

MAKEL & ASSOCIATES, LLC
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Also admitted to practice in:
Supreme Court of the United States
U.S. Court of Appeals for the Third Circuit
U.S. District Court, Western District of Pa.

April 25, 2013

VIA FACSIMILE (724) 239-2113

Council Members / Mayor
Bentleyville Borough
900 Main Street
Bentleyville, PA 15314

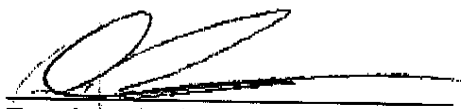
In Re: David Drive / Subdivision Ordinance for Bentleyville Borough

Dear Council / Mayor:

I have attached a copy of a letter dated December 17, 1974 from the Borough of Bentleyville to the Washington County Planning Commission. Attached to this is a copy of the Subdivision Ordinance No. 273. This was submitted to my office in a request for information concerning David Drive and what occurred back at that time. I suggest we discuss this Ordinance at our next meeting. As always, if you have any questions or concerns, please do not hesitate to contact my office. Thank you.

Very truly yours,

By:



Dennis M. Makel, Esquire
Solicitor for Bentleyville Borough

DMM: smz

Enclosure

WILLIAM STANKOVICH
CHIEF OF POLICE

ROBERT BELVOSKI
PATROLMAN

VIRGIL F. PUSKARICH
MAYOR



BOROUGH OF BENTLEYVILLE

OFFICE OF THE MAYOR

BENTLEYVILLE, PENNSYLVANIA 15314

PHONE (412) 239-2112

December 17, 1974

Mr. William Scheid
Washington County Planning
Commission
2198 N. Main Street
Washington, Penna. 15301

Dear Mr. Scheid:

This is in response to your December 9 correspondence to this office in which you indicated that Bentleyville Borough will be governed by the newly adopted County-wide Subdivision and Land Development Ordinance.

Please be advised that Bentleyville Borough has had its own zoning and subdivision ordinances in effect for some time now. Copies of each are enclosed for your review; please disregard any markings or comments on these ordinances as they are my own personal markings. I therefore assume that Bentleyville Borough will continue to operate under its own ordinances rather than being governed by the County's new ordinance.

I trust this will suffice. Thank you very much.

Very truly yours,

V. F. Puskarich

Virgil F. Puskarich
Mayor

acknowledge

VFP:lm

~~PROPOSED~~

SUBDIVISION ORDINANCE

BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 273

Beckman, Swenson & Associates --
9800 McKnight Road
Pittsburgh, Pennsylvania 15237

PROPOSED
SUBDIVISION ORDINANCE
BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT; DEFINING TERMS; PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS; PRESCRIBING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF PLATS, SETTING FEES; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

NOW BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bentleyville, Washington County, Pennsylvania, pursuant to the Borough Code, as follows:

ARTICLE 1 - GENERAL PROVISIONS

101 SHORT TITLE: This Ordinance shall be known and may be cited as the Bentleyville Borough Subdivision Ordinance.

102 PURPOSE: This Ordinance is adopted for the following purposes:

102.1 To assist the orderly and efficient development of the Borough.

102.2 To promote the health, safety, morals and general welfare of the residents of the Borough.

102.3 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

103 COMPLIANCE: No lot in a subdivision shall be sold and no building shall be erected in a subdivision, unless and until a subdivision plan has been approved and, where required, recorded, and until the improvements required by the Borough Council in connection therewith have either been constructed or guaranteed, as herein provided.

104 HARDSHIP: Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Borough Council may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

105 CONFLICT: Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the Borough, the highest standards shall govern.

ARTICLE 2 - DEFINITIONS

201 INCLUSIONS: Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "person" includes a corporation and unincorporated association. The word "shall" is mandatory.

202 TERMS: For the purpose of this Ordinance the following terms shall have the meaning indicated, unless otherwise specifically stated.

202.1 ALLEY: A permanent service way providing secondary means of access to abutting lands.

202.2 BLOCK: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets and railroad rights of way, waterways, unsubdivided areas or other definite barrier.

202.3 BOROUGH: The Borough of Bentleyville, Pennsylvania.

202.4 BUILDING: Any structure, or part thereof, affixed to the land.

202.5 BUILDING SET-BACK LINE: A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

202.6 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 street lines.

202.7 COMMISSION OR PLANNING COMMISSION: Bentleyville Borough Planning Commission, Bentleyville Borough, Washington County, Pennsylvania.

