commercial Testing Laboratories.
- D. Contractor Supply Stores.
- E. Mini-warehouse or Self-Storage Operations.
- F. Home Related Fuels Sales.
- G. Plumbing, Heating, Ventilation, Air Conditioning, Electric, and Structural Building Components Sales and Storage.
- H. The construction of a new, or the expansion of an existing, Single Family Detached Dwelling, provided that the following requirements are met:
1. New Single Family Detached Dwellings may only be constructed on parcels existing prior to the effective date of this Chapter.
  2. Applications for the construction of a new single family detached dwelling shall be accompanied by documentation indicating when the parcel in question was created.
  3. The Area and Bulk Requirements of Section 804 governing single family detached dwellings shall be applicable.
  4. Neither new construction of a single family detached dwelling, nor the expansion of an existing single-family detached dwelling shall extend onto a parcel created

after the effective date of this Chapter.

- I. Wireless Communications Antennae affixed to an existing, conforming building or structure, not including a wireless communications tower as defined by this Chapter.
  
- J. Home Occupation
  - 1. A Home Occupation may include art studios, barber shops and beauty salons containing a maximum of two (2) chairs; instructional services limited to two (2) pupils at a time; professional office for a physician, lawyer, accountant, real estate agent, architect, or similar professional; sale of specialty "Homemade Food" products; appliance or small machinery repair; or other home businesses of a similar nature.
  - 2. The Home Occupation shall be performed completely within the dwelling unit.
  - 3. Not more than two persons, including the property owner, shall be employed in the Home Occupation.
  - 4. Not more than thirty percent (30%) of the floor area of the dwelling unit shall be devoted to the Home Occupation.
  - 5. Exterior storage of materials shall be prohibited.
  - 6. The residential character of the dwelling unit shall not be altered to indicate the presence of a Home Occupation.
  - 7. A single sign, conforming with the provisions of Section 1203 of this Chapter, is permitted."
  
- K. Accessory Solar Energy System
  - 1. Ground mounted systems
    - a. A ground mounted system shall have a minimum setback of twenty-five (25) feet from the right-of-way of the adjoining road.
    - b. Ground mounted accessory systems that comprise two (2) acres or more shall meet the requirements of Section 403(H).
  - 2. Roof mounted systems shall not extend beyond the roof line and shall not be more than five (5) feet above the plane of the roof.

3. To the extent applicable, the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the PA Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry.
4. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. As applicable, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
5. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
6. Decommissioning of Solar Energy System: The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities.

**§12-1002. Conditional Uses.**

The following uses are permitted as "Conditional Uses" in accordance with the following standards and any additional standards that the Tyrone Township Board of Supervisors, upon Tyrone Township Planning Commission review and comment, may deem necessary to apply.

- A. Industrial Uses, including the processing and/or production of petroleum and/or coal products, rubber and/or plastic products, glass, primary metals, industrial machinery and/or equipment, motorized vehicles, food processing of meat, fish, and poultry products, sawmills, and other similar products.
  1. A two hundred (200) foot setback line shall be required along any boundary line which separates the site from a residential use or zoning districts which permits residential uses.
  2. Along such boundary line, the developer shall provide a vegetative buffer to provide visual screening. The buffer shall contain various types and sizes of

species, arranged in such a manner to establish an effective visual barrier.

3. The outdoor storage of raw or finished materials is permitted provided the storage area is enclosed by a protective fence. The fence shall provide visual screening of the storage area and shall be at least eight (8) feet in height.
4. The developer shall submit, to the Board of Supervisors, information detailing the disposal of organic material and/or waste. The disposal process shall conform to all applicable State and Federal regulations.

**B. Adult Entertainment Use:**

1. No more than one (1) adult entertainment use shall be permitted in any one building.
2. No adult entertainment use shall be located within five hundred (500) feet of any building within which is located another adult entertainment use.
3. No adult entertainment use shall be located within five hundred (500) feet of V, R, or AP-1, AP-2, or RR District.
4. No adult entertainment use shall be located within one thousand (1000) feet of any lot upon which is located a school, church, child care facility, public park, or playground.
5. The landscaping standards of Section 903 shall be met.
6. The building occupied as an adult entertainment use shall have an opaque covering over all windows and/or glass doors to prevent items and/or services from being visible from outside the building.
7. No sign shall be erected on the premises depicting or giving a visual representation of the types of items and/or services offered within the establishment.

**C. Junkyards**

1. No junkyard shall be located within two hundred (200) feet of V, R, or AP-1, AP-2, or RR District.
2. The junkyard shall be enclosed by a protective fence. The fence shall provide complete visual screening of the junkyard and shall be at least eight (8) feet in height.

3. Landscaping shall be installed around the outside perimeter of the fence required by Section 1002(C)(2). At a minimum, one (1) evergreen tree shall be planted at twenty (20) foot intervals along the fence. All required trees shall be maintained and have a minimum of five (5) feet in height and shall have a minimum caliper of one-and-one-half (1.5) inches, measured at three (3) feet above the ground line, immediately upon planting.
4. The applicant shall demonstrate compliance with all other applicable Township, state, and/or federal laws, ordinances, or requirements.

D. Wind Energy Systems

1. All components of the Wind Energy System shall be considered accessory structures and the generation of energy as an accessory use to a principal use. There shall be no commercial use of a wind energy system, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
2. Wind energy generation shall be limited to one (1) wind turbine per residential lot or 1 per 10 acres of agricultural land.
3. Wind turbines shall have a capacity of 100 KW or less.
4. The maximum height of any wind turbine shall not exceed one-hundred (100) feet. The maximum height shall include the height of blades or other components at the highest point.
5. All moving parts of a wind turbine shall be a minimum of eighteen (18) feet above the ground.
6. No wind turbine shall be placed in a front yard.
7. Wind turbines shall be set back from all side and rear property lines a distance at least equal to the height of the turbine plus twenty-five (25%) of the height.
8. Audible sound from a wind turbine shall not exceed sixty-five (65) decibels, as measured at the property line.
9. Wind turbines shall not be illuminated except as otherwise required by law.
10. Access to a wind turbine tower shall not be provided any lower than ten (10) feet above ground level. All access doors to wind turbines and electrical equipment

shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

11. There shall be no antennae, advertising, or other items or materials affixed of placed on any component of a wind energy system, except those required for safety or otherwise permitted by the Township.
12. The design of wind energy systems shall use materials, colors, textures, screening or landscaping that will blend components of the system into the natural setting and existing environment, to the satisfaction of the Board of Supervisors during the Conditional Use hearing.
13. A Site Plan shall be prepared and certified by a registered Pennsylvania Professional Engineer and submitted as part of the Conditional Use application. In addition to the other requirements of this Section, the Site Plan shall contain the following:
  - a. Property boundaries and identification of neighboring property owners.
  - b. The location of all man-made structures on the property, as well as all man-made structures within one hundred (100) feet of any proposed wind turbine.
  - c. All wires and overhead structures, both natural and man-made.
  - d. Soil types where any tower foundation will be constructed.
  - e. Complete structural and engineering details, including narrative descriptions, demonstrating how the foundation, support and other parts of the wind energy system will be constructed, installed, and maintained.
  - f. Information regarding the speed of operation and braking mechanism. No wind turbine shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and/or excessive pressure on the turbine or any of its parts.
14. The Township may require the submission of additional information during the Conditional Use hearing(s).
15. Removal of Wind Turbines: The applicant shall sign an agreement stating that when all reasonable uses of the turbine are no longer necessary it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Tyrone Township Solicitor and shall, at the request of the

Township, include a bond for estimated expenses of removal.

**§12-1003. Area and Bulk Regulations.**

The following standards shall govern all industrial uses, subdivision projects, and land development plans within the I District.

- A. The minimum lot area shall be one (1) acre.
- B. The maximum building coverage shall not exceed fifty percent (50%).
- C. The maximum impervious lot coverage shall not exceed seventy percent (70%).  

Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. The minimum building setback shall be fifty (50) feet.
- E. The minimum side and rear setbacks for an industrial property that adjoins other industrial uses or industrially zoned properties shall be forty (40) feet.
- F. Unless otherwise required in the I District, the minimum side and rear setbacks for a non-residential property that borders a zoning district that permits residential development, or that borders an existing residential property, shall be one hundred (100) feet.
- G. For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.
- H. The maximum building height shall be thirty-five (35) feet.
- I. A landscaped area shall be provided along any property line that borders a zoning district that permits residential uses, regardless of whether or not the property is developed, or that borders an existing residential property. The required landscaped area shall meet the following requirements.
  - 1. The landscaped area shall be a minimum of fifteen (15) feet wide, measured inward from the property line.
  - 2. For the length of the landscaped area, a tree shall be planted at no less than twenty (20) foot intervals.



3. Required evergreen tree plantings shall be maintained and have a minimum height of eight (8) feet and a minimum caliper of two (2) inches, measured at three (3) feet from ground level.
  
- J. Landscaping shall also be provided on any portion of the property not used for buildings, structures, parking, loading areas, or storage areas. Landscaping shall include at least two (2) of the following: trees, shrubs, grass, mulch, or other similar landscaping material not including sand, gravel, or pavement.
  
- K. Add-On Lots are permitted, provided that the remainder of the parent tract and parcel to which the Add-On Lot is joined meet the Area and Bulk Requirements of Section 1003.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

## **PART 11**

### **FLOODPLAIN (FP) DISTRICT**

The FP District is provided to conform to the requirements of the federal flood insurance program and the Pennsylvania Flood Plain Management Act, and to restrict development in flood prone areas to those uses that will not be damaged by periodic inundation or that will not increase flood heights by reducing the floodway cross-sectional area.

#### **§12-1100. Floodplain District Requirements.**

Section 1101 and 1102 set forth the use standards, requirements, and restrictions for the Floodplain District. Additional requirements pertaining to the FP District are contained in the Tyrone Township Floodplain Management Ordinance.

#### **§12-1101. FP District Permitted Uses.**

Any use permitted within the underlying district is permitted in the FP district provided the following conditions are met.

- A. The use is not a use designated as a special hazard in the regulations promulgated under the Pennsylvania Flood Plain Management Act.
- B. The use will not reduce the cross-sectional area of the floodway.
- C. The use is flood proofed or elevated in a manner such that the use and structure will not be damaged by flood waters.
- D. All structures and equipment are anchored to prevent flotation.
- E. The site will be developed such that installations which have the potential of polluting the stream, i.e., on-lot sewage systems and fuel storage installations, are located in the floodway fringe at an elevation above the 100-year flood elevation.

#### **§12-1102. FP District Conditionally Permitted Uses.**

Special hazard uses as listed in the regulations promulgated under the Pennsylvania Flood Plain Management Act are conditionally permitted provided they meet all applicable provisions of this

Chapter, are permitted or conditionally permitted in the underlying district, and a Special Use Permit is issued by the Department of Community and Economic Development or its successor agency.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

## **PART 12**

### **SIGN REGULATIONS**

**§12-1200. Statement Of Legislative Intent.**

In expansion of the Community Development Objectives in Part 1 of this Chapter, it is hereby declared to be the intent of this Part to place reasonable standards on the erection and maintenance of signs within the Township of Tyrone. Furthermore, it is the intent of this Part to:

- A. Maintain and enhance the aesthetic qualities of Tyrone Township by requiring signs to be designed of sizes, shapes, and styles complimentary to the rural character of the Township.
- B. Allow signs in all zoning districts that balance the needs of individual landowners with the desire of the community to perpetuate an attractive, livable environment.
- C. Maintain adequate traffic safety standards by minimizing the negative sensory impacts of excessive signage as well as minimizing signage conflicts with necessary traffic control signs and equipment.
- D. Encourage signage that will meet the needs of occupants of moving vehicles traveling on the Township's roadway network.

**§12-1201. General Regulations.**

The following regulations shall govern signs in all districts.

- A. No sign shall be erected, enlarged, or relocated until a permit for doing so has been issued by the Zoning Officer. Applications shall be on forms provided by the Township. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, and all other relevant information.
- B. The following types of signs are exempted from the requirements of Section 1201(A), provided the sign meets all other applicable sections of this Part.
  - 1. Official street and traffic signs and any other signs required by law.
  - 2. Trespassing signs, signs indicating private ownership of roads and/or property, and similar signs, provided that such signs are spaced at intervals of no less than

one hundred (100) feet and do not exceed two (2) square feet in area.