- 202.8 COMPREHENSIVE PLAN: The comprehensive development plan of Bentleyville Borough indicating the general locations recommended for circulation facilities, community improvements and land uses.
- 202.9 COUNCIL: The Borough Council of Bentleyville Borough, Pennsylvania.
- 202.10 CROSS WALK: A public right of way which crosses a block to furnish access for pedestrians to adjacent streets or properties.
- 202.11 CUL DE SAC: A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.
- 202.12 ENGINEER: The Bentleyville Borough Engineer or Engineering Consultant of the Council of Bentleyville Borough, Washington County, Pennsylvania.
- 202.13 HALF STREET: One side of a street divided longitudinally by a property line.
- 202.14 HEALTH DEPARTMENT: The Pennsylvania State Department of Health.
- 202.15 INSPECTOR: An authorized representative of Council assigned to make any or all necessary inspections of the work performed and materials furnished by the developer.
- 202.16 LOT: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right of way or cross walk may be included.

202.17 LOT DEPTH: The mean horizontal distance between the front and rear lines of a lot.

202.18 LOT, DOUBLE FRONTAGE: A lot, the generally opposite ends of which both abut on streets.

202.19 LOT WIDTH: The mean horizontal distance between side property lines of a lot.

202.20 PLAT: A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

202.21 STREET: A right of way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as follows:

202.21 (a) Arterial Streets: Streets providing for traffic movements between traffic generation areas.

202.21 (b) Collector Streets: Streets providing connection primarily between regional streets or regional and local streets.

202.21 (c) Local Streets: Streets serving primarily as access to abutting properties and not intended as major arteries carrying through traffic.

202.22 SUBDIVIDER: Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

202.23 SUBDIVISION: The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial or industrial purposes; or the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, in parcels of more than ten (10) acres, not involving any new street or easement of access, shall not be included.

202.24 WATERCOURSE: The word watercourse shall include channel, creek, ditch, drain, river and stream.

ARTICLE 3 - PROCEDURE FOR SUBMISSION OF PLATS

301 GENERAL: No person proposing a subdivision shall proceed with any grading and improvements for streets or installation of public utilities until the preliminary plat of the proposed subdivision is approved by Council.

No person proposing a subdivision shall sell, agree to sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision until the final plat of the proposed subdivision is approved by Council and recorded in accordance with the provisions hereof.

302 ADVISORY MEETING: A person desiring approval of a plat of a subdivision shall appear before the Planning Commission to discuss his proposal before filing an application for preliminary plat approval. No fee or formal application is required for this meeting. Its purpose is to save the subdivider time and money. The subdivider shall be prepared to discuss the details of his proposed subdivision, including such items as the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of development, play areas or public areas, proposed protective covenants, proposed utilities and street improvements. The subdivider may submit a sketch plan as outlined in Section 402.

303 PRELIMINARY PLAT: After the advisory meeting, the subdivider shall submit an application for approval of a preliminary plat to the Planning Commission.

303.1 The application shall be accompanied by the following:

303.1 (a) Five (5) copies of all maps and data set forth in Section 403 of this Ordinance.

303.1 (b) A certified check or money order, in the amount of

for each lot in the subdivision with a minimum total charge of to cover the cost of checking and verifying the proposed plat.

303.2 The Planning Commission shall review the application and shall send one copy of each of the maps and data sheets submitted with the application to the Engineer and the Health Department. Upon receipt of recommendations from the Engineer and the Health Department if the same has been received within a period of thirty (30) days of such transmittal or such reasonable further time as may be requested by the Engineer or Health Department, the Commission shall submit its recommendation to Council.

303.3 Council shall review the applications and shall approve the plat proposed in application subject to receipt of an acceptable final plat as set forth in Section 404 of this Ordinance, or shall conditionally approve or disapprove the plat, setting forth their reasons and providing the subdivider with a copy. If the plat is disapproved, the subdivider shall submit a new preliminary plat.

304 FINAL PLAT: After preliminary plat approval is obtained, the subdivider shall submit a final plat to the Planning Commission as set forth in Section 404 of these regulations.

304.1 The final plat shall be accompanied by:

304.1 (a) Four (4) black or blue line prints and one (1) reproducible print of the plat.

304.1 (b) A certificate that all improvements required by this Ordinance and all other applicable Borough ordinances have been installed in strict accordance with the Standards of Construction of the Borough; or a guarantee that the improvements will subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow that will cover the cost of the improvements as estimated by the Borough Engineer or Council.

304.2 If the Planning Commission finds that the final plat is in accordance with the requirements of this Ordinance, the Chairman or other authorized member shall endorse the plat and submit it to Council.

304.3 If Council approves the plat, the President or other authorized member shall endorse the plat and return it to the subdivider. If disapproved, the President shall attach to the original tracing of the final plan a statement of the reasons for such action and return it to the subdivider.

305 RECORDING: The subdivider shall present a copy of the approved final plat to the Recorder of Deeds of the County. Unless the plat is duly recorded within thirty (30) days from the date of final plat approval, Borough approval of the plat shall expire and shall be of no effect until subsequently reinstated.

ARTICLE 4 - PLAT SPECIFICATIONS

401 GENERAL: In a subdivision for residential use of less than five lots and where the lots abut existing public roads and utilities, the Council may waive data requirements such as topographic, street and utility information, where Council deems such information is unnecessary.

402 SKETCH PLAN: The subdivider may prepare a sketch plan to present to the Planning Commission at the advisory meeting. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Planning Commission the location, proposed street and lot layout and any other significant features of the proposed subdivision.

403 PRELIMINARY PLAT: The following maps and data shall be submitted with the application for preliminary plat approval. These maps and data may be on separate sheets or combined on one sheet, depending on the size and complexity of the proposed subdivision. The overall size of the sheets shall be determined by the Planning Commission.

403.1 A location map of the proposed subdivision showing:

403.1 (a) location within the Borough;

403.1 (b) zoning of the tract and adjacent properties;

403.1 (c) existing related streets including the distance therefrom.

403.2 A site map of the proposed subdivision and all lands within two hundred feet (200') of its boundaries showing:

403.2 (a) contours of the site at vertical intervals of two feet (2') if the general slope is less than ten (10) per cent, and at intervals of five feet (5') if the general slope is greater than ten (10) per cent;

403.2 (b) character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings, or non-residential usage of land;

403.2 (c) names of owners of properties adjacent to the subdivision;

403.2 (d) existing and proposed streets and rights of way, including dedicated widths, roadway widths, approximate gradients; types and widths of pavements, curbs and sidewalks;

403.2 (e) existing and proposed easements, including widths and purposes;

403.2 (f) utilities, including the size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines;

403.2 (g) areas subject to periodic overflow of flood or storm waters;

403.2 (h) subsurface conditions, including information about past and possible future mining activity. If seams of mineable material are located within three hundred feet (300') of the subdivision surface, the subdivider may be required to prove that he owns rights of support;

403.2 (i) tract boundary lines by calculated distances and bearings;

403.2 (j) title, graphic scale, north point and date.

403.3 A subdivision plat of the proposed subdivision drawn at a scale no smaller than one hundred feet (100') to one inch (1") showing:

403.2 (a) subdivision name;

403.3 (b) names and addresses of owner, subdivider, and person who prepared the plan.

403.3 (c) street pattern, including the names (which shall not duplicate existing streets in the Borough unless it is an extension of an existing street), widths of rights of way of streets, widths of easements for alleys, approximate grades of streets where they exceed eight per cent (8%);

403.3 (d) layout of lots, including dimensions, numbers, building set-back lines or front yard lines;

403.3 (e) parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use;

403.3 (f) key plan, legend, notes, graphic scale, north point and date.

403.4 Engineering plans for the proposed subdivision showing:

403.4 (a) profiles, cross-sections and specifications for proposed street improvements;

403.4 (b) profiles and other explanatory data concerning installation of water distribution systems, storm sewers, and sanitary sewers;

403.4 (c) a report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, service load of the subdivision, and capacity of the treatment plant;

403.4 (d) if connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works, including the design population, type and location of the treatment, and receiving stream.

403.5 Restrictions: A draft of the protective covenants or private restrictions to be adopted in the final subdivision plat.

404 FINAL PLAT: The final plat shall be drawn at a scale no smaller than one hundred feet (100') to one inch (1"). The final plat shall show:

404.1 Subdivision name, name and address of owner and subdivider, source of title of land as shown by the books of the Recorder of Deeds of the County, graphic scale, north point, date, certificate of approval of Planning Commission and Council.