3. Temporary, unlighted real estate signs advertising the sale or rental of the premises upon which they are erected, provided that the maximum area on any side of the sign shall not exceed six (6) square feet, that the total area of the sign shall not exceed twelve (12) square feet, that not more than two (2) signs are placed on a property under single ownership, and that such signs are removed not more than five (5) business days following the sale or rental of the premises.
  4. Temporary, unlighted signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided that the maximum area of any one side of the sign shall not exceed eight (8) square feet, that the total area of the sign shall not exceed sixteen (16) square feet, that not more than one (1) such sign shall be erected on any property under single ownership, and that the sign shall be removed within one (1) day of the completion of the work.
  5. Temporary, unlighted yard or garage sale signs, provided that such signs shall not be displayed for more than forty-eight (48) hours of each calendar month, that the total area of such signs shall not exceed four (4) square feet, and that not more than two (2) signs shall be displayed for any sale event.
  6. Temporary, unlighted political signs, provided that such signs shall exceed six (6) square feet in area, that such signs shall not be displayed earlier than thirty (30) days prior to an election, and that such signs shall be removed within ten (10) days after the said election.
  7. Temporary, unlighted, manually changeable copy, advertising signs, provided that such signs are displayed no more than two (2) times during a single calendar year, provided that the duration of each display does not exceed thirty (30) days, and provided that such signs are strongly anchored to prevent movement of the signs by wind, water, or other forces of nature.
  8. Freestanding signs designating the "entrances" and "exits" to commercial and industrial establishments, provided that the signs be illuminated only by indirect lighting and that each side of the sign shall not exceed four (4) square feet unless otherwise regulated by this Chapter.
- C. Any sign advertising or identifying a business or organization which is either defunct, no longer located on the premises, or located on a property separate from the property on which the sign is located, is not permitted.
- D. No sign shall use the words "stop," "caution," or "danger" or shall use red, yellow, and/or green lights resembling traffic signals, or shall resemble traffic control signs in terms of

size, shape, or color.

- E. No sign shall be located so as to interfere with the Clear Sight Distance regulations of the Tyrone Township Subdivision and Land Development Ordinance.
- F. No sign shall be permitted that produces direct or reflected glare visible from any residential property or from any street or roadway.
- G. Signs may be illuminated, unless otherwise prohibited herein, only to the extent that is necessary to be seen and read at night at a distance not to exceed two hundred-fifty (250) feet for signs often (10) square feet or more in area, and at a distance not to exceed one hundred- twenty-five (125) feet for signs of less than ten (10) square feet in area.

**§12-1202. Prohibited Signs.**

The following types of signs and/or sign design features are prohibited in all districts.

- A. Flashing signs and/or flashing and/or rotating lights.
- B. Revolving, rotating, or otherwise moving signs.
- C. Animated signs.

**§12-1203. Signs Permitted Within Agricultural And Residential Districts.**

Within the Residential (R), the Rural Residential (RR), Agricultural Preservation 1 (AP-1), and Agricultural Preservation 2 (AP-2) Districts, the following sign regulations shall apply.

- A. Signs advertising a home occupation are permitted, provided that the following requirements are met.
  - 1. The maximum area of any one side of the sign shall not exceed twelve (12) square feet.
  - 2. The total area of the sign shall not exceed twenty-four (24) square feet.
  - 3. The sign shall only be illuminated by indirect lighting. In no case shall indirect lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties or traffic on adjoining roads.
  - 4. The maximum height of the sign shall not exceed six (6) feet, unless a wall sign

or projecting sign is used.

- B. Signs identifying the name and entrances of a residential development are permitted, provided that the following requirements are met.
1. One freestanding sign may be located at the main entrance to the residential development. Such a sign shall not exceed twenty-five (25) square feet in total area or six (6) feet in height.
  2. One freestanding sign may be located at each secondary entrance to the residential development. Such a sign shall not exceed six (6) square feet in area or five (5) feet in height.
  3. All signs associated with a residential development shall be located in a landscaped setting. Acceptable landscaping materials include grass, mulch, shrubs, and trees. A landscaping sketch shall accompany the sign permit application.
  4. Signs may only be illuminated by indirect lighting. In no case shall indirect lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties or traffic on adjoining roads
  5. Off premises signs, or billboards, are explicitly not permitted.
- C. Signs identifying a Nutrient Recovery Facility or Biofuel Facility
1. One wall sign shall be permitted. Such sign shall be a maximum of one hundred (100) square feet and shall not extend above the roofline.
  2. One freestanding (1) sign shall be permitted per street frontage and shall be located adjacent to a vehicle entrance.
  3. The sign shall be setback a minimum of twenty (20) feet from the public right-of-way line.
  4. The maximum area of one side of the sign shall not exceed twenty-five (25) square feet.
  5. The maximum height of the sign shall not exceed six (6) feet.
  6. Signs shall only be illuminated by indirect lighting. The source of such lighting shall not be visible from the street, access drive or parking areas.

7. The base of such sign shall be landscaped with the following materials: mulch, groundcover, and shrubs.
8. No sign shall be located so as to interfere with the Clear Sight Distance regulations of the Tyrone Township Subdivision and Land Development Ordinance.

**§12-1204. Signs Permitted Within The Village (V) District.**

Within the Village (V) District, the following sign regulations shall apply.

- A. A maximum on one (1) sign shall be permitted for every single non-residential use of a structure, provided that the following requirements are met.
  1. The maximum area of any one side of a sign shall not exceed six (6) square feet.
  2. The total area of the sign shall not exceed twelve (12) square feet.
  3. Where wall or projecting sign types are used, the maximum area of the sign may be increased to a maximum area of eight (8) square feet for any one side of the sign and to a maximum total area of sixteen (16) square feet.
  4. Projecting signs above sidewalks or walkways shall be located so as to provide for eight (8) feet of clearance beneath the sign. Such projecting signs shall not exceed eleven (11) feet in height.
  5. All signs shall be visually compatible, in terms of color, with the front facade of the structure to which the sign is attached. Dark backgrounds with light-colored lettering and/or designs are preferred.
  6. Signs shall only be illuminated by indirect lighting. In no case shall indirect lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties or traffic on adjoining roads.
- B. Where the structure is located at the intersection of two (2) public streets, the Zoning Officer may authorize the use of one (1) sign along each public street, provided that all signs meet the regulations of Section 1204(A).
- C. Off-premises signs, also known as billboards, are explicitly excluded.



**§12-1205. Signs Permitted.**

Within the Industrial (I) District Within the Industrial (I) District, the following sign regulations shall apply.

- A. A maximum on one (1) sign shall be permitted that displays the owner/occupant of the premises and the activity conducted thereon, provided that the following requirements are met.
  - 1. The maximum area of any one side of a sign shall not exceed one hundred (100) square feet.
  - 2. The total area of the sign shall not exceed two hundred (200) square feet.
- B. A maximum of one (1) sign may be erected at each entrance and/or exit to or from a public road that identifies the property's activity and the entrance and/or exit, provided that the following requirements are met.
  - 1. The maximum area of the side of such shall not exceed ten (10) square feet.
  - 2. The total area of the sign shall not exceed twenty (20) square feet.
  - 3. The maximum height of the sign shall not exceed six (6) feet.
- C. On parcels containing multiple activities, a single sign shall be permitted for each individual activity, provided that the following requirements are met.
  - 1. The maximum area of any one side of the sign shall not exceed seventy-five (75) square feet.
  - 2. The total area of the sign shall not exceed one hundred fifty (150) square feet.
- D. The maximum height of any freestanding sign within the Industrial (I) District shall not exceed fifteen (15) feet. The maximum height of any wall or projecting sign shall not exceed a height equal to seventy-five percent (75%) of the height of the wall upon which the sign is located. The maximum height of any entrance or exit sign shall not exceed six (6) feet.
- E. Off-premises signs, or billboards are permitted, provided the following requirements are met:
  - 1. The maximum area of any one (1) side of the sign shall not exceed one-hundred fifty (100) square feet.

2. The total area of the sign shall not exceed three hundred (200) square feet.
3. The maximum height of the sign shall not exceed twenty (20) feet.
4. Only one (1) sign is permitted on a single property.
5. Off-premises or billboard signs shall be located no closer than five hundred (500) feet from other off-premises or billboard signs located within the Township.
6. Off-premises or billboard signs shall be located no closer than five hundred (500) feet from other off-premises or billboard signs. The distance between said signs shall be measured linearly, along the shortest route.

**§12-1206. Signs Permitted Within the Highway Commercial (HC) District.**

Within the Highway Commercial (HC) District, the following sign regulations shall apply.

- A. A single sign shall be permitted on the same lot as a single business to which the sign refers, provided that the following requirements are met.
  1. The maximum area of any one (1) side of a sign shall not exceed twenty (20) square feet.
  2. The total area of the sign shall not exceed forty (40) square feet.
  3. The maximum height of any freestanding sign shall not exceed fifteen (15) feet.
  4. The total area of the sign for a commercial property may be increased by twenty percent (20%) if the applicant chooses to use a wall sign.
  5. Any freestanding sign proposed for a commercial use in operation prior to the enactment of the Tyrone Township Zoning Ordinance shall be located in a landscaped setting. Acceptable landscaping materials include grass, mulch, shrubs, and trees. A landscaping sketch shall accompany the sign permit application.
  6. Any freestanding sign proposed for a commercial use, developed in accordance with Part 9 of this Chapter, shall be incorporated into the landscaping required for the site.
- B. Where a single business has frontage on two public streets, two (2) signs, meeting the

requirements of Section 1206(A), shall be permitted.

- C. Signs within a Shopping Center shall meet the following requirements.
1. A single, freestanding sign may be erected to identify the name and entrance to the shopping center, provided that the following requirements are met.
    - a. The maximum area of any one side of the sign shall not exceed seventy-five (75) square feet.
    - b. The total area of the sign shall not exceed one hundred-fifty (150) square feet.
    - c. The sign shall be located no less than twenty (20) feet from the adjoining road right-of-way.
    - d. The maximum height of the sign shall not exceed fifteen (15) feet.
    - e. The sign shall be incorporated into the landscaping required for the site.
  2. A single wall sign is permitted for each individual establishment located within the shopping center, provided that the following requirements are met.
    - a. The total area of each wall sign shall not exceed thirty-five (35) square feet.
    - b. Each wall sign shall be designed to be visually compatible, in terms of color and materials, with buildings of the plaza.
- D. Where signs in the HC District use indirect lighting, the light source shall be shielded to prevent glare visible from adjoining residential properties and from streets or roadways.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

## PART 13

### PARKING AND LOADING REGULATIONS

**§12-1300. Statement Of Legislative Intent.**

Off-street parking and loading facilities shall be provided to lessen congestion, to enhance safety, and to decrease the parking burden on and within public right-of-ways. The facilities required herein shall be available for the residents, occupants, patrons, or employees of the particular business or use for which such facilities are provided.

**§12-1301. Required Facilities.**

Unless otherwise regulated in this Part or elsewhere in this Chapter, the following parking facilities are required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter developed for commercial, residential, or similar purposes, shall be provided with not less than the minimum off-street parking spaces, as set forth below. All spaces shall be readily accessible to the uses served thereby.

- A. Single-family Detached, Single-family Attached, Single-family Semi-detached, and Two-family Dwellings.

Two (2) parking spaces for each dwelling unit.

- B. Bed-and-Breakfasts, Hotels, and Motels.

One (1) parking space for every guest room, one (1) parking space for every employee on the busiest shift, and the required number of spaces to serve a restaurant, if one exists on the premises.

- C. Churches, Agricultural Society Meeting Halls, and Similar Community Buildings and Uses One (1) parking space for every three (3) patron seats.

- D. Professional Offices

One (1) parking space for every employee and two (2) additional parking spaces for each professional.

- E. Personal Service Shops

One (1) parking space for every employee and two (2) parking spaces for every work station.

F. Government Offices

One (1) parking space for every employee.

G. Home Occupations

The required number of parking spaces for the residential unit shall be supplied in addition to one (1) parking space for every three hundred (300) square feet of area in the residential unit devoted to the Home Occupation.

H. Retail Shops

One (1) parking space for every two hundred (200) square feet of gross floor area and one (1) space for every two (2) employees.

I. Banks

One (1) parking space for every one hundred seventy-five (175) square feet of gross floor area and two (2) parking spaces for every drive through lane.

J. Vehicle Sales Businesses

One (1) parking space for every five hundred (500) square feet of vehicle display area.

K. Nurseries, Garden Materials Stores, Contractor Supply Stores, and Heating, Ventilation, and Air Conditioning Stores.

One (1) parking space for every three hundred (300) square feet of gross floor area.

L. Convenience Stores and Gasoline Service Stations

One (1) parking space for every one hundred fifty (150) square feet of gross floor area.

M. Commercial Recreation Facilities and Health and Recreation Clubs

One (1) parking space for every two hundred (200) square feet of gross floor area.

N. Car Washes

One (1) parking space for every car washing stall.

O. Liquor Stores

One (1) parking space for every two hundred (200) square feet of gross floor area.

P. Manufacturing and Industrial establishments, including Agribusiness Operations, Nutrient Recovery Facilities, Biofuel Production Facilities, and Large-Scale Solar Energy Systems.

One and one-half (1.5) parking spaces for every one (1) employee working during the largest shift.

Q. Corporate Headquarters and Scientific and Commercial Testing Laboratories

One (1) parking space for every one and one-half (1.5) employees working during the largest shift, and one (1) visitor parking space for every ten (10) employees.

R. Mini-warehouse and Self-storage Operations

One (1) parking space for every four (4) storage lockers

S. Warehousing and Wholesaling Operations

One (1) parking space for every one and one-half (1.5) employees working during the largest shift.