404.2 Survey data with certification by a registered professional engineer or land surveyor, showing:

404.2 (a) calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building set-back lines, and parcels of reserved or dedicated land for community purposes;

404.2 (b) location and distances to the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;

404.2 (c) location, type, material and size of monuments;

404.2 (d) complete curve data;

404.2 (e) lot numbers and street names;

404.3 Notations as to whether improvements are dedicated or not.

ARTICLE 5 - DESIGN STANDARDS

501 GENERAL: Council shall not approve any plat unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.

502 NATURAL FEATURES: Existing natural features which would add value to the subdivision and the Borough, such as trees, steep slopes, watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

503 STREETS: Council shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitates fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the Borough's plan of streets.

503.1 Local streets shall be so planned as to discourage through traffic.

503.2 Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.

503.3 Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.

503.4 Cul de sacs shall normally not be longer than five hundred (500) feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least forty (40) feet and a right of way radius of not less than fifty (50) feet. The maximum grade of the turnaround portion of the cul de sac shall be five per cent (5%).

503.5 Alleys shall not be provided in residential districts, but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.

503.6 The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be one hundred twenty-five (125) feet.

503.7 Intersections of more than two streets at one point shall be avoided.

503.8 Dead-end streets shall be prohibited unless provided with a turnaround or cul de sac arrangement.

503.9 Right of way requirements may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by Council with the advice of the Planning Commission and Borough Engineer.

504.11 Minimum right of way widths, paving widths, angle of intersection, curb radius, distances along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

| | Arterial Streets | Collector Streets | Local Streets | Cul-de-Sacs | Cross Walks | Alleys |
|--|------------------|-------------------|---------------|-------------|-------------|--------|
| Right-of-Way Width | 90 | 60 | 50 | 40 | 12 | 33 |
| Paving Width | 36 | 26 | 24 | 24 | 10 | 20 |
| Maximum Grade | 7.5% | 10% | 12% | 12% | - | 12% |
| Minimum Angle for Intersection | 90° | 80° | 70° | 70° | - | 70° |
| Minimum Curb Radius | 35' | 25' | 15' | 15' | - | 5' |
| Grades for 25' Before Intersection | 3% | 3% | 3% | 3% | - | 3% |
| Site Triangles (Distance along sides of) Through St./Stop Street | 500 /30 | 500 /30 | 250 /25 | 250 /25 | - | 50 /20 |
| Horizontal Alignment (Minimum Radii of Center Line) | 600 | 400 | 200 | 100 | - | 100 |
| Vertical Curves (Minimum Sight Distance) | 500 | 350 | 200 | 100 | - | 100 |

504 BLOCKS: Blocks shall ordinarily not exceed one thousand (1000) feet in length. Where it is necessary for blocks to exceed this length, pedestrian ways and/or easements may be required near the center of the block.

505 LOTS: The lot and yard sizes shall conform with the requirements of the Borough Zoning Ordinance and the lots shall be designed in accord with the following design standards:

505.1 Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public or private street system, improved in accordance with this ordinance and connected to the general street system.

505.2 Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets whenever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design.

505.3 Double-frontage lots shall be avoided.

505.4 When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provision for adequate utility connections for each subdivision.

506 EASEMENTS: Easements for utilities and drainage shall have a minimum width of eight (8) feet. Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right of way of width sufficient for the purpose.

507 WATER AND SEWER SYSTEMS: The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the Health Department.

508 PLANNED UNIT DEVELOPMENT: The design standards of this Ordinance may be modified by Council in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit development provision is intended to encourage original and imaginative subdivision design which preserves the natural amenities of the site and provides for the general welfare of the Borough.

508.1 The unit plan shall be consistent with the spirit and intent of this Ordinance.

508.2 The unit plan shall conform to the "Planned Residential, Commercial and Industrial Projects" requirements of the Borough Zoning Ordinance.

508.3 The area of land to be developed shall not be less than five (5) acres.

508.4 Properties adjacent to the unit plan shall not be adversely affected.

508.5 The unit plan shall permanently reserve land suitable for the common use of the public or the owners in a particular subdivision. This land may be for future public facilities or for recreational or scenic open space as determined by Council.

ARTICLE 6 - IMPROVEMENTS

601 GENERAL: All of the required improvements specified in this article shall be constructed in accordance with the Borough Standards for Construction and all other applicable Borough, County and State regulations.