T. Adult Entertainment Uses.

One (1) parking space for every one hundred fifty (150) square feet of gross floor area.

U. Mixed-use Structures

The number of parking spaces required shall be equal to the total number of spaces required by each individual use within the mixed-use structure.

V. Restaurants, Taverns, and similar establishments.

One parking space for every two (2)-customer seats, plus one (1) additional parking space for every employee on the largest shift.

W. Drive-through Businesses, including Restaurants and Branch Banks.

One parking space for every one-and-one-half (1 1/2) seats for a drive-through restaurant.

One parking space for every two hundred (200) square feet of floor area for a drive-through bank. In addition, one (1) parking space shall be provided for every two (2) employees on the largest shift.

X. Planned Shopping Centers.

One parking space for every four hundred (400) square feet of gross leasable floor area within the Shopping Center.

Y. Special Events Facilities

Eight (8) parking spaces for every 250 square feet of gross floor area. Gross floor area, for the purpose of this section, shall include any outdoor event space or seating area, including, but not limited to, tent areas, patios, pavilions, and other similar seating or gathering areas.

**§12-1302. Public Right-Of-Way Excluded.**

In no case shall parking within public rights-of-way be used to fulfill the required parking needed by any applicant for any use.

**§12-1303. Design Standards.**

All off-street parking areas shall be designed to meet the following standards:

- A. Where three (3) or more parking spaces are required under Section 1301 or elsewhere in this Ordinance, such parking spaces shall be considered a parking lot.
- B. All off-street parking lots shall be paved so as to provide a durable and dust-free surface. Acceptable paving materials include concrete and asphalt. All entrance and exit drives shall be paved in accordance with Penn DOT 408 specifications.
- C. All off-street parking lots shall be graded to provide for the adequate drainage of storm water from the parking lot. The Township engineer shall be afforded the opportunity to review and comment on the grading plan for any parking lot.
- D. Circulation control shall be designed to provide one-way directional travel whenever possible. No parking shall be provided or permitted along any circulation drive or along an entrance or exit drives. Drives shall be uniform in width and provide for ninety (90) degree intersections, whenever possible.
- E. Customers and service traffic shall be separated whenever possible. Loading and unloading

areas shall be located so as not to interfere with customer or employee parking areas.

- F. Where Section 903 of this Chapter regulates the landscaping of off-street parking areas, the requirements of Section 903 shall apply. Where the requirements of Section 903 are not applicable, the following landscaping regulations shall apply.
  - 1. A landscaping strip of no less than five (5) feet in width shall be provided along the edge of each parking area.
  - 2. Within each landscaping strip shall be planted a mixture of two (2) or more of the following types of vegetation: grass, shrubs, flowering plants, or trees. At least one (1) shrub, flowering plant, or tree shall be planted at intervals no less than twenty (20) feet.
  - 3. Suitable breaks in the landscaping strip shall be permitted for access drives to or from a public street.
- G. All parking lots shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking lot.
- H. Each parking space shall not be less than ten (10) feet wide by twenty (20) feet long.
- I. All spaces shall be delineated with a durable delineation material and shall be maintained so that all parking spaces are clearly marked.

**§12-1304. Off-Street Loading Requirements.**

- A. Off-street loading and unloading space(s), with proper and safe access from street or alley, shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the uses within the district. Each loading and unloading space:
  - 1. Shall be at least fourteen (14) feet wide, eighty (80) feet long, and shall have at least fifteen (15) feet if vertical clearance.
  - 2. Shall have at least an eighty (80) foot maneuvering area.
  - 3. Shall have a paved surface to provide safe and convenient access during all seasons.
  - 4. Shall not be constructed between the street right-of-way and building set back line.
- B. Required off-street parking spaces, (including access drive and aisles) shall not be used for loading and unloading purposes except during hours when business operations are



suspended.

- C. Loading and unloading facilities shall be designed so that trucks need not back into or out of, or park in, any public right-of-way.
- D. No truck shall be allowed to stand in a right-of-way, an automobile parking area (including access drives and aisles), or in any way block the effective flow of persons or vehicles either on or into and out of the property.
- E. At least one (1) off-street loading space shall be provided for all commercial and industrial operations in excess of three thousand five hundred (3500) square feet of floor area. The number of loading and unloading spaces shall be left to the discretion of the developer; however, the standards of this section shall be maintained.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011; amended by Ordinance 65 (2019-65), enacted 10/19/2019; amended by Ordinance 67 (#2020-01), enacted 2/19/2020)

**PART 14**

**NONCONFORMING USES**

**§12-1400. General.**

All lawful uses of land or of a building or other structure existing on the effective date of this Chapter may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such non-conforming uses shall comply with the provision of this Article.

**§12-1401. Alterations And Reconstruction.**

- A. Repairs and structural alterations, not constituting an extension, expansion, or enlargement, may be made to a non-conforming building or to a building occupied by a non-conforming use.
- B. A non-conforming building which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purposes, provided that:
  - 1. The reconstruction of the building is commenced within one (1) year from the date of the destruction of the building and is carried to completion within two (2) years, unless an extension is granted as a Conditional Use by the Township Supervisors.
  - 2. The reconstructed building does not exceed in height, area, and volume that of the building destroyed.

**§12-1402. Extensions, Expansions, And Enlargement.**

- A. The Board of Supervisors may authorize, as a conditional use, the following types of extension, expansions, and enlargements for non-conforming uses and buildings existing on the effective date of this Ordinance.
  - 1. The extension of a non-conforming use of land upon a lot occupied by such use;
  - 2. The extension, expansion, or enlargement of a conforming building occupied by a non-conforming use.
  - 3. The extension, expansion, or enlargement of a non-conforming building occupied

by a non-conforming use.

4. The extension, expansion, or enlargement of such non-conforming building occupied by a conforming use.
- B. The foregoing extension, expansions, and enlargements of such non-conforming (buildings or uses shall be subject to the following conditions.
1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which the use would be permitted as a matter of right.
  2. The entire building or use shall be provided with off-street parking and loading spaces as required by Article XIII.
  3. The extension, expansion, or enlargement does not replace a conforming use.
  4. The extension, expansion, or enlargement of the non-conforming building or use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Chapter.

**§12-1403. Change Of Use.**

Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

**§12-1404. Discontinuance.**

If a non-conforming use of a building or land ceases or is discontinued for a continuous period of two (2) years or more, the non-conforming status thereof shall be lost, and subsequent use of such building or land shall be in conformity with all the provisions of this Article except) in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

**§12-1405. Non-Conforming Lots.**

- A. Any lot held in single and separate ownership at the effective date of this Chapter which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon any vacant non-conforming lot provided a special exception is authorized by the Zoning Hearing Board, and further provided that the applicant does not own or control other

adjoining property sufficient to comply with the provisions of this Chapter. Such development shall comply with the following provisions.

1. The proposed use is permitted by right within the district in which it is located.
2. The proposed building shall comply with all applicable area, height, and bulk regulations, including, but not limited to, applicable district requirements and yard requirements.

**§12-1406. Non-Conforming Signs.**

- A. Signs in existence at the effective date of this Chapter may be continued subject to the requirements contained in Section 1404 of this Chapter.
- B. If and when a non-conforming sign is replaced, the new sign shall comply with the requirements of Article XII of this Chapter. "Replacement" shall not only include simply revising the text or color of the sign, but shall also refer to structural replacement and/or relocation of the sign.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

**PART 15**

**ADMINISTRATION AND ENFORCEMENT**

**§12-1500. Appointment And Powers Of The Zoning Officer.**

For the administration of this Chapter, a Zoning of Officer, who shall not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

**§12-1501. Enforcement.**

It shall be the duty of the Zoning Officer, and the Zoning Officer is hereby given the power and authority, to enforce the provisions of this Chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Township may require. Special exceptions uses, construction permits associated with special exceptions uses, and variances to the requirements of this Chapter shall be issued only upon approval of by the Zoning Hearing Board. Conditional uses and construction permits associated with special exception uses shall be issued only upon approval by the Board of Supervisors.

**§12-1502. Permits.**

**A. Requirement of Permits**

A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof prior to the use or change of use of a building or land; prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. However, no such zoning permit shall be required for the following situations:

1. Where normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure, are proposed
2. Where such improvement to property is specifically exempted from the permitting requirements of the Tyrone Township Building Permit Ordinance (Ordinance No.

22 and Ordinance No. 38, Chapter 4, Part 1).

B. Application for Permits

All applications for permits shall be accompanied by three (3) sets of plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existence and intended use of each building or part of a building, the number of dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Chapter and all other ordinances. A copy of such plans shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.

C. Issuance of Permits

1. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition, or alteration complies with all the applicable provisions of this Chapter, as well as the provisions of all other applicable ordinances.
2. The Zoning Officer shall act upon request within thirty (30) days following the submission of the application.
3. Unless construction shall have been commenced within one (1) year of the permit issuance date, any permit issued hereunder shall become void twelve (12) months after said issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.

**§12-1503. Fees.**

- A. The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for zoning permits, appeals, variances, special exceptions, conditional uses, amendments, bonds, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the Township of office, and may be amended only by the Board of Supervisors.
- B. Such fees shall be payable to the Township, and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on the applications.

- C. Any fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township of Tyrone if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

**§12-1504. Inspection By The Zoning Officer.**

- A. It shall be the duty of the Zoning Officer, Building Permit Officer, or other qualified individual authorized by the Township Supervisors, to make the following minimum number of inspections of property for which a permit has been issued:
  - 1. Beginning of Construction  

A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
  - 2. Completion of Construction A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Chapter.

**§12-1505. Certificate Of Non-Conformance.**

- A. A Certificate of Non-conformance may be issued by the Zoning Officer upon the request of the owner of any property, which is identified as containing a non-conforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:
  - 1. The Certificate of non-conformance shall set forth in detail all of the non-conforming conditions of said property.
  - 2. A copy of the Certificate of non-conformance shall be retained and filed by the Zoning Officer.
  - 3. The Certificate shall be for the purposes of insuring the owner the right to continue a non-conforming use in accordance with the regulations of this Chapter.

**§12-1506. Conditional Uses, Application.**

- A. Where provided for in this Chapter, the Board of Supervisors shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter. The Board may grant approval of a conditional use provided that the applicant complies with the following standards for conditional uses as set forth in Sections 403, 503, 603, 702, 802, 902, 1002, and 1102 of this Chapter, and that the proposed conditional use shall not be detrimental to the health, safety, or welfare of the neighborhood.
  
- B. The applicant shall submit three (3) copies of a site plan, containing the required information, as part of the application for conditional use. Said site plans shall remain with the Board of Supervisors and in the Township's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.
  
- C. Unless otherwise specified by the Board of Supervisors or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one (1) year from the date of authorization thereof by the Board of Supervisors or by the court. Unless otherwise specified by the Board of Supervisors or by law, a conditional use shall expire within two (2) years from the date of authorization thereof by the Board of Supervisors or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said conditional use approval. Under either of the above circumstances, or for any good and reasonable cause, the Board of Supervisors may extend the approval of a conditional use for an additional period of up to one (1) year upon the written request of the applicant.

**§12-1507. Hearings On Conditional Use Applications.**

The Board of Supervisors shall conduct hearings and make decisions on conditional use applications in accordance with the following:

- A. The Board of Supervisors shall conduct hearings and make decisions in regard to applications for conditional use in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the landowner, all owners of adjacent property, the zoning officer, such other persons as the Board of Supervisors shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than thirty (30) days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on



the affected tract of land at least one (1) week prior to the hearing.

- B. The Supervisors may establish reasonable fees for the holding of such hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.
- C. The hearing shall be scheduled within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
- E. The chairperson or acting chairperson of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross examine adverse witnesses on all relevant issues.
- G. Formal rule of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board of Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by them, or shall be paid by the person appealing from the decision of the Board of Supervisors if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- I. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall

contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. When the Board of Supervisors fails to render a decision within the period required by this section or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

- J. A copy of the formal decision or, where no decision is called for, of the finding shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, the Board of Supervisors shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- K. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

**§12-1508. Appeals And Applications.**

- A. An appeal, or application for an amendment, special exception, conditional use, or variance from the terms of this Chapter shall be filed with the Zoning Officer, and shall contain the following information:
  - 1. The name and address of the applicant.
  - 2. The name and address of the owner of the real estate to be affected by such proposal
  - 3. A brief description and location of the real estate to be affected by such proposal
  - 4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
  - 5. A statement of the Section of this Chapter under which the appeal or application requested may be allowed, and reasons way it should be granted; or a statement of the Section of this Chapter governing the situation in which the alleged erroneous

ruling is being appealed and reasons for the appeal

6. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
7. Any other pertinent data required by the Zoning Hearing Board, Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

**§12-1509. Violations.**

Failure to comply with any provision of this Chapter, or failure to secure permit or Zoning Hearing Board certification, when required, shall be violations of this Chapter.

**A. Enforcement Notice**

1. If it appears to the Township that a violation of any zoning ordinance provision has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice, as provided by Section 616.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
2. The enforcement notice shall be sent to the owner of the record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - (a) The name of the owner of record and any other person against whom the Township intends to take action.
  - (b) The location of the property in violation.
  - (c) The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of this Chapter.
  - (d) The date before which the steps for compliance must be commenced and

the date before which the steps must be completed.