602 MONUMENTS AND MARKERS: Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

603 STREETS: The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by Council and shall include the following improvements.

603.1 Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

603.2 Curbs shall be required on all streets.

603.3 The base course shall consist of latest Pennsylvania Department of Highways approved material, having a thickness of not less than eight (8) inches. Council shall have the right to determine whether this thickness is adequate for the type of street that has been proposed.

603.4 Pavement shall be required on all streets and service roads.

603.5 Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.

604 STORM DRAINAGE: The construction of a storm drainage system shall conform to the following requirements;

604.1 Drainage ditches or channels shall have a minimum gradient of one (1) per cent.

604.2 Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.

604.3 When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.

605 WATER SUPPLY: Where public water supply is available, as determined by Council, the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot.

605.1 Where public water is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plan to Council.

605.2 If a private water supply is permitted, individual private wells shall be located at least twenty-five (25) feet from property lines; fifty (50) feet from all septic tanks; approximately one hundred (100) feet from all tile

disposal fields and other sewage disposal facilities; ten (10) feet from all cast iron sewer lines; thirty (30) feet from any vitrified sewer tile lines; and shall not be located within any floor plan.

606 SEWERS: Where the municipal sewer system is reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary system. Where the municipal sewer system is not reasonably accessible to the subdivision, and in the judgment of the Council, extension of the municipal sewage system to the subdivision will not take place in the foreseeable future, a sewage disposal system utilizing an interim treatment plant may be permitted, if approved by the Health Department. If an interim treatment plant is permitted, equitable agreements, approved by the Borough Solicitor, shall be established concerning the operation of the treatment plant. If a sewage disposal system utilizing an interim treatment plant is not feasible, a private sewage disposal system consisting of septic tanks and tile absorption fields may be permitted, if approved by the Health Department.

607 UTILITIES: Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed within public rights of way or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights of way shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving.

608 TREES: Trees may be planted along the streets. The location and types of trees must meet the approval of Council.

609 STREET SIGNS: Street name signs of a type adopted or approved by Council shall be installed at each street intersection by the subdivider, on a location specified by the Borough Engineer.

ARTICLE 7 - ADMINISTRATION

701 INSPECTION: When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the Borough Secretary of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least twenty-four (24) hours before any such construction or installation shall commence so as to give the Borough Officials an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the Borough in inspecting the installation of the improvements required by the Ordinance, the Subdivider shall, before he proceeds with any construction or installation, present a certified check or money order made payable to Council in an amount equal to _____ per cent of the Engineer's estimate of the cost of the improvements.

702 MAINTENANCE: Prior to any street, or other improvement being accepted by the Borough as hereinafter provided, the subdivider shall post a Maintenance Bond and/or other security naming the Borough as Obligee in an amount deemed adequate by Council to insure maintenance of said improvements for a period of at least twelve (12) months from the date of acceptance by the Borough.

703 ACCEPTANCE: After streets and improvements have been installed and constructed pursuant to the requirements contained in this Ordinance, and in the event that the subdivider desires to have the Borough accept said streets or improvements, the subdivider shall notify the proper Borough Officials that the construction or installation has been completed, and shall supply the Borough with a minimum of four (4) copies of the "as-built" plan

on which the street or improvement in question has been constructed or installed. The four (4) copies of the plan shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the Office of the Recorder of Deeds of the County.

The portion of street or improvement which the subdivider desires to have the Borough accept shall be shaded or colored on each of the four copies. The plan shall also clearly designate the number of lineal feet of said street or improvement which the subdivider desires to be accepted by the Borough.

704 PUBLIC HEARING: Before acting on any subdivision plan, Council may arrange for a public hearing thereon, after giving such notice as Council may deem desirable in each case.

705 APPEALS: In any case where Council disapproves a subdivision plan, any person aggrieved thereby may, within thirty days thereafter, appeal therefrom, by petition to the Court of Quarter Sessions of the County.

706 VALIDITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or of any other provisions thereof.

707 PENALTIES: Pursuant to Section 1678 of the Borough Code, any person, co-partnership, corporation who or which shall subdivide any lot, tract or parcel of land in a

subdivision, layout, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main, for public use or travel or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a subdivision without first having complied with the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such co-partnership, or the officers of such corporation, responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two (2) years, or pay a fine not exceeding one thousand (\$1,000) dollars, or both, in the discretion of the court.