- (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the determination.
- (f) The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**B. Causes of Action**

In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant or real property who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business, or use constitution a violation. Such action is instituted by a landowner or Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint of the Board of Supervisors.

**C. Enforcement Remedies**

1. Any person, partnership, or corporation, who or which has violated or permitted the violation of the provisions of this Chapter, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of or not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township and 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 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 person, partnership, or corporation violating the Chapter to the believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation shall be paid over to the Township of Tyrone.
2. The court of Common Pleas, upon petition, may grant an order of stay, upon cause

shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

**§12-1510. Appointment Of A Zoning Hearing Board.**

The Tyrone Township Board of Supervisors shall, by resolution and in accordance with Section 903 of Act 170 of 1988 (the Pennsylvania Municipalities Planning Code) appoint a Zoning Hearing Board consisting of three (3) members, and in accordance with Section 906 of Act 110 of 1988, two (2) alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Part IX of Act 170 of 1988. Members and alternate members of the Zoning Hearing Board shall be residents of Tyrone Township and shall hold no other elected appointed office in Tyrone Township.

**§12-1511. Organization Of The Zoning Hearing Board.**

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in Section 908 of Act 170 of 1988.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the board shall designate as many alternate members of the board to set of the boards as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

**§12-1512. Hearings.**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

- A. The Zoning Hearing boards shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning code, Act 170 of 1988. Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate, and any person who has made timely request from the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Township Supervisors may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.
- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or Findings of the hearing officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civil or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairperson or acting chairperson of the Board or the hearing of Boer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses, and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by council and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse

witnesses on all relevant issues.

- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. Unless otherwise required by this Chapter or Act 170 of 1988, as amended (the Pennsylvania Municipalities Planning Code), the Township shall have the responsibility of presenting its evidence first.
- J. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- K. The Board or the hearing officer, as the case may be, shall render a written finding on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

Where the Board fails to render the decision within the period required by this section, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1512(A) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**§12-1513. Jurisdiction.**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters, as set forth in the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

- A. Substantive challenges to the validity of a zoning ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- B. Challenges to the validity of a zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act of the application therefore, the issuance of any case and desist order or the registration or refusal to register any non-conforming use, structure, or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to Section 912.1 of The Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- F. Appeals from the determination of any Officer or agency charged with the administration of any performance density provisions of the Zoning Ordinance.
- G. Appeals from the of the Zoning Officer's determination pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate



to development not involving applications under Article V and VII of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

**§12-1514. Variances.**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflicts unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot area or shape, or exceptionally topographical or other physical conditions peculiar to the particular property that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provision of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use of development of adjacent property, not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, and the Zoning Ordinance of the Township of Tyrone.

**§12-1515. Parties Appellant Before The Zoning Hearing Board.**

Appeals under Section 909.1(a)(1), (2), (3), (4), (7), and (9) of Act 170 of 1988 may be filed with the Board in writing by the landowner affected, any officer or agencies of the Township, or any person aggrieved. Requests for a variance under Section 910.2 of Act 170 of 1988 and for special

exception under Section 912.1 of Act 170 of 1988 may be filed with the Board by any landowner or any tenants with the permission of such landowner.

**§12-1516. Time Limitations.**

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such approval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**§12-1517. Stay Of Proceedings.**

Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition to court having jurisdiction of zoning appeals to order such person to post bond as condition to continuing the proceedings before the Board in accordance with Section 915.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

*Part History:* (Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

**PART 16**

**LEGAL PROVISIONS**

**§12-1600. Interpretation.**

In interpreting and applying the provisions of this Chapter, all provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Chapter, the provisions of such statute, other ordinance, or regulation shall be controlling. This Chapter is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between any party, including the Township. However, where this Chapter imposes greater restrictions than those imposed by such easement, covenant, or agreement, the provisions of this Chapter shall govern. Where such easement, covenant, or agreement imposes greater restrictions than those imposed by this Chapter, the provisions of such easement, covenant, or agreement shall govern.

(Ordinance 11, enacted 12/12/1983; amended and repealed, in part, by Ordinance 22, enacted 10/9/1991; repealed by Ordinance 30, enacted 3/11/1998; amended by Ordinance 34 (#128-2003), enacted 12/8/2003; amended by Ordinance 37 (#04-2008), enacted 4/23/2008; amended by Ordinance 40 (#2010-01), enacted 3/10/2010; amended by Ordinance 43 (#2011-02), enacted 5/25/2011; amended by Ordinance 44 (#2011-03), enacted 10/12/2011)

## **APPENDICES**

### **APPENDIX 1**

#### **INDEBTEDNESS**

1. Authorization of indebtedness in the maximum principal amount of \$1,551,149.00 to the Pennsylvania Infrastructure Investment Authority (PENNVEST): Ordinance 48 (2013-1), enacted 9/27/2013.
2. Authorization of indebtedness in the maximum principal amount of \$500,000.00 to Susquehanna Bank: Ordinance 49 (2013-02), enacted 11/1/2013.

**APPENDIX 2**

**DISPOSITION OF ORDINANCES**

<b>Ordinance Number</b>	<b>Date Enacted</b>	<b>Disposition</b>	<b>Codification</b>
1	1/25/1971	Current	Chapter 1, Part 2, §1-201
2	1/7/1974	Repealed by Ordinance 8; amended by Ordinance 9; amended by Ordinance 21; amended by Ordinance 35 (#6-9-2004)	Chapter 2, Part 1
3	6/1/1974	Missing	
4	10/11/1976	Current	Chapter 6, Part 1
5	11/27/1976	Amended by Ordinance 18; repealed and amended by Ordinance 45 (2011-5)	Chapter 11, Part 1; Chapter 11, Part 3
6	12/28/1976	Repealed and superseded by Ordinance 55	Chapter 3, Part 1
7	Missing		
8	11/28/1978	Amended by Ordinance 9; amended by Ordinance 21; repealed by Ordinance 35 (#6-9-2004)	Chapter 2, Part 1
9	11/28/1978	Amended by Ordinance 21; repealed and superseded by Ordinance 35	Chapter 2, Part 1
10	Unknown	Current	Chapter 7
11	12/12/1983	Repealed by Ordinance 30	Chapter 12
12	1/27/1983	Current	Chapter 11, Part 4
13	1/25/1984	Current	Chapter 6, Part 2
14	4/25/1984	Amended by Ordinance 25; amended by Ordinance 94-25; amended by Ordinance 47 (2012-2)	Chapter 7
15	10/23/1985	Amended by Ordinance 25; amended by Ordinance 94-25; amended by Ordinance 47 (2012-2)	Chapter 7
16	10/23/1985	Amended by Ordinance 25; amended by Ordinance 94-25	Chapter 7
17	1/1/1986	Repealed and superseded by Ordinance 28	Chapter 1, Part 1
18	5/13/1987	Current	Chapter 11, Part 3
19	5/25/1988	Amended by Ordinance 25; amended by Ordinance 94-25; amended by Ordinance 47 (2012-2)	Chapter 7
20	8/8/1990	Current	Chapter 8, Part 6
21	10/10/1990	Amended by Ordinance 35 (#6-9-2004)	Chapter 2, Part 1
22	10/9/1991	Repealed and superseded by Ordinance 38	Chapter 4, Part 1
23	1/27/1992	Amended by Ordinance 33 (2002-1)	Chapter 5, Part 1
24	1/27/1993	Amended by Ordinance 25; amended by Ordinance 94-25 (missing); amended by Ordinance 26; amended by Ordinance 47	Chapter 7

25	6/24/1992	Amended by Ordinance 94-25 (missing); amended by Ordinance 26; amended by Ordinance 29; amended by Ordinance 47 (2012-02)	Chapter 7
94-25	12/28/1994	Amended by Ordinance 26; amended by Ordinance 29; amended by Ordinance 47 (2012-2)	Chapter 7
26	8/9/1995	Current	Chapter 7
27	9/27/1995	Current	Chapter 8, Part 4
28	10/1/1996	Current	Chapter 1, Part 1
29	6/12/1996	Current	Chapter 7, Part 2, §7-201
30	3/11/1998	Amended by Ordinance 34; amended by Ordinance 37; amended by Ordinance 40; amended by Ordinance 43; amended by Ordinance 44; amended by Ordinance 53; amended by Ordinance 63; amended by Ordinance 64; amended by Ordinance 65; amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, Part 1
31	6/23/1999	Current	Chapter 11, Part 5
32	9/13/2000	Amended by Ordinance 42 (2011-1)	Chapter 10
33 (2002-1)	1/23/2002	Current	Chapter 5, Part 1
34 (128-2003)	12/8/2003	Amended by Ordinance 37, amended by Ordinance 40; amended by Ordinance 43; amended by Ordinance 44; amended by Ordinance 65; amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, Part 1, §12-401, §12-501, §12-503, §12-602, §12-604
35 (6-9-2004)	6/9/2004	Current	Chapter 2, Part 1
36 (6-2005)	4/27/2005	Current	Chapter 1, Part 2, §1-202
37 (04-2008)	4/23/2008	Amended by Ordinance 40; amended by Ordinance 43; amended by Ordinance 44; amended by Ordinance 65; amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, Part 1, §12-401, §12-501, §12-503, §12-602, §12-604
38 (2009-01)	1/14/2009	Repealed and superseded by Ordinance 68	Chapter 4, Part 1
39 (2009-02)	8/12/2009	Current	Chapter 1, Part 2, §1-203

40 (2010-01)	3/10/2010	Amended by Ordinance 43; amended by Ordinance 44; amended by Ordinance 64; amended by Ordinance 65; amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, Part 1, §12-102, §12-201, §12-402, §12-403, §12-500, §12-502, §12-503, §12-602, §12-701, §12-801, §12-901, §12-902, §12-1001, §12-1002, §12-1203, §12-1301
41 (2010-02)	7/28/2010	Current	Chapter 11, Part 6
42 (2011-1)	5/25/2011	Current	Chapter 10, Part 1, §10-501, §10-504
43 (2011-2)	5/25/2011	Amended by Ordinance 44; amended by Ordinance 64; amended by Ordinance 65; amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, Part 1, §12-201, §12-402, §12-403, §12-502, §12-503, §12-602, §12-701, §12-801, §12-901, §12-1001, §12-1301, §12-1510
44 (2011-3)	10/12/2011	Amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, Part 1, §12-201, §12-503
45 (2011-5)	11/2/2011	Current	Chapter 11, Part 1
46 (2012-1)	7/25/2012	Current	Chapter 8, Part 1
47 (2012-2)	7/25/2012	Current	Chapter 7, Part §7-301
48 (2013-1)	9/27/2013	Current	Appendix 1
49 (2013-02)	11/1/2013	Current	Appendix 1
50 (2013-03)	11/1/2013	Current	Chapter 8, Part 1
51 (2013-04)	11/14/2013	Amended by Resolution 2016-01 and Ordinance 61	Chapter 8, Part 2



52 (2014-01)	8/13/2014	Current	Chapter 8, Part 3
53 (2014-02)	9/10/2014	Current	Chapter 12, Part 1
54 (2014-03)	10/22/2014	Current	Chapter 11, Part 2
55 (2014-04)	10/22/2014	Current	Chapter 3, Part 1
56 (2015-01)	2/18/2015	Current	Chapter 1, Part 3, §1-301
57 (2015-02)	2/18/2015	Rescinded by Resolution 2019-03	Chapter 1, Part 3, §1-302
58 (2016-1)	4/20/2016	Amended by Ordinance 71	Chapter 8, Part 5
59 (2017-1)	11/15/2017	Current	Chapter 7, Part 2, § 7-213, Part 3, § 7-301
60 (2018-1)	1/2/2018	Current	Chapter 11, Part 6, § 11-601
61 (2018-2)	3/21/2018	Current	Chapter 8, Part 2, § 8-204
62 (2018-62)	9/5/2018	Current	Chapter 1, Part 4
63 (2018-63)	9/19/2018	Current	Chapter 12, Part 3, § 12-301, Zoning Map
64 (2019-64)	10/9/2019	Current	Chapter 12, Part 9, § 12-901
65 (2019-65)	10/9/2019	Amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, § 12-403, § 12-503, § 12-1301
66 (2019-66)	11/20/2019	Current	Chapter 8, § 8-202
67 (2020-01)	2/19/2020	Amended by Ordinance 67; amended by Ordinance 69; amended by Ordinance 70	Chapter 12, § 12-403, § 12-404, § 12-503, § 12-504, § 12-1301

68 (2020-02)	4/15/2020	Current	Chapter 4, Part 1
69 (2020-03)	6/3/2020	Amended by Ordinance 70	Chapter 12, § 12-403, §12-503
70 (2020-04)	10/7/2020	Current	Chapter 12, § 12-503
71 (2020-05)	11/4/2020	Current	Chapter 8, § 8-504
72 (2020-06)	11/4/2020	Current	Chapter 1, § 1-303